

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

THE PROSECUTOR  
OF THE TRIBUNAL  
v.  
JEAN MPAMBARA

FRIDAY, 23 SEPTEMBER 2005  
0847H  
CONTINUED TRIAL

Before the Judge:

Jai Ram Reddy, Presiding  
Sergei A. Egorov  
Flavia Lattanzi

For the Registry:

Ms. Marianne Ben Salimo  
Mr. Edward Matemanga  
Mr. Ivan Nyongo

For the Prosecution:

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

For the Accused Jean Mpambara:

Mr. Arthur Vercken  
Mr. Vincent Courcelle Labrousse

Court Reporters:

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

I N D E XWITNESSESFor the Prosecution:

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MR. PRESIDENT:

Yes. Witness, I remind you that you're still under oath, and you will now be re-examined by the Prosecution.

MS. MOBBERLEY:

Good morning, Mr. President. Good morning, Your Honours.

Good morning, Witness AVK.

THE WITNESS:

Good morning, Counsel.

MS. MOBBERLEY:

Your Honours, before I begin with the re-examination. I have a document to hand out. It is the document that my learned friends have provided for us listing 41 names, but I have retyped it and added numbers so that the court reporters can follow it.

So, Mr. Registrar, if you could assist, please, by handing out these documents.

MR. PRESIDENT:

Was the Defence list made an exhibit?

MS. MOBBERLEY:

No, sir. And I'm proposing to make this example -- this list an exhibit. It's easier to use with the numbering.

MR. PRESIDENT:

Yes, thank you. Please proceed.

MS. MOBBERLEY:

The other document that I'm going to use this morning with the witness is the Rwandan judgement that was handed out yesterday afternoon. I understand that Your Honours have a copy that is not stamped in the right-hand corner with the official stamp from Kibungo. I've asked for copies to be made of the document bearing that stamp, and I will circulate them. I do intend to apply to produce this document as an exhibit and will produce the stamped copy. I'm also giving the witness a stamped copy, and to assist in the examination, I have marked certain portions in different colours.

MR. PRESIDENT:

This is of the judgement?

MS. MOBBERLEY:

It is of the judgement.

Mr. Registrar, if you could hand this to the witness, please.

1 MS. MOBBERLEY:

2 There are unofficial French and English translations, but I think for the purpose of today, the best thing  
3 to do is to get the witness to read short passages, which I have highlighted so he can be directed to  
4 them easily.

5 MR. PRESIDENT:

6 Are the French and English translations available for us?

7 MS. MOBBERLEY:

8 I gather my learned friend copied the French version for you yesterday. The English version that I have  
9 has some pages missing, and so I've asked for them to be copied and circulated. I do have one  
10 complete copy, which I could avail Your Honours, if that assists. My intention was to -- rather than to  
11 manipulate between the three documents, to have these short passages read and interpreted.

12 MR. PRESIDENT:

13 Yes. Fine.

14 MS. MOBBERLEY:

15 Mr. Registrar, if you could hand the English translation of the Kibungo judgement of 21 April 2002 to  
16 Their Honours, please.

17 WITNESS AVK,

18 RE-EXAMINATION

19 BY MS. MOBBERLEY:

20 Q. Witness AVK, the Court is in open session, and so it's important for you not to reveal any information  
21 that might identify you. I want to begin with a short clarification about Rwandan judicial procedures for  
22 confessions. It's correct that a detained person who is going to appear in court, as opposed to Gacaca,  
23 can confess before the *parquet*, and then if the confession is rejected, they can confess again before  
24 the court.

25 THE KINYARWANDA INTERPRETER:

26 Counsel, could you -- could you repeat that question, please? The interpreter did not get the last part.

27 BY MS. MOBBERLEY:

28 Q. You can answer this question with a yes or a no before you explain, if the explanation is necessary.  
29 The interpreters have asked me to repeat the question. The question regards a general clarification  
30 about Rwandan judicial procedures on confession. A detained person who is going to appear in court,  
31 as opposed to Gacaca, can confess before the *parquet*, and if the confession is rejected, they can  
32 confess again in court. That's correct, isn't it?

33 A. That's correct.

34 Q. Witness AVK, you were given a list yesterday of 41 names who were people that you had denounced in  
35 your confessions. I'm going to take you through each one of those names and ask you why you felt you  
36 were in a position to name them in your confessions. You can keep your answers brief. Do you have a  
37 copy of the numbered list in front of you?

- 1 A. Yes, I have it.
- 2 Q. Number 1, Polisi fils de Rwicira ou de Rutura, why did you confess against that person?
- 3 A. He's among the dead people that I accused in my confession.
- 4 Q. Two, Jean Bosco Butera.
- 5 A. Jean Bosco -- I accused Jean Bosco Butera because he also confessed to his crimes.
- 6 Q. Do you have a copy of the Rwandan judicial judgement before you? Turn to page 3, paragraph 3 and  
7 read the portion marked in yellow. Just look at page 3, paragraph 3, please, Witness.
- 8 MR. PRESIDENT:
- 9 Is that -- in the English, in the translation, is it still paragraph 3?
- 10 MS. MOBBERLEY:
- 11 No, Your Honours. The difficulty with the translation, and the reason I'm not using them, is that the  
12 translators have added numbers.
- 13 MR. PRESIDENT:
- 14 All right. You carry on the way you want to.
- 15 MS. MOBBERLEY:
- 16 And the original has no numbers.
- 17 THE WITNESS:
- 18 I have located the portion.
- 19 BY MS. MOBBERLEY:
- 20 Q. So you're on a page with the number 3 at the top; is that correct?
- 21 A. Yes, that's where I am.
- 22 Q. Read the portion marked in yellow, please.
- 23 A. It reads as follows: "Having heard Butare, Jean Bosco, saying that he has confessed to his crimes and  
24 for which crimes he have asked for forgiveness in the prosecutor's office, but having rejected his  
25 confession, he, however, requested to confess in court. However, Gasana -- "
- 26 Q. Stop there, please. Just the yellow portion.
- 27
- 28 Going back to the list of names. Entry 3, Bizimana Karayega.
- 29 MR. VERCKEN:
- 30 With your leave, Mr. President. Can I make a comment at this stage?
- 31 MR. PRESIDENT:
- 32 Yes.
- 33 MR. VERCKEN:
- 34 I simply wish to observe that the extract of the judgement that has just been read does not give details  
35 of what Mr. Butera confessed to.
- 36 MR. PRESIDENT:
- 37 Yes, well --

1 MS. MOBBERLEY:

2 Your Honours, that is not an issue to the --

3 MR. PRESIDENT:

4 Yeah. Yes, all right, that's noted.

5 MS. MOBBERLEY:

6 But I will be asking for official interpretations of the judgement so that more details are available to the  
7 Court, but at present, it's not a relevant consideration.

8 MR. PRESIDENT:

9 And just for clarity has the judgement been exhibited? Did the Defence make it an exhibit?

10 MS. MOBBERLEY:

11 They haven't, Your Honour, and I'm going to exhibit the version that bears the stamp of the Kibungo's  
12 *parquet* office.

13 MR. PRESIDENT:

14 All right.

15 BY MS. MOBBERLEY:

16 Q. Entry 3, Witness, Bizimana Karayega, why did you confess about that person? I think that should be  
17 Karageya, K-A-R-A-G-E-Y-A.

18 A. It's not Karegeya. It's Karega, Karega.

19 Q. But you confessed, didn't you, against someone called Karegeya?

20 A. Karegeya is number -- number 37. It should be number 37. Number 37 should be François Karegeya;  
21 although, here they wrote François Karayega. This one should be Karegeya.

22 Q. Let's move on to the fourth entry, François Muzantsinda.

23 A. François Muzantsinda is among the soldiers who died, but he died of illness in his home.

24 Q. 5, Lieutenant Thadée Ruvugo?

25 A. I -- I accused Lieutenant Thadée Ruvugo; although, he did not confess to his crimes. He was a person  
26 who had migrated to our area. He doesn't have a big family, and he has actually -- we even don't know  
27 where he is. So I accused him because I know he cannot cause me any problems. He doesn't live in  
28 our area anymore, he has no family, and he has moved. We do not know where he lives right now.

29 Q. 6, Sergeant Rudacyahwa?

30 A. Rudacyahwa died in detention in the *communal* gaol.

31 Q. 7, Kanifu Nzayisenga?

32 MR. VERCKEN:

33 With your leave, Mr. President, Madam Prosecutor, I simply would like to know if I will be given the floor  
34 to make comments, or if I need to make comments at each stage, or if I stay quiet now, will I be given  
35 leave to address the Court at a certain point?

36 MR. PRESIDENT:

37 Well, as I see it, the re-examination arises out of your cross-examination. You have completed your

1 cross-examination. If you want to ask any questions at the end of the re-examination, you can do so  
2 with the leave of the Chamber. So at the end of it, if there are questions you want to put, seek the  
3 leave of the Chamber, and if we grant it, you can then ask those questions.

4 BY MS. MOBBERLEY:

5 Q. Entry 7, Corporal Kanifu Nzayisenga?

6 A. Corporal Kanifu died when we were in the camp.

7 Q. 8, Nzabamwita?

8 A. James Nzabamwita was recently released among the people who confessed to their crimes. Right now  
9 he lives in his home.

10 Q. 9, Sergeant Major Habyarimana. What was his first name, Witness?

11 A. Adelite is his first name.

12 MS. MOBBERLEY:

13 Interpreters, could you spell that, please?

14 THE KINYARWANDA INTERPRETER:

15 It's A-D-E-L-I-T-E.

16 THE WITNESS:

17 Sergeant Major Adelite Habyarimana also died at the same time with Rudacyahwa while in detention in  
18 the *communal* gaol.

19 BY MS. MOBBERLEY:

20 Q. 10, Sebasore fils de Bwandagara?

21 A. Sebasore fils de Bwandagara confessed to his crimes.

22 Q. 11, Secretary Alphonse Mugiraneza?

23 A. The former secretary of Rukara *commune* Alphonse Mugiraneza was shot and killed on our way when  
24 we were fleeing to -- from Rukara to Tanzania.

25 Q. 12, Binyururu?

26 A. Binyururu died.

27 Q. 13, Bizimana fils de Rwabahungu?

28 A. It should be fils de Rwabahungu. He also died.

29 MS. MOBBERLEY:

30 Can the --

31 JUDGE EGOROV:

32 Mr. Witness, I'm sorry, when did he die?

33 THE WITNESS:

34 He died just after we had returned from exile. He died in his home.

35 JUDGE EGOROV:

36 Thank you.

37

1 BY MS. MOBBERLEY:

2 Q. Let's also clarify when Binyururu died.

3 A. Binyururu died in the *communal* gaol. I was in the main prison. I do not recall the time he died, but I  
4 know that he died in the *communal* gaol.

5 Q. And clarify when Alphonse Mugiraneza died.

6 A. It was in the last days of April. We were about to enter Tanzania, and he was shot in the Rusumo when  
7 we was in Rusumo area.

8 Q. 14, Bidudu?

9 A. Bidudu also died while in detention in the *communal* gaol.

10 Q. 15, Emmanuel Kamanda?

11 A. Emmanuel Kamanda is -- he also confessed to his crimes. He -- he was sentenced to 12 years of  
12 prison by Gacaca traditional court.

13 Q. Maurice Shingiro, entry 16.

14 A. Maurice Shingiro is in Nsinda prison. We confessed at the same time. I do not know, however, why he  
15 has not yet been released.

16 Q. 17, Donat Munyemana?

17 A. Donat Munyemana has confessed to his crime, and he was in the solidarity camp. However, they  
18 found that he -- he has not fully confessed to his crimes, so he has been returned to Nsinda prison.

19 Q. Witness, can you clarify for us whether Nzabamwita at entry 8 and Nzabamwita at entry -- entry 18 are  
20 the same people -- rather, are the same person?

21 A. This is the same person. I think the person who wrote down the names -- maybe I think because he  
22 wrote -- he got the names from different attacks, so that person who wrote down the name might have  
23 copied the same name from different attacks, but it's the same person.

24 Q. 19, Emmanuel Ntsinzichyaka?

25 A. It should be Ntsinzishyaka. It should be Ntsinzishyaka. He was released at the same time as when I  
26 was released. He, however, later on died in his home. He, however, had confessed to his crimes.

27 MS. MOBBERLEY:

28 Interpreters, can you clarify the spelling of that name, please.

29 THE KINYARWANDA INTERPRETER:

30 Ntsinzishyaka should be N-T-S-I-N-Z-I-S-H-Y-A-K-A, Ntsinzishyaka.

31 BY MS. MOBBERLEY:

32 Q. 20, Nsengiyumva de Gatariro.

33 A. Nsengiyumva Gatariro was released at the same time as I was released. He was confessed to his  
34 crimes. If nothing changed, according to the plan, he was supposed to be -- to appear before the  
35 Gacaca courts yesterday.

36 Q. 21, Bosco Mutsinzi.

37 A. Bosco Mutsinzi was also an ex-soldier. He also died after returning from exile. He died in his home.



1 Q. 22, Moyoboke, alias Rukandagira.

2 A. Moyoboke, Rukandagira, confessed to his crimes.

3 MS. MOBBERLEY:

4 Interpreters, please clarify the spelling.

5 THE KINYARWANDA INTERPRETER:

6 M-U-Y-O-B-O-K-E, Muyoboke.

7 BY MS. MOBBERLEY:

8 Q. 23, Festo Munyaneza.

9 A. Festo Munyaneza is in the Gatera prison. He has confessed to his crimes. We confessed to our  
10 crimes at the same time, but he has not yet been released.

11 Q. 24, Simba Mutsinzi.

12 A. Simba Mutsinzi has confessed to his crimes. He's been released and lives in his home.

13 Q. 25, François Ruzindana?

14 A. François Ruzindana used to reside at -- to live at Akabeza. He has died.

15 Q. 26, Gaston Ufitumukiza, Ufitumukiza.

16 A. Gaston Ufitumukiza is the son of Samuel Gasana, and he has confessed to his crimes. He appeared  
17 before the -- he appeared before the first instant court, so he has confessed to his crimes. And he's in  
18 the file that was brought by Defence counsel. And he also accused his father.

19 Q. Witness AVK, I want you to look at page 2 of the Rwandan judgement.

20 MS. MOBBERLEY:

21 Your Honours, in the Rwandan version I'm referring to the second to last paragraph on page 2.

22 BY MS. MOBBERLEY:

23 Q. Witness AVK, can you read the portion marked in green so that the interpreters can interpret it for the  
24 Judges.

25 A. It reads as follows: "Having seen that Byiringiro and Ufitumukiza have confessed to the crimes they are  
26 charged with, and having seen that the prosecutor's office have received -- accepted their confession  
27 and, therefore, the judicial proceedings will be done according to the organic law number 08/96 dated  
28 30th August 1996 in -- it's Article No. 10 as well as the normal judicial proceedings as stipulated by  
29 criminal proceedings in Article 7(6) for those who have not confessed and accepted their crimes.

30 Q. Now turn to page 7 of the same judgement, page 7.

31 THE ENGLISH INTERPRETER:

32 Microphone.

33 BY MS. MOBBERLEY:

34 Q. Witness, can you now turn to page 7 of the same judgement? I am referring to the middle paragraph,  
35 the third bullet point and the short section marked in green. Can you read for Their Honours the short  
36 section marked in green?

37 A. It reads as follows: "He is also accused by his son who has confessed to his own crimes."

- 1 Q. And it's correct that that paragraph refers to Gasana, doesn't it?
- 2 A. Yes. Ufitumukiza is the son of Samuel Gasana.
- 3 Q. Entry 27, Samuel Gasana.
- 4 A. Samuel Gasana.
- 5 Q. I'm going to take you to a portion to read in a moment. At the moment -- but for the present purposes,  
6 tell us why you confessed against him?
- 7 A. Thank you. I accused Gasana in my confession, and I was not worried about this because even his  
8 own son, his second child, also accused him, so I felt that even if I accuse him, I wouldn't get any  
9 problems, because even his own son had accused him. That was my basis for accusing him in my  
10 confession.
- 11 Q. Witness, look at page 3 of the Rwandan judgement. Look at the third paragraph at the portion marked  
12 in green and read it for the Court.
- 13 A. It reads as follows: "As for Gasana, he says that he would like to confess to his crimes and ask for  
14 forgiveness before the court, and the court replied that it is their rights according to law."
- 15 Q. Going back to the list, 28, Samson Gacumbitsi.
- 16 A. Samson Gacumbitsi did not confess to his crimes. I was not worried in accusing him because his -- the  
17 people of his group, like Butera, accused him also. So I felt that if I accused him myself, I wouldn't get  
18 any problems because the -- these -- they were -- they were -- one of the members of their group had  
19 also accused him. So I felt I should have no security problem.
- 20 Q. Witness, look at the Rwandan judgement, turn to page 7. I'm referring to the middle paragraph and the  
21 last bullet point. Read the section marked in yellow beginning "*Kuri* Gacumbitsi".
- 22 A. "As for Gacumbitsi -- as for Gacumbitsi, he pleads for himself saying that Byiringiro, who is in this case  
23 named Ufitumukiza, accused him and that they accused him because the prosecutor's office -- the  
24 prosecutor's office -- he does not, however, claim -- say that the meeting that took place in his home  
25 and that what he said, which he -- where he said that the Tutsis -- he has lived with the Tutsis for a long  
26 time and that -- that if they -- we do not kill them first, they would kill them. And even he used to buy --  
27 to give refreshments to *Interahamwe* in his home and by giving them food, and he should also -- he  
28 also received contributions which were geared towards supporting the acts of genocide."
- 29 Q. Go back to the list of names. Entry 29, Manassé Kayijuka.
- 30 A. Manassé Kayijuka is in Nsinda main prison, and he has confessed to his crimes.
- 31 Q. Entry 30, François Semana?
- 32 A. Number 30, François Semana is a member of *cellule* committee Umwiga, and he was nicknamed  
33 Nyagutungwa. He was released in the last batch of people released. He has confessed to his crimes.  
34 He now resides in his home.
- 35 MS. MOBBERLEY:
- 36 Interpreters, could you please spell Nyagutungwa for the record?
- 37

1 THE KINYARWANDA INTERPRETER:

2 Nyagutungwa is N-Y-A-G-U-N-G-W-A (*sic*), Nyagutungwa. I repeat that N-Y-A-G-U-T-U-N-G-W-A,  
3 Nyagutungwa.

4 BY MS. MOBBERLEY:

5 Q. Entry 31, Kanyamurera.

6 A. Kanyamurera, Manassé, has also confessed to his crimes, but he has been returned -- he has been  
7 returned to the prison, and he has been put in category one of genocide perpetrators.

8 Q. And why did you confess against him?

9 A. He also -- he confessed. He's among those who confessed to their crimes.

10 Q. Entry 32, Rwamuhuzi.

11 A. It should be Rwamuhizi, instead of "huzi", Rwamuhizi. Rwamuhizi has also confessed to his own  
12 crimes. And it should be spelled R-W-A-M-U-H-I-Z-I, Rwamuhizi.

13 Q. 33, François Mugiraneza.

14 A. François Mugiraneza was released at the same time I was released. He confessed to his crimes and  
15 was -- was sentenced to 14 years' imprisonment by Gacaca traditional court.

16 Q. 34, Emmanuel Uwizeye?

17 A. Emmanuel Uwizeye was also released at the same time as I was. He has confessed to his crimes, and  
18 he appeared before the first court instance and was sentenced to 13 years imprisonment.

19 Q. 35, Mugiraneza de Kamanzi.

20 A. It should be Kamuzinzi. It should be Mugiraneza de Kamuzinzi. He has also confessed to his crimes,  
21 has been released, and lives in his home.

22 THE KINYARWANDA INTERPRETER:

23 Kamuzinzi should be written as follows: K-A-M-U-Z-I-N-Z-I, Kamuzinzi.

24 BY MS. MOBBERLEY:

25 Q. 36, Gapira.

26 A. Number 36, Gapira, was released at the same time I was released. He confessed to his crimes.

27 However, after arriving at his home, he fled the country, and the Gacaca courts judged him and sensed  
28 him -- sentenced him according to what the law stipulates. They charged him in absentia and  
29 sentenced him to 30 years' imprisonment.

30 Q. Entry 37, François Karegeya, you have already told us about; is that correct?

31 A. He should be Karegeya, François Karegeya. He was the *responsable* of Ibiza *cellule*, and he has died.

32 MS. MOBBERLEY:

33 Can the interpreters correct the spelling for us, please?

34 THE KINYARWANDA INTERPRETER:

35 Karegeya is K-A-R-E-G-E-Y-A, Karegeya.

36 BY MS. MOBBERLEY:

37 Q. When did he die?

1 A. He died a few days after genocide had stopped in Rukara. It must -- just -- I think we fled on the 14th,  
2 and it was shortly after that that he died. He never fled. He died from there.

3 Q. 38, Gérard Gatama?

4 A. It's not Gatama. It should be Gatana, Gatana. Gérard Gatana was released at the same time as I was  
5 released. He has confessed to his crimes, and the Gacaca traditional court has sentenced him to eight  
6 years imprisonment.

7 THE KINYARWANDA INTERPRETER:

8 And the spelling should be G-A-T-A-N-A, Gatana.

9 BY MS. MOBBERLEY:

10 Q. 39, Richard Munyaneza.

11 A. Richard Munyaneza confessed to his crimes at the same time as I did, but he's still in Nsinda prison.

12 Q. 40, Smith Twahirwa.

13 A. Smith Twahirwa has confessed to his crimes and has asked for forgiveness. He, however, is still in  
14 detention in Nsinda main prison.

15 Q. 41, Emmanuel Twahirwa.

16 A. Emmanuel Twahirwa was released at the same time as I was. He has confessed to his crimes, and  
17 Gacaca traditional courts has sentenced him to 14 years' imprisonment.

18 Q. Witness AVK, Defence counsel also took you to another name in your confessions, that of Ruhiguri,  
19 who was the brigadier of *communal* police, you've told us. In your confession you have described his  
20 role on the attack on Gahini hospital on the 9th of April as simply protecting hospital property. Did he,  
21 to your knowledge, participate further in that attack and do more than simply protect property?

22 A. In actual fact, as my letter suggests, he was -- it says that he was guarding the hospital. When I  
23 wrote -- I wrote it, I knew the distinction between the Tutsi and the hospital. He was guarding the  
24 hospital and the property of the hospital. And that is shown by the fact that if he was protecting the  
25 Tutsis as the Defence suggests, they wouldn't have died, especially as he had the authority and he had  
26 the means to protect the hospital, together with people who were assisting him.

27  
28 But I still support my suggestion that he was guarding the property. I told you that elsewhere we -- we  
29 looted homes like Tagiru's (*phonetic*) place. We took away property and killed people all over the  
30 place. But as the chief of the police was guarding the property at the hospital, and this really can't as  
31 what was being suggested, that he was guarding the Tutsis. In fact, all those people, who were in  
32 hundreds, they would have taken the property, the drugs. And it was time for paying salaries; they  
33 would have taken that money. Nkurayija took the money to Tanzania, and he paid the workers in the  
34 camps in Tanzania. The -- the main point is that he was guarding the hospital property rather than  
35 protecting the people who had taken refuge there.

36 Q. Just following on some of your comments, can you tell us whether medicines were looted from the  
37 hospital on the 9th of April 1994?

1 A. On the 9th April 1994, no drugs, no medicines were taken away from the hospital.

2 Q. On the 9th of April 1994, were any buildings damaged at Gahini hospital?

3 A. On the 9th of April 1994, apart from the people's security, which was disturbed, nothing else was  
4 destroyed in -- in Gahini hospital. Apart from the Tutsis, the rest of the population went ahead with their  
5 daily life, and they were undisturbed until we fled the country. I don't know what happened after we had  
6 fled. We did not go back, but life went on.

7 Q. Is there a reason why you limited Brigadier Ruhiguri's role to protecting hospital property when you  
8 made your confession?

9 A. The reason why I said it is that he himself told us and telling us that we shouldn't spoil the hospital  
10 infrastructure because the hospital would serve us afterwards, that we shouldn't take away drugs and  
11 medicines because those things would help us afterwards. That's why I con -- I confirm that that was  
12 his duty, that the duty he had to protect the hospital infrastructure and property.

13 MR. PRESIDENT:

14 Witness, can you explain how Brigadier Ruhiguri could have protected the Tutsi from this attack by  
15 some 1,000 armed *Interahamwe* with the help of a handful of gendarmes and *communal* police?

16 THE WITNESS:

17 I can explain. We, the rest of the population, we were armed with traditional weapons, machetes, sticks  
18 and clubs, but if you use bullets and you shoot one person, people could be scared, and if they want to  
19 insist, you can shoot the next person. And there is a way of throwing tear gas around and people  
20 scatter, and then there is -- all is quiet afterwards. Besides, those two gendarme left some other --  
21 some others behind, and if there was a need to guard those people that had taken refuge, they could  
22 have called more gendarmes. Gahini is not far from Rwamagana. That's where the national  
23 gendarmerie was based. Reinforcements could have brought in from Rwamagana, and they could  
24 have contained the invading force to the hospital.

25 MR. PRESIDENT:

26 Yes, all right. Thank you for that.

27 BY MS. MOBBERLEY:

28 Q. Witness AVK, did Ruhiguri confess or was he tried?

29 A. He never confessed. He was tried, and he was giving explanations superficially, and not really -- not  
30 really going to the -- to the roots. That is why he was given a life sentence.

31 Q. Witness, can you refer to the Rwandan judgement at page 4? The first paragraph has a section -- a  
32 short section at the beginning outlined in orange. Can you read that for the Court, please?

33 A. "After hearing Ruhiguri claiming that he's not guilty of genocide and extermination, because what the  
34 prosecutor says that he distributed weapons to kill the Tutsis is not correct, that, rather, he distributed  
35 weapons to the policemen so that they may protect the population."

36 Q. Turn to page 5 and look at the third paragraph. Read the short section outlined in orange.

37 A. "Considering that Ruhiguri claimed he didn't take part in the -- in the extermination and looting and

1 forming a group of criminals and burning down property."

2 Q. Look at page -- look at page 7 of the judgement, the middle paragraph, and read the portion marked in  
3 orange.

4 A. "As far as Ruhiguri is concerned, although he denies taking part in the genocide, saying that as a  
5 person who was in charge of security, he had not been given instructions by his superiors to stop  
6 *Interahamwe* from killing people. However, he does not explain how and why there was distribution of  
7 weapons among the population when he was in charge of the security in the *commune*. And moreover,  
8 he was going round Rukara *commune* together with a *bourgmestre* while the Tutsis were being  
9 massacred at Gahini hospital and Karubamba church. He said that he hadn't received instructions from  
10 his superiors and that on his part he hadn't done anything particular, other than watching on and  
11 shooting in the air, giving the *Interahamwe* a signal to start killing people. And he forgets that he  
12 distributed weapons for the extermination of people."

13 MS. MOBBERLEY:

14 Your Honours, I would ask the registry to collect the version of the Rwandan judgement that the witness  
15 has in front of him, and I apply to have the entire judgement entered as a Prosecution exhibit with a  
16 direction that official interpretations be rendered in the French and English, please, Your Honours.

17 MR. PRESIDENT:

18 I think we need to name this judgement on the record.

19 THE ENGLISH INTERPRETER:

20 Microphone, Your Honour.

21 MR. PRESIDENT:

22 Could you give us particulars of that judgement?

23 MS. MOBBERLEY:

24 It's a judgement which has a reference number.

25 MR. PRESIDENT:

26 Yes.

27 MS. MOBBERLEY:

28 And the reference number is R for Romeo, M for Mike, P for Peter, dot 85645, back slash S for Sierra,  
29 3, back slash, N for Nairobi, D for delta, back slash, N for Nairobi, S for Sierra, E for England.

30 MR. PRESIDENT:

31 And it is a judgement of which court?

32 MS. MOBBERLEY:

33 I understand that it's the court of first instance in Kibungo. It bears the date --

34 MR. PRESIDENT:

35 Just a minute. And dated?

36 MS. MOBBERLEY:

37 21 April 2004.

1 MR. PRESIDENT:

2 Yes, all right. That's probably sufficient for our purposes. All right. The Rwandan judgement that you  
3 have just specified be admitted as Prosecution exhibit.

4

5 Mr. Matemanga, P what?

6 MR. MATEMANGA:

7 P. 9.

8 MR. PRESIDENT:

9 P. 9. And the English translation P. 9A, the French translation P. 9B.

10 *(Exhibit No. P. 9, P. 9A and P. 9B admitted)*

11 MR. PRESIDENT:

12 And the registry should organise translations of these two documents --

13 MS. MOBBERLEY:

14 Your Honours --

15 MR. PRESIDENT:

16 This document.

17 MS. MOBBERLEY:

18 Sorry, Your Honour.

19 MR. PRESIDENT:

20 Yes.

21 MS. MOBBERLEY:

22 I do note that the document was used in the Bizimungu trial. I will clarify the exhibit number, and it may  
23 be that there is an official translation.

24 MR. PRESIDENT:

25 Very well, but this Exhibit P. 9 was for our purposes.

26 MS. MOBBERLEY:

27 Yes, sir.

28 MR. PRESIDENT:

29 And you want to also exhibit the typed list, do you not?

30 MS. MOBBERLEY:

31 I do, sir.

32 MR. PRESIDENT:

33 All right. The typed list containing 41 names, with 41 names, will be Exhibit P. 10.

34 *(Exhibit No. P. 10 admitted)*

35 MR. PRESIDENT:

36 Any other exhibits do you have?

37

1 MS. MOBBERLEY:

2 No more exhibits, but one more question for the witness.

3 MR. PRESIDENT:

4 All right.

5 BY MS. MOBBERLEY:

6 Q. Witness AVK, you've said that the attack on Gahini on the 9th of April 1994 had two stages and that  
7 you participated in the second stage. You've also said that that second stage had two phases and that  
8 in latter part or in the second phase you entered inside the hospital perimeter and took part in the  
9 attack. My question is, did all the attackers who were gathered around the perimeter of the hospital  
10 enter the hospital grounds, or only some of them?

11 A. Not everybody entered inside the hospital enclosure. Some surrounded the hospital, and some others  
12 entered inside the hospital premises because the gate had been closed and people were climbing on  
13 top of the fence.

14 Q. Thank you, Witness AVK.

15 MS. MOBBERLEY:

16 Your Honours, I've just received the draft transcript of yesterday's proceedings, and I have -- I simply  
17 wish to note that there were comments put by counsel in relation to the Rwandan judgement which, at  
18 this stage, I think are best addressed in our own closing submissions at the end of the case.

19 MR. PRESIDENT:

20 Yes, I think so.

21 MS. MOBBERLEY:

22 And that concludes my re-examination.

23 MR. PRESIDENT:

24 Thank you.

25

26 Yes, Defence, you wish to ask some questions. Do they arise out of the re-examination?

27 MR. VERCKEN:

28 Yes, Mr. President.

29 MR. PRESIDENT:

30 And on what subject matter? Can you inform the Chamber?

31 MR. VERCKEN:

32 Mr. President, the questions are derived from the answers that were given by the witness after the  
33 reading of the 41 names on the list, but I have only general questions. I do not intend to go into all the  
34 41 names, Mr. President.

35 MR. PRESIDENT:

36 Yes. Well, you see you can make whatever comments you like about this witness's testimony, about  
37 this list, about the exhibits that you want to at the end of the trial. Because all the material is now



1 before us. So unless you have specific questions, you've had your turn, you've cross-examined him,  
2 and this can't be an ongoing thing. You appreciate that.

3 MR. VERCKEN:

4 I understand that very well, Mr. President. And these are not comments that I wish to make, they are  
5 simply questions. I can ask the first question, and you will determine whether it is a comment or not.

6 MR. PRESIDENT:

7 What does the Prosecution say about this request?

8 MS. MOBBERLEY:

9 On the first day of proceedings we discussed the procedure that would apply, and counsel was on  
10 notice that the Prosecutor in this process makes the final reply by way of re-examination. All of the  
11 questions I've asked the witness directly derive from the cross-examination, and counsel had the  
12 opportunity then during his cross-examination to cover this material. So I object to the procedure, but  
13 I'm in Your Honour's hands.

14 MR. PRESIDENT:

15 Yes, I think we will allow Defence to formulate the questions to see what it is that they want, because I  
16 think if that is important information that should be elicited, then in the wide interests of justice, it is only  
17 right that they should be allowed to do so. But if it's not focussed and not directed at seeking  
18 information but some general commentary, then we will stop them.

19 MR. VERCKEN:

20 This, therefore, is a test, Mr. President.

21 FURTHER CROSS-EXAMINATION

22 BY MR. VERCKEN:

23 Q. Mr. Witness, my first question is as follows: In answer to a question concerning the names on the list,  
24 indeed, you gave the number of people who, according to you, confessed to their crimes, but you did  
25 not specify whether their confessions were consistent with your own accusations. Do you confirm that  
26 in each case that you mentioned, the confessions of those concerned were consistent with the  
27 accusations that you made?

28 A. Thank you. We talked about confessing, but we didn't go into details of who confessed to what. Each  
29 one confesses on his own. That is everybody's right, and nobody is supposed to know what kind of  
30 confession we have made. They say Rukara, for example, has confessed, and I did not specifically  
31 refer to the kind of crimes I accused people of having committed.

32 MR. PRESIDENT:

33 So I understand your answer to mean that you do not have personal knowledge of the details of the  
34 confession, and therefore, you're unable to say whether they were consistent with your accusations. Is  
35 that -- would that be a correct summary of what you've said?

36 THE WITNESS:

37 Yes, that's what I wanted to say, Your Honour.

1 MR. VERCKEN:

2 Thank you, Mr. President. It seems like I have passed the test for the first question. I will now go on to  
3 the second question.

4 BY MR. VERCKEN:

5 Q. Witness, you identified the people that were accused by you, who, according to you, were deceased at  
6 the time you denounced them. However, you did not indicate the exact death of -- the exact date of the  
7 deaths of these people. Sometimes you did so, sometimes not. Do you confirm that each time you  
8 denounced people that you say were deceased, they were already deceased at that time?

9 A. What I did was to make a list of people that I thought I found had died, just for the sake of my own  
10 security, and it's because of that -- it's because they couldn't -- I couldn't be pursued, I did it, because --  
11 after they had died, and I didn't mention that such-and-such a person died after I had denounced them.  
12 I said that some people had died in detention, and I was in the main prison personally. But immediately  
13 after their death, I hadn't confessed. You can check the date when I confessed. I didn't denounce a  
14 person after -- before he died.

15 Q. Witness, regarding one of those on that list, that is, number 5, former soldier,  
16 Lieutenant Thadée Ruvugo, on that list of names, you said that you took the liberty of denouncing him  
17 because he was abroad. I should like to point out that Mr. Mpambara was also outside of the country at  
18 that time, and you did not denounce him. So are we to understand that your silence regarding  
19 Mr. Mpambara, when you made your accusations before Rwandan jurisdictions, was because of the  
20 explanation that you gave regarding the importance of a *bourgmestre* and the difficulty of denouncing  
21 such an authority?

22 A. I didn't -- I don't think you followed. That Thadée was an immigrant. He had bought land in our area.  
23 He didn't have any family, just like Mpambara has the whole of his family, sisters, brother and his son  
24 and so fort. That person was an immigrant. He didn't have anybody around there. He only bought  
25 land, and therefore, if I denounce him, there is no consequence because nobody is there to be able  
26 to -- to molest me, for example.

27 *(Pages 1 to 16 by Sherri Knox)*

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1 1000H

2 BY MR. VERCKEN:

3 Q. Mr. Witness, in your explanations following the reading of this list, that is to justify your denouncing of  
4 these people, there was a new reason, which you gave this morning, regarding  
5 Mr. Gasana and Mr. Gacumbitsi.

6 You stated that even if -- if they did not admit to some or all of their crimes, you denounced them  
7 because they had already been denounced by others. Is that correct?

8 A. It is not correct, because I said that it is because they accused each other and to the extent that some  
9 other person could also denounce them and there would be no consequence. And I mentioned a  
10 person called Gasana who was denounced by his son; that if a person has been denounced by his own  
11 son and then there is no reason they should hold me responsible for such a denouncement.

12 MR. VERCKEN:

13 I have no further questions, Mr. President.

14 MR. PRESIDENT:

15 Thank you.

16

17 Ms Mobberley, I don't think you have any questions now, do you?

18 MS. MOBBERLEY:

19 No, sir, no further questions.

20 MR. PRESIDENT:

21 Yes, thank you.

22 JUDGE EGOROV:

23 Mr. Witness, I have actually two questions to ask you: Could you please tell us how many refugees  
24 were killed on the 9th April 1994, to your knowledge, of course, approximately?

25 THE WITNESS:

26 You mean, those people who were killed at the hospital?

27 JUDGE EGOROV:

28 Killed and injured in Gahini hospital. (*Microphones overlapping*)...in Gahini hospital?

29 THE WITNESS:

30 On the 9th of April 1994, at Gahini hospital, 10 people were killed by both -- both attacks, and there was  
31 an 11th who was brought from Akabeza in the evening, and his body was added to the other 10 and it  
32 was -- it was a Zairean who was teaching at the Gahini language school -- languages school, and his  
33 body was brought to be put among the -- the 10 that had been killed at the hospital.

34 JUDGE EGOROV:

35 Thank you.

36

37 And on the 9th of April 1994, in Gahini -- Gahini hospital, did you personally see Mpambara being

1 present at the time where -- when killings took place?

2 THE WITNESS:

3 I did not see him. I saw him when the killing hadn't started -- during a period when the killing wasn't  
4 taking place.

5 JUDGE EGOROV:

6 So you didn't see him? He left or you didn't know where he was?

7 THE WITNESS:

8 He -- he had left, that really means I don't know where he had gone. But I explained earlier that he had  
9 taken away some people.

10 JUDGE EGOROV:

11 Thank you.

12 MR. PRESIDENT:

13 Yes, I have a matter which I wish to raise with counsel on both sides. I do not recollect this witness  
14 being asked to attempt to identify the Accused in court. Am I right or wrong or it may have been  
15 deliberate?

16 MS. MOBBERLEY:

17 No, sir, it was an oversight on my part, but I didn't feel it was an appropriate issue for re-examination,  
18 because it didn't arise out of the cross-examination. But I would be happy for a courtroom identification  
19 to proceed.

20 MR. PRESIDENT:

21 Well, I think it is in the interests of justice that since every other witness has been asked to identify, that  
22 this witness should be asked to. But, perhaps, we should ask rather than you.

23 MS. MOBBERLEY:

24 Thank you, sir.

25 MR. PRESIDENT:

26 Yes. Witness, you have talked about Mpambara the *bourgmestre*. Would you be able to recognise him  
27 if you saw him now?

28 THE WITNESS:

29 I think I would recognise him.

30 MR. PRESIDENT:

31 All right. You take a look around this courtroom. You are at liberty to stand up or get out of there, and  
32 have a good look and see if you see him in the courtroom.

33 THE WITNESS:

34 I think there aren't many people, there is no need for me to stand up, I can see him.

35 MR. PRESIDENT:

36 Where is he?

37

1 THE WITNESS:

2 He's over there, that one sitting behind the others.

3 MR. PRESIDENT:

4 He's pointing at the Accused. Is this now agreed? Is this a correct identification? Yes, all right, the  
5 record should reflect that the witness identified Mr. Mpambara in court.

6

7 And, yes.

8 MR. VERCKEN:

9 Thank you, Mr. President. I wish to raise two points: I want to ascertain that the written testimony --  
10 written by the OTP for AVK would be tendered as an exhibit. If this isn't the case, I'll do so.

11

12 Secondly, I would like, in conjunction with my learned colleagues of the Prosecution, to come back to a  
13 statement that was made on the other side during the hearing of yesterday to the effect that we had  
14 admitted the fact that gendarmes had taken part in the attacks. I think the Prosecution -- we discussed  
15 this issue. It's important that it should be said and written down that the Defence has never admitted  
16 that point in its admissions.

17 MR. PRESIDENT:

18 All right. Well, that goes on the record and we can argue about that at the end of the case. But your  
19 statement -- you want to tender his statement to the OTP, do you? Is that one statement or several  
20 statements?

21 MR. VERCKEN:

22 I'm referring to a statement that was given by the witness or statements that were given by the witness,  
23 but are written in one document, but bear the date, "Statement of 15 November 2003", and the  
24 statement was taken by the services of the OTP.

25 MR. PRESIDENT:

26 All right. Can you give it to us?

27 MS. MOBBERLEY:

28 I have no objection.

29 MR. PRESIDENT:

30 Is this -- all right. Since there is no objection, then probably it can be admitted.

31

32 So the witness's evidence, AVK's statement, which is dated the 11th October 2004, but which resulted  
33 from interviews conducted on the 15th of November 2003, 9th November 2004, is admitted into  
34 evidence as Exhibit -- Mr. Matemanga, D what?

35 MR. MATEMANGA:

36 D. 11.

37

1 MR. PRESIDENT:

2 D. 11. Is the original in Kinyarwanda?

3 MS. MOBBERLEY:

4 No, sir, the -- the originals are not taken in Kinyarwanda. There's a direct translation into French and no  
5 record of the Kinyarwanda other than a certification at the end.

6 MR. PRESIDENT:

7 Okay. In -- in that case, Exhibit D. 11 is the French original, and D.11A is the English translation. Is  
8 that right? That's all?

9 MR. VERCKEN:

10 Yes, Mr. President.

11 MR. PRESIDENT:

12 I'm now told that the English is the original. So we'll mark English as D. 11 and French as D. 11A.

13

14 All right. That brings us to the end of this witness's evidence.

15 MS. MOBBERLEY:

16 Your Honours, that statement will need to be -- that statement will need to be exhibited under seal.

17 MR. PRESIDENT:

18 Yes, of course, of course. Yes, Exhibits D. 11, both, 11 and A admitted under seal.

19 *(Exhibit No. D. 11 and D. 11A admitted, under seal)*

20 MR. PRESIDENT:

21 Now, Witness, you have come to the end of your testimony, and I would like to thank you on behalf of  
22 the Chamber, the Tribunal, for coming here and for testifying, and for being of assistance. And you're  
23 now free to go, and we wish you a happy journey home.

24 THE WITNESS:

25 Thank you, Your Honour.

26 *(Witness excused)*

27 MR. PRESIDENT:

28 Yeah, we can begin with the next witness and, hopefully, finish by 1 o'clock.

29

30 Yes, we -- I did say yesterday that we would give our ruling in respect of that additional witness that you  
31 wished to call, Mr. Karegyesa, and unfortunately, we are not ready yet, and we need a bit more time.

32 And we will try to do it as quickly as we can, so we seek your indulgence in that respect.

33 MR. KAREGYESA:

34 Most obliged, Your Honours.

35 MR. PRESIDENT:

36 Yes, Witness, you see a personal information sheet, there, before you. Have you read that document?

37

1 THE WITNESS:

2 I have read it.

3 MR. PRESIDENT:

4 And are the contents correct, the particulars set out there correct?

5 THE WITNESS:

6 It's correct.

7 MR. PRESIDENT:

8 And have you signed it at the bottom?

9 THE WITNESS:

10 It's me who signed it.

11 MR. PRESIDENT:

12 And it's dated?

13 THE WITNESS:

14 It's the right date.

15 MR. PRESIDENT:

16 All right. We admit this as Exhibit P. 11 -- 12, is it?

17 MR. MATEMANGA:

18 P. 11.

19 MR. PRESIDENT:

20 All right. Admitted under seal.

21 *(Exhibit No. P. 11 admitted, under seal)*

22 *(Declaration made by Witness AIO in Kinyarwanda)*

23 WITNESS AIO,

24 first having been duly sworn,

25 testified as follows:

26 EXAMINATION-IN-CHIEF

27 BY MR. KAREGYESA:

28 Q. Good morning, Witness AIO.

29 A. Good morning.

30 Q. If I could kindly ask you to speak so that the interpretation booth can hear what you're saying.

31 MR. KAREGYESA:

32 Your Honours, I propose to start with a five-minute closed session.

33 MR. PRESIDENT:

34 All right.

35

36 We are in closed session, so if there is anybody in the public gallery, withdraw for a while.

37 In five minutes, you can come back.

1        *(At this point in the proceedings, a portion of the transcript [page 23] was extracted and sealed under*  
2        *separate cover, as the session was heard in camera)*

3        *(Pages 17 to 22 by Jean Baigent)*

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1 MR. PRESIDENT:

2 We are now in open session.

3 BY MR. KAREGYESA:

4 Q. We are going back into open session, so when you're answering questions, just be cautious not to  
5 divulge any information that may compromise the confidentiality of your identity.

6

7 Witness, you just told this Court that you met the *bourgmestre* of your *commune*, Jean Mpambara,  
8 you'd be able to recognise him. I would like you to tell the Chamber whether he's in this room  
9 today. You can look around; you can stand up if you need to.

10 A. He's here.

11 Q. Please tell the Chamber where Mr. Mpambara is located within this Chamber?

12 A. He's on my left.

13 Q. Can you tell the Chamber what row he is sitting on?

14 A. *(No interpretation)*

15 Q. Can you tell the Chamber what he is wearing, the person you identify as --

16 A. He's in the second row. He has spectacles; he has an orange shirt. His shirt is something like  
17 khaki, and he's necktie has many colours in it.

18 Q. Thank you, Witness.

19 MR. KAREGYESA:

20 Your Honours, the record could reflect a positive identification.

21 MR. PRESIDENT:

22 Yes.

23 BY MR. KAREGYESA:

24 Q. Now, Witness, I just want you to tell us briefly, I'm taking you back, of course, to April 1994,  
25 11 years ago, through memories that may be rather painful. But I just want you to bear with this  
26 Chamber.

27

28 Would you tell -- tell the Judges if, at all, you had occasion to see or otherwise meet  
29 Jean Mpambara after the 7th of April 1994?

30 A. You'll excuse me. I had an operation recently and I cannot speak very loudly.

31

32 I met Mpambara on the 8th of April when I fled to Rukara parish. I was at the church in Rukara;  
33 that was when I saw his vehicle. There was some policemen -- two or three policemen.

34 Q. Was that the only time or did you -- just give us the number of times and possibly dates that you  
35 saw him. Starting with, you told us the 8th, did you see him again?

36 A. I saw him again on the 9th in his vehicle. I saw him again when he passed by on the 10th in his  
37 vehicle, and on the 12th -- on the 12th of April, we met face to face, he asked me some questions.

- 1 And on the 13th of April, I met him again.
- 2 Q. Thank you, Witness. Can you tell the Chamber (*Microphones overlapping*)...from the 8th of April  
3 1994. Why were you at Rukara parish?
- 4 A. I had taken refuge there.
- 5 Q. And why had you taken refuge there, Witness?
- 6 A. Because we were at home. There had been an attack. The *Interahamwe* had attacked us and we  
7 had sought safety at Rukara parish seeking some security. There were many other people who  
8 had taken refuge there as well.
- 9 Q. Do you know why you were being attacked, Witness?
- 10 A. We were told that Habyarimana had been killed and had been killed by Tutsis, and all Tutsis had  
11 to be killed.
- 12 Q. Right. So when you went to Rukara parish for refuge, Witness, approximately how many other  
13 refugees were at that parish, just an approximation?
- 14 A. There were very many people. When I arrived there was about -- I would say about 30,000  
15 people. They were in different corners, but there were about 30,000 people.
- 16 Q. All right. Now, on the -- were you able to establish the ethnicity of these refugees, Witness?
- 17 A. I couldn't tell; I've never seen anyone for their ethnic belonging.
- 18 Q. And do you know what these refugees were doing at the parish? Did you ever find out?
- 19 A. Many of them were there because their homes had been burnt or had been destroyed, and they  
20 were seeking safety at that parish.
- 21 Q. Thank you, Witness. Now, you told this Chamber that you saw the Accused, Jean Mpambara, at  
22 the parish on the 8th of April 1994. Can you tell us at approximately what time of the day you saw  
23 him?
- 24 A. On the 8th of April when I saw him, it was about 3 p.m., if I -- if I remember well.
- 25 Q. And did you interact with him on this occasion?
- 26 A. No, there was no interaction between us. But from where he was, I heard people say that people  
27 should leave the church and go back to their homes, that there was no security at that parish.
- 28 Q. Was he alone or was he in the company of others?
- 29 A. When I saw his vehicle, I saw two or three policemen with him, if I recall well.
- 30 Q. And by policemen you mean gendarmes or *communal* policemen?
- 31 A. I mean *communal* police.
- 32 Q. Where exactly were you in the parish on this occasion? Were you in the courtyard or were you in  
33 any of the buildings?
- 34 A. I was in the house, near -- near -- by a window where I could watch what was happening in the  
35 compound of the parish.
- 36 Q. So would it be the case that you never personally heard what Mr. Mpambara was saying or said  
37 on that occasion, but you learnt from those who had heard what he said?

- 1 A. I did not personally hear what he said. The people who were close to him are the ones who  
2 reported what he had said.
- 3 Q. Thank you, Witness. Now, you have already told this Court that you saw Mpambara on the 9th of  
4 April 1994. Can you tell us at around what time of the day you saw him on the 9th of April?
- 5 A. It was around the same time. It was also around 3 p.m.
- 6 Q. And whereabouts in the parish complex were you on this occasion?
- 7 A. On the 9th of April, I was in another room; I had left the church. I was in a room near the church.  
8 It was in a residence of the priests, the parish priests.
- 9 Q. And on this occasion did you see the Accused arrive?
- 10 A. I saw his vehicle. From morning, there was no problem at this place. We had not heard any  
11 gunshots. And in the afternoon, we saw Mpambara's vehicle pass by --
- 12 Q. Just -- all I needed to establish was did you see the vehicle approach or, you know, did you just  
13 notice that?
- 14 A. I saw the vehicle and I saw him in that vehicle.
- 15 Q. And was he alone or accompanied on this occasion?
- 16 A. I didn't see anyone else with him.
- 17 Q. Now, at this point in time when the Accused arrived, where were you within the parish complex?  
18 Were you indoors in that room you've just told us or were you in the courtyard?
- 19 A. We were in a room with a window that overlooked the road where the vehicles and people passed,  
20 and we were observing what was happening outside.
- 21 Q. All right. And from that room in which you looked through the window, what did you observe once  
22 the *bourgmestre* arrived? What did he do?
- 23 A. I saw the *bourgmestre*'s vehicle pass by. He did not stand near the room. He -- he stopped,  
24 rather, down the hill and I saw people approaching, and the people across the room reported later  
25 that he told them some -- something.
- 26 Q. Was it reported to you what the *bourgmestre* purportedly said?
- 27 A. Yes, he told them that there was no security at the parish; that the *Interahamwe* were becoming  
28 impossible, and determined to kill everybody, and these people should try to go somewhere else  
29 because their protection could not be assured at the parish.
- 30 Q. So again, on this occasion, you never personally heard him speak, but it was reported to you that  
31 he had spoken to some refugees?
- 32 A. Yes, what he-- what he had said on the 8th was repeated on the 9th of April.
- 33 Q. Right. Now, Witness, did you see him -- did you see the Accused depart on this occasion?
- 34 A. He did not spend a long time; he left. I don't know where he went to, but he left the place.
- 35 Q. Yes, and the question was: Did you see him depart? It's either yes or no.
- 36 A. I did not personally see him leave.
- 37 Q. And on this occasion when he arrived at the parish, did you see any other cars or did you just see

1 the *bourgmestre's* car?

2 A. On that day, after his departure, I saw another vehicle of a person called Mugenzi.

3 Q. Witness, just let's -- you probably didn't get the question properly. I'm not talking about after his  
4 departure. I'm talking about when he arrived at around 3 p.m., did he arrive in a convoy or was it  
5 only his car that you saw?

6 A. There were no other vehicles that I saw; it was the only vehicle that I saw.

7 Q. Would you please tell this Court what kind of vehicle was the *bourgmestre* using, or what vehicle  
8 did you see the *bourgmestre* arriving in?

9 A. It was a white pickup.

10 Q. And did you know the owner of this white pickup, Witness?

11 A. I knew it as a *communal* vehicle, which the *bourgmestre* used to use.

12 Q. All right. Now, did anything happen after the *bourgmestre's* departure to the best of your  
13 recollection?

14 A. After his departure, a while later, there came an attack coming from behind the parish. People  
15 were shooting and others were throwing grenades and people were killed in the compound.

16 Q. And how long after the *bourgmestre's* departure did this attack commence? Are you able to tell  
17 us?

18 A. If I remember well, I think that attack took place around 5 p.m.

19 Q. All right. And my question was: After -- how long after the -- the departure of the *bourgmestre*?

20 A. It wasn't a long time. I think the *bourgmestre* was there around three; he did not stay a long time.  
21 I don't -- after, it was around -- it was not a long time before the attack took place. It was around  
22 5 p.m.

23 Q. All right. Now, where were you situated within the parish complex during this attack, Witness?

24 A. I was in a room close to the church.

25 Q. And are you able or were you able then to tell how long this attack lasted?

26 A. It did not take a long time, about 20 minutes. The people outside in the compound were killed.  
27 Some were killed by grenades, others by gunshots. Those people were in a hurry to go and loot,  
28 to take away the property that was there. The attack did not last very long.

29 Q. All right. Now, you've told this Chamber that some people were killed during this attack. How  
30 were you able to tell that people were killed during this attack?

31 A. After the attack, the attack that was done by guns and by grenades, I went out and I wanted to  
32 leave the room. I wanted to go to the film hall and that's when I saw the dead bodies of people in  
33 the compound.

34 Q. And to the best of your recollection, Witness, how many corpses did you see in the compound on  
35 that occasion after the attack?

36 A. I did not try to count how many people. I saw bodies lying down, but later on, I was told later on  
37 that 12 people had been killed on that occasion.

1 Q. And without giving names, were you able to identify any of the people who were killed on that  
2 occasion?

3 A. I heard about one person whom I knew. I did not know the others.

4 Q. Now, this attack -- after this attack of the 9th, when did you next see the Accused at Rukara  
5 parish?

6 A. On the 9th -- after the attack, I wasn't feeling well. I spent the night in the film hall, and the  
7 following day, on the 10th, I was taken to the maternity ward, and I saw Mpambara pass by while I  
8 was in the maternity ward. I saw him pass by when he was going to the parish.

9 MR. PRESIDENT:

10 That would be the 10th, then?

11 THE WITNESS:

12 On the 9th, I spent the night in the film hall; there was nothing, it was calm. And the following day,  
13 in the morning of the 10th of April, I was taken to the -- to the maternity ward. It was said that  
14 there was some security and there weren't too many people. And while I was there, on the  
15 10th of April, around 3 p.m., I saw Mpambara pass by in a vehicle heading for the parish.

16 BY MR. KAREGYESA:

17 Q. Can you give us an approximate distance between the maternity ward where you were and the  
18 cathedral or the church building?

19 A. Between the maternity and the parish, there was about 500 metres; it's an estimate.

20 Q. And would this maternity ward, Witness, be part of the parish complex?

21 A. No, this was not within the church compound. They were different buildings, but they were close  
22 by.

23 Q. So would it be correct to suggest that you just had a fleeting glance of the *bourgmestre* on this  
24 occasion on the 10th of April 1994?

25 A. That's correct.

26 Q. And was he alone, to the best of your recollection, or was he with others?

27 A. I do not remember whether he was escorted. I saw the vehicle pass and it was driving fast, and  
28 there is a -- a small forest between the maternity ward and the church. So I did not observe the  
29 vehicle for a long time.

30 Q. All right. Now, other than this incident at around 3 p.m. on the 10th of April 1994, when did you  
31 next see the *bourgmestre*?

32 A. Afterwards, I saw him -- well, it wasn't through (*unintelligible*) -- I met him, actually, and that was  
33 on the 11th. And then, again, on the 13th, in the morning.

34 Q. Right, you'd earlier told this Chamber that you saw him on the 8th, 9th, 10th, 12th, and 13th. Are  
35 you now saying that you also saw him on the 11th as well? Monday, 11th of April (*Microphones*  
36 *overlapping*)...

37 A. It was not on the 11th. I did not see him on the 11th.

1 Q. Well, that's the interpretation I'd got.

2

3 So can you tell us at around what time you say you met him on the 12th of April 1994?

4 A. On the 12th of April, I was coming from the maternity ward going to the parish. I met him around  
5 5 p.m.

6 Q. And whereabouts did you meet the Accused at 5 p.m. on Tuesday, 12th April 1994?

7 A. I was coming from the maternity ward -- midway between the maternity ward and the parish; I'd  
8 just made a -- a short distance from the maternity ward.

9 Q. And were you going in the same direction or were you going in opposite directions?

10 A. We were going to -- in opposite directions. He was coming from the parish and I was going  
11 towards the parish.

12 Q. And at this point where you met him, approximately what was the distance between this point and  
13 the parish?

14 A. I think it was -- if it was 500 metres, I can say it was exactly midway.

15 Q. And on this occasion was the Accused alone or did he have company?

16 A. He was alone.

17 Q. And did you interact with him on this occasion when you met?

18 A. When we met, he stopped. He asked me where I was going. I was with two young people; I did  
19 not answer him. I kept quiet, and he told me very angrily that we are moving around freely on the  
20 road, and yet we're being hunted down. I did not reply to him. I left and he left.

21 Q. Now, on this occasion or -- let me rephrase. Prior to your meeting the Accused at approximately  
22 5 p.m. on 12th April 1994, was there anything peculiar that happened either at the parish or at the  
23 hospital complex you were in?

24 A. From morning, on that day, there was a very bad atmosphere. There was some soldiers moving  
25 around, and there was soldiers who came to the maternities, moving to every room looking at  
26 people inside, and you could see that people were getting desperate. There was despair in the  
27 air. It was not at the parish but later on when I came there people said that the *bourgmestre* had  
28 come there, and they had called some people and told them that there was no security --

29 Q. If you could just restrict yourself to what I'd asked. I'm just talking of the period before 5 p.m. when  
30 you met the *bourgmestre*. And you had mentioned soldiers. What do you mean -- what do you want  
31 us to understand when you say soldiers? Were they --

32 A. I'm talking of people who were different from the police. They were in army uniform. I wouldn't tell  
33 whether they were gendarmes or soldiers; I do not know how to distinguish between the two.

34 Q. Thank you, that's the clarification I needed. And can you tell us what these soldiers or gendarmes  
35 were doing or did in the maternity ward where you were?

36 A. As I observed, they were checking out people who were there, seeing where they were hiding.  
37 They came to the room where we were, and they were kind of counting the number of people

1 there. The one who found us in the room where I was, told us that this was our last day, and had  
2 to be killed on that day.

3 Q. And around about what time of the day was this, Witness, on the 12th of April 1994?

4 A. It was in the afternoon, everyone was in a state of despair. I cannot really specify the time that it  
5 was; all I can say is that it was in the afternoon.

6 Q. Right now, fast forward to 5 p.m., you meet the *bourgmestre* and there's an exchange of words  
7 and he leaves. Did you proceed on your way to the parish?

8 A. I went to the parish, yes.

9 Q. And can you tell us what happened when you arrived at the parish?

10 A. I went to the parish. I found people wondering what to do because the *bourgmestre* was telling  
11 them that there was no security at the parish and people should find where to go. He had said that  
12 -- he had said that the *Interahamwe* would come to kill them and people were fleeing to the  
13 bushes. I went to the -- I met my mother. She told me that in the film hall -- the cinema hall there  
14 were too many people, and she told me to go back to the parish priests' room. She escorted me  
15 through the residential -- the residential priests' house backyard, and shortly after my arrival there,  
16 I heard assailants come. People were shouting; there were gunshots, and explosions of  
17 grenades. I ran to the priests' room immediately.

18 Q. And around about what time of the day was it when this attack commenced, to the best of your  
19 recollection?

20 A. It was between 6 p.m. and 7 p.m.

21 Q. And how long, to the best of your recollection, did this attack last?

22 A. It -- it -- it continued until morning the following day. There was a lot of shooting and a lot of killing  
23 throughout the night.

24 Q. And where were you located during this attack throughout the night?

25 A. I was in the priests' room close to the parish -- to the church.

26 Q. Now, during this attack, Witness, did you see the *bourgmestre*?

27 A. I did not personally see him during that night, but the people -- some people we were with  
28 managed to look through the window. I heard, actually, a vehicle moving continuously, but some  
29 of the people I was with said they saw the *bourgmestre* in the compound.

30 Q. And when did you learn of this? Was it this same night or the next day?

31 A. During the night. I wouldn't say at what time exactly, but we -- we were with some young men who  
32 would stand up and peep what -- to see what was happening outside. And they said they saw the  
33 *bourgmestre*'s car outside, and there was distribution of machetes and other weapons that I don't  
34 know about. They were standing and they could observe what was happening out there.

35 Q. So do I take it, Witness, that the particular room you were in was not attacked that night?

36 A. During that night, the room was not attacked. Someone knocked and said that there were a few  
37 people here. They -- they would come back in the morning to fin -- to kill those people. There was

- 1 no attack in the morning, but the following morning, yes, there was an attack in that room.
- 2 Q. All right. Now, do you know at around what time that night that the attack ended?
- 3 A. If I remember well, from where I was in the room, the attack took place in the morning, but it was  
4 already daytime when the attack came. Grenades were thrown in the room. Some people died  
5 immediately. Personally, I was sitting down, the people near me fell over me.
- 6 Q. Please pause. I'm talking of the attack on the night of the 12th of April 1994. I hadn't got to the  
7 13th. To the best of your recollection, at what time during that night did this attack stop?
- 8 A. It was in the morning of the 13th around 10 a.m.; that's when I heard again grenades and  
9 gunshots.
- 10 Q. All right. Now, let's go to the -- or, maybe, just for clarification, are you saying the attack of the  
11 night of the 12th continued up to 10 a.m. of the next day on the 13th of April without a pause?
- 12 A. In the night of the 12th, there was no stopping at all. There might be a lull for some minutes, but  
13 afterwards, you would hear gunshots again. I can say that it actually stopped around 10 a.m. on  
14 the 13th of April.
- 15 Q. Right. And can you tell us what happened during the attack on the 13th of April, the next morning?
- 16 A. You mean, on the 12th?
- 17 Q. We have been through the attack on the night of the 12th of April 1994, and maybe -- let me  
18 start -- let me rephrase. Where were you on the morning of the 13th of April 1994? Were you still  
19 in the room in the presbytery?
- 20 A. That's where I was.
- 21 Q. And, did you have occasion to leave that room on the 13th of April 1994?
- 22 A. That's when I left the room, on that date.
- 23 Q. And at around what time, to the best of your recollection, did you leave the room in the presbytery?
- 24 A. I can't tell what time it was. It was daytime. It was in the morning; that's what I recall.
- 25 Q. And was the room you were in on the morning of the 13th of April 1994 ever attacked that  
26 morning?
- 27 A. It was attacked in the morning.
- 28 Q. And how was that room attacked, Witness?
- 29 A. It was very early in the morning, around 6 or 7 a.m. A grenade was thrown into the room through  
30 windows.
- 31 Q. All right. And what happened when the grenade was lobbed into your room?
- 32 A. A grenade was thrown into the room and many people died immediately. I was not injured by the  
33 grenade. The people who were near me fell over me, and I stayed in that room for a short time.  
34 And because some people had fell over me, I could not breathe well, so I tried to get into that --  
35 out of that room and got out.
- 36 Q. And when you got out of that room, Witness, where did you go?
- 37 A. I got out of the room, passed through the backyard of the presbytery, near the garage, and I saw --



1 I could see people running outside. I wanted to go to the cinema hall thinking that there was no  
2 problem there.

3 Q. And did you proceed to go to the cinema hall? Did you go to the cinema hall, actually?

4 A. No, I was not able to enter it. As I was getting there, I saw people running out of the room  
5 because it had been burnt out and people were running out -- running away from the fire. I could  
6 see some other people outside who had been given machete blows by the *Interahamwe*, so I  
7 stopped. I did not enter the cinema hall immediately.

8 Q. So at this point, you're telling the Chamber that the cinema hall was on fire?

9 A. Yes, it was burning and the people who had not been killed were running out of the room, running  
10 away from the fire.

11 Q. Now, on the same morning of the 13th of April 1994 when you left the room in the presbytery after  
12 the attack, did you have occasion to see or meet the *bourgmestre* that morning?

13 A. When I reached outside, I found people who were running out of the cinema hall as well as some  
14 other people who were outside there, including the *Interahamwe*. The *bourgmestre* came and  
15 stood out -- a distance from those people and told the *Interahamwe* there, saying -- he asked  
16 them, "What have you used? How have you used the tools that we gave you? How come  
17 there's -- there's some people who are still alive?"

18 Q. And were you told this by someone or did you actually hear the *bourgmestre* speak to the  
19 *Interahamwe*?

20 A. I heard that myself because I was standing there outside on my way to the cinema hall.

21 Q. And what was the approximate distance, Witness, between you and the *bourgmestre* when he was  
22 speaking to the *Interahamwe*?

23 A. The distance was short. I could hear what he was saying. I heard what he said.

24 Q. Yes, but I'm just asking the approximate distance. How many strides, metres or yards between  
25 you and the *bourgmestre* at that point?

26 A. He -- he was standing in about three metres from where I was.

27 Q. And was he alone on this occasion or was he with others?

28 A. There were many people outside at that time. I do not know if he had come with them or if he had  
29 found them there. Many people were milling around, running around. People were in shock and  
30 people from that cinema hall -- it was very scary. I cannot really give the exact state of affairs  
31 there.

32 Q. Maybe -- can you please tell the Chamber whether you saw any corpses when you emerged from  
33 the room in the presbytery where you had hidden overnight?

34 A. I saw very many -- very many corpses. Wherever I was passing, there were corpses, and I was  
35 just overstepping corpses; the place was full of corpses.

36 Q. And why did you decide that morning to head to the cinema hall when you left your room?

37 A. I decided to go to the cinema hall because all my relatives -- my parents were in that hall. I was

1 the only person who was not there. I wanted to see if they were still alive or if they had – if they  
2 had any problem.

3 Q. And did you find them in the cinema hall when you got there, Witness?

4 A. Because I did not enter the cinema hall immediately, and there was fire in the hall, and people  
5 were running out of the hall, after a short while, I tried to get in. And I did not find anyone alive in  
6 that hall. I found a very scary sight in that hall. All people inside had been killed.

7 Q. Now, to the best of your recollection, did the *bourgmestre* remain on site after you'd heard him  
8 talking to the *Interahamwe* or did he leave?

9 A. The *bourgmestre* stayed there --

10 MR. PRESIDENT:

11 Yes, I think we --

12 MR. KAREGYESA:

13 -- the Witness looks rather distressed.

14 MR. PRESIDENT:

15 I think it might be the time to take a break, so we will adjourn for morning tea break for about  
16 20 minutes.

17 MR. KAREGYESA:

18 Most obliged Your Honours.

19 *(Court recessed at 1112H)*

20 *(Pages 24 to 33 by Jean Baigent)*

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1 (Court resumed at 1140H)

2 MR. PRESIDENT:

3 Yes, you can continue, Mr. Karegyesa.

4 MR. KAREGYESA:

5 Thank you, Mr. President, Your Honours.

6 BY MR. KAREGYESA:

7 Q. Witness, I would just ask you to bear with me as I take you through very painful memories. I am about  
8 to conclude my examination-in-chief. Before we took the break I had just asked you whether the  
9 Accused Jean Mpambara had stayed on at the parish on the morning of the 17th of April 1994 when  
10 you saw him en route to the cinema hall; if you could kindly clarify, by repeating your answer.

11 A. He stayed there when -- after he had asked the *Interahamwe* that despite the tools he had given them,  
12 what have they done with it because there were many people still alive, people who were leaving the  
13 cinema hall running away from the fire. After some time he told them that it was time to take a rest,  
14 take a pause. Everything stopped. He entered the presbytery, and I don't know -- I entered into the  
15 presbytery, and I don't know what happened later, because when I came out I didn't see him again.

16 Q. I just need a clarification, Witness. Who entered the presbytery? Was it yourself or the Accused?

17 A. It was the Accused. After telling the *Interahamwe* that it was time for a pause, then the killers stopped.  
18 They went for a rest, and he entered the presbytery, Mpambara himself. After a short while, I heard  
19 people say that he was telling the priests to leave. That is, thereafter, I went to the cinema hall.

20 Q. And can you describe to this Chamber what you saw when you went into the cinema hall?

21 A. It was a frightening scene. People had died the most atrocious deaths. People had been shot, people  
22 had been slit open with machetes, I believe, and other people had been burnt. It was beyond  
23 imagination. I cannot find words to say -- describe that. It's frightening. People had died the most  
24 atrocious deaths. It's very frightening. It's disheartening. I cannot repeat what I saw.

25 Q. Now, Witness, between -- when did you -- did you eventually leave the parish after these massacres?

26 A. I did not leave the parish. Personally, throughout that day, throughout that 13th, I spent the day in that  
27 film hall, and I believe that that -- when they would come to kill people they would believe that they have  
28 killed everybody in that cinema hall, so I stayed inside.

29 Q. Yes. Did you eventually leave Rukara parish, and if so, on what date did you leave the parish?

30 A. I left Rukara parish on the 16th, and it was the *Inkotanyi* who took us from there.

31 Q. Thank you. And during your stay at the parish, between the 8th and the 15th of April 1994, did any  
32 local or governmental authorities come to the parish to investigate what had happened to the Tutsi  
33 refugees?

34 A. I personally, I didn't see those authorities because there are some days I spent at the maternity, but I  
35 heard that the *bourgmestre* had come there with the commandant of Rwamagana. They came to the  
36 parish, but I personally did not see him.

37 Q. Was this before or during or after the massacres you have just told us about?

1 A. It was during the massacre.

2 Q. Did you know which particular massacre, because you have given us a massacre on the 9th, another  
3 one on the 12th, lasting through the early part of the 13th? Do you recall which of these two or three?

4 A. The massacre I witnessed was on the 9th, and on the 12th and 13th, what happened afterwards I was  
5 at the maternity and the only massacre I witnessed was -- I wasn't there between 10th and 12th, so I  
6 did not witness any presence of the authorities.

7 Q. Thank you. Now, during the course of these killings were you able to identify or otherwise recognise  
8 any of the attackers as people you already knew?

9 A. Because during the 12th, the massacre of the 12th it was at night, so I couldn't see anybody. I only  
10 heard people talk, but I personally did not see anyone. The people I saw -- and I don't know whether  
11 they were part of that attack, and it's one person I actually saw, and it was in the morning of the 13th.

12 Q. And who is that person, Witness?

13 A. I do not know whether I have to name the person.

14 Q. Please go ahead and give us the name.

15 A. The person I saw was a teacher called Msemakweli. He was one of those people I saw outside. He  
16 was armed with a spear and a machete and he was one of those people who were killing people.

17 Q. Now, you have in the course of your testimony made reference to *Interahamwe*. Can you tell us what  
18 you mean by *Interahamwes*?

19 A. The *Interahamwe* are people who were armed and were coming to kill people, and the objective was to  
20 kill the Tutsis. They were members of the MRND party and the CDR party.

21 Q. Thank you, Witness, for bearing with me.

22 MR. KAREGYESA:

23 Your Honours, I have no further questions in chief.

24 MR. PRESIDENT:

25 Yes. Defence, could you indicate, just for the purposes of scheduling, et cetera, how long the cross will  
26 be?

27 MR. COURCELLE LABROUSSE:

28 One hour, one and a half hours, Mr. President.

29 MR. PRESIDENT:

30 Thank you. You may proceed, then.

31 CROSS-EXAMINATION

32 BY MR. COURCELLE LABROUSSE:

33 Q. Good morning, Madam Witness, I am counsel for Mr. Mpambara.

34 A. Good morning, Counsel.

35 Q. I am going to ask you a certain number of questions concerning the events of 1994. I will try not to be  
36 too hard, taking into consideration what you had to live through, but there are some questions that I  
37 have to ask, which seem to me to be quite important.

1 Were you and your family living in Rukara *commune*?

2 A. Yes, that's where we lived.

3 Q. You stated a while ago that you had sought refuge at the parish on the 8th of April; is that correct?

4 A. Yes, that's correct.

5 Q. Could you please tell this Court who were the priests in the Karubamba parish?

6 A. There were two priests, one called Santos and the other one called Melchior.

7 Q. You also told this Court a short while ago there was a health centre. Could you tell us who was in  
8 charge of managing that centre?

9 A. I personally went to the maternity, and the lady who was working there was called Dinah. I wasn't at  
10 the health centre.

11 Q. Very well.

12 MR. PRESIDENT:

13 I hope we have got all these spellings correct. Who was the second priest? What was his name,  
14 again?

15 THE WITNESS:

16 There was Santos and Melchior.

17 MR. PRESIDENT:

18 How do you spell that second name?

19 THE WITNESS:

20 Melchior, M-E-L-C-H-I-O-R, Melchior.

21 MR. PRESIDENT:

22 And the third name was Dinah. Is that D-I-N-A?

23 THE WITNESS:

24 Yes, the third name is D-I-N-A-H.

25 MR. PRESIDENT:

26 Yes, thank you.

27 BY MR. COURCELLE LABROUSSE:

28 Q. Could you tell us the nationality of those priests?

29 A. They were Spanish nationals.

30 Q. You have told us that the maternity in which you were was managed by a certain Dinah, but do you  
31 know whether she had a superior who was, in fact, responsible for that maternity?

32 A. There were Spanish sisters, but I don't know the hierarchy there, whether it was Dinah who was above  
33 the reverend sisters or the other way around.

34 Q. Would you remember the names of those Spanish sisters?

35 A. There were many sisters, but I don't remember all their names, but I remember the one called Theresa  
36 and the other one called Marguerite.

37 Q. Marguerite or Marguerita?

- 1 A. It's Marguerita.
- 2 Q. When you took refuge in the Karubamba parish with your family, who was the one who had taken the  
3 decision to go and seek refuge there?
- 4 A. It was my father.
- 5 Q. Did you know the priests of the Rukara parish well?
- 6 A. Yes, we knew them.
- 7 Q. Did you know them well?
- 8 A. Yes, we knew them well.
- 9 Q. Were those priests close to their parishioners, that is, their Rwandan Catholics?
- 10 A. I do not know personally. What I know is the way me and my family, how we related with them, but as  
11 far as the rest of the population are concerned, I wouldn't tell.
- 12 Q. Specifically regarding your family, did you know them well? Were these people that you and your  
13 family trusted?
- 14 A. I do not know what kind of trust you are talking about, but as we lived together, we trusted with them.
- 15 Q. And when you and your family arrived at the parish on the 8th of April, were there many refugees  
16 there?
- 17 A. Yes, there were many refugees there.
- 18 Q. Did you know at that time whether the refugees hailed from Rukara *commune* or whether they included  
19 refugees from the neighbouring areas?
- 20 A. When I arrived there, I found there refugees from Rukara *commune*, but people were saying that there  
21 were other refugees from the neighbouring *commune* of Murambi.
- 22 Q. Is Murambi *commune* close to the Rukara *commune*? Can you try to describe the locations to us?
- 23 A. I wouldn't say anything beyond the fact that they were sharing borders, so Murambi was next to Rukara  
24 *commune*. They were neighbouring *communes*.
- 25 Q. What this means is that there were people from other *communes* that had come to take refuge at  
26 Rukara.
- 27 A. Yes, as I told you earlier, there were refugees from Murambi *commune*.
- 28 Q. A short while ago, you stated that by your estimate there were about 30,000 refugees?
- 29 A. Yes, that's what I said.
- 30 Q. So these refugees were busy -- or, rather, they occupied the entire area of the Rukara parish?
- 31 A. Those -- those I could see, but they were in different places. There were people in schools, in the  
32 parish, at the sisters' home. They were scattered all over that area.
- 33 Q. The figure that you give represents more than half of the Rukara *commune*, which at the time  
34 represented or totalled 50,000 persons.
- 35 A. I didn't know the number of people in Rukara *commune*. I only mentioned the number of people that  
36 were there present, not bearing in mind what percentage they constituted of Rukara *commune*. All I  
37 said is that there were so many people coming from Rukara and elsewhere.

- 1 Q. I do agree with you, that it is not what you said. But with regard to the question regarding the number of  
2 persons who were there, I just managed to point out to you what was the total population of Rukara.  
3
- 4 You told us a while ago that there had been an attack on the 9th of April.
- 5 A. Yes, there was an attack.
- 6 Q. Do you recall that Father Santos gave you assistance after that attack? In any case, this is what you  
7 stated to the Tribunal's investigators.
- 8 MR. KAREGYESA:  
9 That's a mischaracterisation, Your Honours.
- 10 MR. COURCELLE LABROUSSE:  
11 When I say "helped you," what I mean is that Father Santos gave her a tranquiliser after the attack.  
12 That is what she stated.
- 13 BY MR. COURCELLE LABROUSSE:  
14 Q. Now, do you recall that fact, Madam Witness?  
15 A. It wasn't father Santos. I said it was Father Melchior who gave me some drug when he found me in the  
16 cinema hall in the cinema room -- who administered me a pain killer.  
17 Q. Well, that is not of crucial importance. Well, you are right. I stand corrected, it is Father Melchior who  
18 administered the drug to you.  
19
- 20 So after that attack you went to the maternity; is that correct?  
21 A. Yes, I went there on the 10th, not on the 9th.  
22 Q. Fine and good. So it was the next morning?  
23 A. It wasn't early morning. I went there at about 11 a.m.  
24 Q. Fine. And do you recall who were -- who was the medical -- who was at the maternity when you got  
25 there?  
26 A. The only person I found there was one lady called Dinah, and I have mentioned her name earlier.  
27 Q. Okay. There were no other nurses or paramedics that you saw during those two days that I observed  
28 that you spent there?  
29 A. I didn't see any, any of that personnel except the watchman, perhaps. But I didn't see any other  
30 personnel there.  
31 Q. Okay. I will now move on to the 12th of April where -- or, when you returned to the parish.  
32 A. Yes, I had gone back to the parish.  
33 Q. Even if this situation was rather dangerous, it was possible to move from the maternity to the parish?  
34 A. When I moved from the maternity to the parish, everybody was looking for where to go. So I left the  
35 maternity to go to the parish and there are people who left the parish going into the forests. People are  
36 moving, and it doesn't today mean that there was security because there were *Interahamwe* all over the  
37 place.

- 1 Q. No, I did not say that there was security. When you settled in one of the rooms of the presbytery --
- 2 A. Yes, I went there on the 12th.
- 3 Q. Okay. Is that where Father Santos was living as well as Father Melchior?
- 4 A. There were many rooms, and there were also their own rooms at the presbytery.
- 5 Q. But is that where they were living?
- 6 A. Yes, they were living there at the presbytery. They had rooms there.
- 7 Q. Okay. Did you see the priest in the presbytery that evening?
- 8 A. The only one I saw was Melchior, and I met him going in and he was going out into the yard.
- 9 Q. During that period, take us back to the 8th of April, that's from the 8th to the 12th -- from the 8th to the
- 10 12th of April, did the priests of the parish give assistance to the refugees?
- 11 A. Around -- on the 9th in the morning, they were trying to help people that were inside the church, and I
- 12 don't know what happened on the subsequent days, whether they gave some help to refugees. I
- 13 wouldn't tell.
- 14 Q. So, to move on to my second question, the only person you saw in the presbytery was Father Melchior
- 15 on the 12th of April?
- 16 A. I said on the 12th of April I was moving in; he was moving out into the presbytery yard. I didn't see the
- 17 other one. I wouldn't know whether he was present or not. .
- 18 Q. Fine. In the room in which you had taken refuge, can you tell us whether there were many of you in
- 19 that room?
- 20 A. We are not very many. It was quite a small room, we were about 15 people inside.
- 21 Q. It was a small room. Were you crammed up inside that room?
- 22 A. Yes, that was the case.
- 23 Q. Can you tell us again at -- in what position was that room in the presbytery?
- 24 A. It was -- it was open to the church and the schoolyard, close to the church entrance.
- 25 Q. To enter that room, did one have to pass through what one could call a patio, that is, a small inner
- 26 courtyard that is open, in the open air, but that may have a small room? Did one have to pass through
- 27 a small inner courtyard?
- 28 A. Yes, there was -- there was a small space which was -- which had grass and flowers planted there.
- 29 There was a lawn and flowers before you entered into the rooms.
- 30 Q. Did one enter that small inner courtyard via the road that was parallel to the presbytery and to the
- 31 church?
- 32 A. All the doors open to that -- that patio and there was a small door opening to that place, and there was
- 33 a road that passed by the roads to where vehicles used to pass going towards the garage and you
- 34 would take that one to find your way into the room in which I was staying.
- 35 Q. Okay. What this means is that in order to get into the room in which you were, one needed to go before
- 36 the patio, since the doors were further inside from the patio?
- 37 A. There were two entrances into -- into that patio, one was closed, the other one was the large gate



1 where vehicles used to -- used to, vehicles used to pass towards the garage. And it is the area which  
2 has a lawn that opens to the priests' rooms.

3 Q. During the night of the 12th of April, did the attackers get into the patio of the presbytery?

4 A. I wouldn't know whether they came in the place where I was. They only reached there -- reached it  
5 there the following morning. But the following morning, when I passed through the priests' dining hall, I  
6 saw some dead bodies there and -- but I wouldn't tell whether those people that led the attack actually  
7 came around there.

8 Q. When you came out the following morning, were you able to see whether there had been looting as  
9 well?

10 A. I only saw lots of dead bodies as I went outside. As far as looting is concerned, I didn't see anything. I  
11 only saw some broken glass, and I believe those were due to the explosions of bullets and lots of  
12 people that had died.

13 Q. During that night, while you were in that room, how did you get lighting?

14 A. There were -- there was no lighting. There was no lighting system; it had been disconnected.

15 Q. Well, you said you didn't see the attackers, but how did they get light?

16 A. It was -- there was moonlight outside. If you were inside -- if you were inside you could see people  
17 outside, but as far as the lighting used by the -- those people who attacked, I wouldn't tell. I could not  
18 tell.

19 *(Pages 34 to 40 by Judith Baverstock)*

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1 1220H

2 BY MR. COURCELLE LABROUSSE:

3 Q. Now, talking about the windows of the room in which you were, like the windows faced which  
4 direction -- or, they opened to which direction?

5 A. You would see outside into the parish yard.

6 Q. What do you mean by a parish yard?

7 A. It's an open space which was -- where vehicles used to pass through, and children used to play there.  
8 And there is a road going down to the school and the maternity. It's an open space within the church,  
9 within the parish.

10 Q. That actually is a road, isn't it?

11 A. It's -- it's an open space and through which vehicles can pass. But in front of the parish itself, the parish  
12 building, it was -- it was an open place. It's an open place where there used to be some ceremonies  
13 and so on. But as you go down, and then it narrows down into a road.

14 Q. If I have understood you well from what you explained a while ago, where you were, the refugees were  
15 only attacked on the 13th of April. Can you tell us again at about what time this happened?

16 A. I wouldn't tell what -- what was the time. It was daylight, but I wouldn't give the precise time. It was in  
17 the morning, and it was daylight. I can't give the precision as to what time it was.

18 Q. Could you tell us if it was at dawn or in the later part of the morning, that is, judging from the -- the sun's  
19 position?

20 A. There wasn't much sunlight. And in the room in which I was, you could see a person and recognise  
21 that person, whereas during the night you wouldn't be able to recognise a person. So there was  
22 enough sunlight to -- to show that it was already morning.

23 Q. In the night, you told us a while ago that the persons with whom you were, in any case, you said a boy,  
24 if I understood you well, told you that he had seen the *bourgmestre's* vehicle.

25 A. Yes, he told us. He could stand up and look outside and tell us what was happening around.

26 Q. From where you were, from the position at which you were, did you hear noise made by vehicles during  
27 that night?

28 A. On -- during the night of the 12th, I could hear the sound of a vehicle that was going up and down, that  
29 was going to and fro.

30 Q. But obviously you couldn't tell whether it was the same vehicle that was going to and fro; is that  
31 correct?

32 A. I would only hear the sound of -- of a vehicle going and coming back. I wouldn't be sure whether it was  
33 one or two vehicles or three vehicles, one going up and the other one going down.

34 Q. When people attacked the place at which you were, they threw a grenade; is that correct?

35 A. Yes, they -- they threw in -- they lobbed in grenades.

36 MR. COURCELLE LABROUSSE:

37 I didn't quite hear. I'm sorry, Mr. Interpreter.

1 THE ENGLISH INTERPRETER:

2 Says counsel.

3 BY MR. COURCELLE LABROUSSE:

4 Q. Are you in a position to tell us whether all the people who were with you in the room died except  
5 yourself?

6 A. I was not the only survivor. There are people who died immediately, and there are others who were  
7 injured and died later. But there are other people who didn't die, like me, for example.

8 Q. You told us a short while ago that the room was rather small; is that correct?

9 A. It wasn't a large room. It was a small room, yes.

10 Q. Did the explosion caused by the grenade that was thrown into that small room, but which did not injure  
11 you, from what you heard, that explosion had an effect? Were you deafened -- or, was the sound made  
12 by the explosion deafening to you?

13 A. Yes, it did affect my -- my hearing, yes.

14 Q. Can't you tell us after how much time you were able to come out of that room?

15 A. Because I was sitting down, the people that were caught by the grenade explosion fell on top of me,  
16 and I continued hearing the -- the noise. I wouldn't know whether it was the grenades that were being  
17 thrown against my -- my -- the room where I was or elsewhere. I stayed there, but there were -- there  
18 was too much weight of -- of people on top of me, and I -- I couldn't breathe. So I disengaged myself  
19 and moved outside of the room because I was suffocating.

20 Q. So were there other grenades thrown while you were in this room? I'm not saying that they were  
21 thrown into the room, but were there other explosions?

22 A. The -- the grenades were not being thrown against that room alone, they were being thrown  
23 everywhere, through windows, even in the church. They threw grenades through the windows of the  
24 church.

25 Q. If you can remember, can you tell us how long after those explosions from the grenades did you finally  
26 leave that room?

27 A. I wouldn't know how -- how long I stayed. Because of the noise of the grenade, I sort of lost  
28 consciousness. And when I came to, I felt there was a weight on top of me, and I was suffocating. So  
29 I'm not in a position to -- to tell how long it took me to disengage myself from underneath the weight of  
30 those people that had fallen on top of me.

31 Q. You testified that when the grenade was thrown it was daytime. Am I to understand that the attacks  
32 against the church, or, in fact, against the building, were still continuing in the early morning? Were  
33 people still attacking the church with grenades, or at least the neighbouring buildings?

34 A. It had started at night and continued throughout the -- throughout the morning. So they -- the attacks  
35 didn't stop. It was generalised all over the place.

36 Q. What I really wanted to know was whether, at the time that you regained consciousness and you were  
37 still in that room, you could still hear explosions from grenades.

- 1 A. There was a lot of noise, and -- and I don't know whether it's grenades or gunshots, but that's really all I  
2 could -- I could say.
- 3 Q. Very well. You subsequently left that room, and then you came out of the presbytery?
- 4 A. Yes, that's correct.
- 5 Q. Did you wish to go and see your family, which I believe was in the cinema hall?
- 6 A. Yes, that's correct.
- 7 Q. When you say "cinema hall," was it really a film theatre, or was it used for other purposes?
- 8 A. It was -- it was only for film projections.
- 9 Q. What were -- what was it exactly? Did you have a television set or an actual film projector?
- 10 A. I wouldn't know how they went about it. Sometimes I would see projectors, film projectors. I wouldn't  
11 try to explain what happened in order to project any film.
- 12 Q. How old were you, madam, in 1994?
- 13 A. I was 19 years old.
- 14 Q. And as part of the activities of the parish, did you sometimes go to see films there?
- 15 A. It wasn't a long time after the showing of films were -- was, but there used to be some projections  
16 earlier, and -- but I actually went there. There was a projection of images on the screen. That's all I  
17 could say. But I didn't go there several times.
- 18 Q. Before that room became what you call a cinema hall, do you know what it was used for in the parish?
- 19 A. It -- it was designed to be a cinema hall, but I wouldn't tell whether that -- there was any other use that it  
20 served.
- 21 Q. Very well. So your family had taken refuge in that room?
- 22 A. Yes, that's where they were. That's where they had taken refuge.
- 23 Q. Did you know how many people had taken refuge in that cinema hall?
- 24 A. I -- I could not tell the number, but when I entered later, I found a lot of dead bodies inside that hall, lots  
25 of dead bodies.
- 26 Q. I'm really sorry to have to talk about this, madam, but when you say your family, which members of your  
27 family were in this room?
- 28 A. You mean that is my brothers and sisters and my parents?
- 29 MR. KAREGYESA:  
30 Your Honours, if I understood from the translation, the witness was asking what counsel meant by  
31 "family." She was seeking a clarification.
- 32 MR. PRESIDENT:  
33 Oh, I see. Yes. So she asked a question.  
34  
35 Yes, what did you mean by "your family"? That was her response to you. Yeah.
- 36 MR. COURCELLE LABROUSSE:  
37 *(No interpretation)*

1 BY MR. COURCELLE LABROUSSE:

2 Q. Well, when I said "family," your parents (*microphones overlapping*).

3 A. I meant children born of my father and mother and my -- and my parents themselves and close  
4 relatives.

5 Q. That is your father, your mother, brothers, and sisters?

6 A. Yes.

7 Q. Initially you were not able to reach that location, if I have understood you well; is that correct?

8 THE ENGLISH INTERPRETER:

9 Counsel, come again. Could you ask the question again, Counsel?

10 MR. PRESIDENT:

11 Yes, yes. Could you repeat the question?

12 MR. COURCELLE LABROUSSE:

13 Yes, of course.

14 BY MR. COURCELLE LABROUSSE:

15 Q. My question, madam, was, given that you came out of the presbytery, you were not initially able to  
16 reach the cinema hall?

17 A. I couldn't immediately access to that room because, when I reached outside, it was on fire. And those  
18 who were not dead were rushing out of the -- of the hall, and those who were injured were trying to get  
19 out. So they were fleeing because the -- the cinema hall was on fire.

20 Q. Does that mean that there was an attack going on at that time?

21 A. They -- those people who set the hall on fire had finished setting it on fire, but they were busy  
22 administering blows, machete blows, to those who were trying to flee from the -- from the burning hall.  
23 So they -- the killers were busy cutting people with machetes in the compound while people were  
24 rushing out of the burning hall.

25 Q. Were the killers inside that hall or outside?

26 A. They were outside. They were killing people who were running out of the cinema hall.

27 Q. So people were there on the road?

28 A. They were out there on the road and in the parish compound. The *Interahamwe* were armed with  
29 spears, machete, and big sticks, and people running from the hall were pursued and cut down. That's  
30 what the killers were doing.

31 Q. It was, of course, an atrocious situation, but I think it would have been a situation of panic, people  
32 running about in all directions.

33 A. That was the situation. Instead of being burned down in the hall, people opted to run out at the risk of  
34 being cut down with machetes. People were moving towards the killers, saying, "Well, it's all the same.  
35 Instead of being burned to ashes, you can as well kill us out here."

36 Q. I suppose that there was a lot of screaming, people who were shouting?

37 A. It was a horrible situation. There were cries, children who have been abandoned by their mothers.

1 They were -- the *Interahamwe* themselves were making a lot of noise as they were killing, and there  
2 was the -- there were ululations. It was beyond description.

3 Q. And you, yourself, did you run?

4 A. When I realised that I had nowhere to flee, there were no signs, there were killings, so I stayed in one  
5 place, and I waited transfixed in one place. But they kept running in all directions. I remained in one  
6 place, and I could see that others -- people were being killed whether they run or not, so I remained in  
7 one place.

8 Q. Could you specify exactly where you were?

9 A. I was standing in the front of the garage exit near the cinema hall. I -- where I came there, trying to get  
10 to the cinema hall, then I found people running out, and I stayed there.

11 Q. Very well. A short while ago, you explained to us that during this incident you saw Jean Mpambara  
12 arrive.

13 A. Yes, I saw him.

14 Q. Where was he coming from?

15 A. How do you know where he was coming from? I saw him in the parish compound. I didn't tell where he  
16 was coming from.

17 MR. PRESIDENT:

18 I don't recollect her saying that she saw him arrive, just that she saw him.

19 MR. COURCELLE LABROUSSE:

20 Very well, Mr. President.

21 BY MR. COURCELLE LABROUSSE:

22 Q. *(No interpretation)*

23 A. After a while, after the arrival of Mpambara, the people who were chasing the victims around stopped a  
24 bit. And Mpambara talked to them and said, "You have all the weapons. What are you doing with  
25 them? I see people still alive."  
26

27 And after a while, when there was no more smoke in the cinema hall, I entered that hall.

28 MR. PRESIDENT:

29 Counsel, we wish to take a short break now, about maybe less than 10 minutes, and we will then  
30 continue to hear your cross-examination.

31 *(Court recessed from 1251H to 1306H)*

32 MR. PRESIDENT:

33 Yes. Unfortunately, Judge Lattanzi is engaged in other important Tribunal business, and in her  
34 absence we will continue to sit under 15 *bis*, Rule 15 *bis*.

35

36 Yes.

37

1 BY MR. COURCELLE LABROUSSE:

2 Q. Yes, madam, I shall resume where we left off.

3

4 Regarding the presence of Mr. Mpambara, I seemed to hear you say under examination-in-chief that  
5 Jean Mpambara had come at a distance. So, could you specify whether, when you were heading  
6 towards the cinema hall, was Jean Mpambara already there, or did he arrive at that time?

7 A. He arrived at that time.

8 Q. Agreed. That is why I put the question to you a while back. Do you remember where Jean Mpambara  
9 was coming from, or came from?

10 A. I do not know which direction he was coming from. I saw him when he was near me, and I was still  
11 debating on which way to take. I was looking in all directions, and I did not know which direction he  
12 was coming from.

13 Q. He was on foot by then?

14 A. He was in a vehicle.

15 Q. Agreed. So the vehicle, if it arrived at the same moment as you did, I'm not misrepresenting what you  
16 said.

17 A. No, it wasn't the same time. But I -- when he came, I was already standing where he was.

18 Q. Agreed. So Jean Mpambara arrived after you; isn't that correct?

19 A. Yes. I was there looking at people who were running helter-skelter, who were being killed. I was  
20 wondering which way to take, and that's when I became transfixed in the place I was. I was not looking  
21 at -- just in one direction to -- I was actually -- I was actually in a desperate position, and I thought I was  
22 going to be killed. So I could not observe where I -- where he was coming from.

23 Q. I understand fully the circumstances, but he did arrive by car, nonetheless?

24 A. Yes, he arrived in a vehicle.

25 Q. When one is in a motor vehicle, on the road running alongside Karubamba parish, you can come from  
26 which direction?

27 A. At the parish compound, there is one road that comes from the maternity ward, but there were many  
28 roads behind the parish. You can't know which direction it's coming -- one is coming from. I saw him  
29 parked there. I don't know whether he was coming from the maternity or from behind the parish  
30 because there all these roads can meet at the parish compound.

31 MR. PRESIDENT:

32 You said you saw him parked there. Now, when you first got a glimpse of him, was he parked or was  
33 the vehicle moving?

34 THE WITNESS:

35 I saw him when the vehicle had just stopped.

36 MR. PRESIDENT:

37 Did you see the vehicle moving to the position where it came to a stop?

1 THE WITNESS:

2 I saw him where he stopped, but he was facing the lower side of the hill towards the maternity ward.

3 MR. PRESIDENT:

4 The point is, did you see the vehicle moving before it came to a stop?

5 THE WITNESS:

6 No.

7 MR. PRESIDENT:

8 So when you first caught a glimpse of him, then the vehicle was stationary?

9 THE WITNESS:

10 Yes. It was station -- stationed facing the maternity ward.

11 MR. PRESIDENT:

12 So why do you say he came from somewhere?

13 THE WITNESS:

14 It's simply because when I was coming out, I did not see the vehicle in that position.

15 MR. PRESIDENT:

16 All right. Thank you.

17 MR. COURCELLE LABROUSSE:

18 Mr. President, I think I heard the witness say -- answer, "When he arrived, I was already at the place  
19 where I was."

20 MR. PRESIDENT:

21 Yes, yes, carry on. I --

22 MR. COURCELLE LABROUSSE:

23 Q. Which, for me, to my mind, means, madam, that you saw the vehicle moving, or at least at the very end  
24 of its movement.

25 A. Well, I saw the vehicle when it had stopped, when it was parking. I did not say that I saw the vehicle  
26 arrive. I did not say that. I saw which direction the vehicle came from.

27 Q. But you did mention the maternity.

28 A. I saw that -- I said that the vehicle was facing the maternity ward.

29 Q. Does that mean when you say that it was facing the maternity ward that the front of the vehicle was  
30 pointed towards the maternity ward?

31 A. That's correct.

32 Q. Very well.

33

34 When -- you told us before that -- just before that you went to the cinema hall.

35 A. After a while, when there was no more smoke in the cinema hall, that's when I went there.

36 Q. Were any members of your family in that cinema hall at that time?

37 A. I told you that they were there.



1 Q. Were those members of your family alive?

2 A. They were dead.

3 Q. I heard them a while back ask you who were your -- the members of your family who were dead in that  
4 cinema hall. Can you specify for us who the members of your family were who died there in that  
5 cinema hall?

6 A. Do you want to know their number? Do you want to know their names? It's -- the question's not clear.

7 MR. PRESIDENT:

8 We are in an open session.

9 MR. COURCELLE LABROUSSE:

10 Not their names because we are in open session.

11 BY MR. COURCELLE LABROUSSE:

12 Q. The relationships only.

13 A. There was my father, my mother, my younger brother -- my younger sisters, and my brothers.

14 MR. COURCELLE LABROUSSE:

15 Mr. President, could we go into closed session at this point, please?

16 MR. PRESIDENT:

17 Will the rest of your cross-examination be --

18 THE ENGLISH INTERPRETER:

19 Microphone, Mr. President.

20 MR. PRESIDENT:

21 Will the rest of your cross-examination be in closed or will you want to come back into the open  
22 session?

23 MR. COURCELLE LABROUSSE:

24 This part would be in closed session, but the end will be back in open session. We will come back to  
25 the open session. That is my answer.

26 MR. PRESIDENT:

27 So are you not able to organise your cross-examination in such a way that you complete the open  
28 session and then we go into closed and wind down? Is that possible or not possible?

29 MR. COURCELLE LABROUSSE:

30 Well, then, we can do it all in closed session. That would be more -- simpler.

31 MR. PRESIDENT:

32 You -- does the Prosecution have any position on this?

33

34 No?

35 MR. KAREGYESA:

36 No, Your Honour.

37

1 MR. PRESIDENT:

2 No? All right, then, we go into closed session and --

3 So can members of the public please kindly vacate the public gallery.

4

5 We are now moving into a closed session.

6 *(At this point in the proceedings, a portion of the transcript [pages 50 to 61] was extracted and sealed*  
7 *under separate cover, as the session was heard in camera)*

8 *(Pages 41 to 49 by Ann Burum)*

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## CERTIFICATE

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

\_\_\_\_\_  
Sherri Knox

\_\_\_\_\_  
Jean Baigent

\_\_\_\_\_  
Judith Baverstock

\_\_\_\_\_  
Ann Burum