

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

THE PROSECUTOR
OF THE TRIBUNAL
v.
JEAN MPAMBARA

MONDAY, 9 JANUARY 2006
0900H
CONTINUED TRIAL

Before the Judge:

Jai Ram Reddy, Presiding
Sergei A. Egorov
Flavia Lattanzi

For the Registry:

Ms. Marianne Ben Salimo
Mr. Sheha Mussa

For the Prosecution:

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

For the Accused Jean Mpambara:

Mr. Arthur Vercken
Mr. Vincent Courcelle Labrousse

Court Reporters:

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

I N D E X

WITNESS

For the Defence:

GANUZA LASA SANTOS

Examination-in-chief by Mr. Vercken 4

PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning, and welcome back, and, on behalf of my colleagues on the Bench, I would like to wish
4 you all a happy New Year. And unless there are any issues, we could begin.

5

6 I assume the Defence wish to make an opening statement. Do you wish to make an opening statement
7 or will you examine the witness straightaway?

8 MR. VERCKEN:

9 *(No interpretation)*

10 MR. KARAGYESA:

11 If it pleases Your Honours, maybe before the Defence leads their first witness, there are two
12 housekeeping matters that we wish sorted out or brought to the attention of the Chamber. The first
13 relates to Your Honours' orders of 14th December last year relevant to Defence Exhibit 17A, the
14 Gacaca proceedings from Rukara *secteur* -- *commune*. On the 14th of December, Your Honours, you
15 enjoined the Prosecution to procure authenticated copies of those records relevant to Witness AHY and
16 the Prosecutor did so. And on Friday last week, on the 6th of January, we disclosed to the Chamber
17 and to the Defence the said authenticated records as requested. In the circumstances, we request that
18 sufficient records be formally adopted on to the record as exhibits.

19 MR. PRESIDENT:

20 Give me a second, my headphones -- will you be so kind as to repeat?

21 MR. KAREGYESA:

22 I was drawing to the Chamber's attention the fact that the Prosecutor has complied with your orders of
23 the 14th of December 2005, and has procured the authenticated records of the Gacaca proceedings of
24 the Rukara *secteur* relevant to the testimony of Prosecution Witness AHY. These records were
25 disclosed to the Chamber and to the Defence on the 6th of January 2006, which is Friday last week,
26 and the Prosecutor is now requesting that the said records be formally adopted onto the record in this
27 case as exhibits. That was point number 1. And for the benefit of Your Lordships, I will ask the registry
28 to show Your Honours the hard copy of said documents that were disclosed last week. I am assured by
29 the registry that you have copies, Your Honours. What I am suggesting is that the copy I am handing to
30 the registry now be formally admitted onto the record.

31 MR. PRESIDENT:

32 Well, I see no objection to that. Does the Defence have anything to say on this?

33 MR. VERCKEN:

34 *(No interpretation)*

35 MR. PRESIDENT:

36 I am not getting all that in English. So what is the problem?

37

1 MR. KAREGYESA:

2 Your Honours, English is on channel 3.

3 MR. PRESIDENT:

4 Yes, I am afraid you will have to say all that all over again.

5 MR. VERCKEN:

6 That's okay. Mr. President, I was saying that as a matter of fact we did not receive the documents last
7 Friday, only 15 minutes ago, and Mr. Mpambara's Defence team has not been able to read the
8 documents and neither have we been able to carry out any in-house or unofficial translations of the
9 documents because they are in Kinyarwanda. Therefore, we are going to make our comments known
10 subsequently when we would have perused the document.

11 MR. PRESIDENT:

12 Yes, I am just wondering whether we can't deal with this at a later stage, perhaps after they have had
13 an opportunity to look through that document. It does appear to be a mere formality if the documents
14 have been authenticated.

15 MR. KAREGYESA:

16 Yes, Your Honour, and maybe just to add that the order was made under Rule 98 with the possibility
17 that these could, indeed, be Chamber exhibits as opposed to party exhibits. But I have no objection to
18 granting the Defence time to acquaint themselves with the documents.

19 MR. PRESIDENT:

20 Yes, yes. All right, we will deal with this issue at a later stage after you have had an opportunity to look
21 through the documents.

22 MR. KAREGYESA:

23 The second housekeeping matter, Your Honours, relates to my personal circumstances. I will be
24 excusing myself from the Chamber to attend to a sick child. In order not to disrupt proceedings, I
25 propose that the examination-in-chief of the witness continues in my absence, but respectfully request
26 that the cross-examination be stood over to tomorrow morning to enable me to be in attendance to
27 cross-examine this witness. Unfortunately, Ms. Mobberley, trial attorney, was taken ill while on home
28 leave and has delayed her return on medical grounds. She would have been in a position to
29 cross-examine the witness in my absence. But in the absence of Ms. Mobberley I am requesting that
30 my application be granted. Most obliged, Your Honours.

31 MR. PRESIDENT:

32 How long will the evidence in chief take?

33 MR. VERCKEN:

34 I think it would not be a problem because this witness -- in any case, the examination-in-chief of this
35 witness should continue even tomorrow morning so it's quite possible and easy for the Prosecutor to
36 conduct his cross tomorrow morning.

37

1 MR. PRESIDENT:

2 All right. Thank you for that. We will now commence the witness's evidence.

3 MR. VERCKEN:

4 Much obliged, Mr. President. And on behalf of Defence team for Mr. Mpambara, I would like to extend
5 to this Court, the Bench, as well as the Prosecution team, our best wishes for the year 2006. Now, I
6 would like to place on record that this witness wishes to waive the protective measures concerning him
7 and wishes to testify openly, not under a pseudonym.

8 MR. PRESIDENT:

9 Yes, thank you for that. But I think the witness should now take his solemn declaration -- should be
10 sworn.

11 *(Declaration made by Ganuza Lasa Santos in French)*

12 THE WITNESS:

13 And, if you wish, I can make it in Kinyarwanda for those who are listening.

14 THE ENGLISH INTERPRETER:

15 And now the witness speaks in Kinyarwanda.

16 MR. VERCKEN:

17 I would like to come back to the witness's desire to waive the protective measures concerning him and I
18 pray you to order that the protective measures be waived.

19 THE WITNESS:

20 I prefer to speak in open court so that everyone would know that I am the one testifying, because the
21 testimony will be lengthy and precise so that everyone will know that it is me testifying. Why hide
22 something that everybody will ultimately know? We, rather, have to speak about this in open court.

23 MR. PRESIDENT:

24 Thank you very much for that.

25
26 But before we do that, do you have his personal particulars set out on a form, just as the Prosecution
27 did, so that we know who he is, where he lives, what he does, what he did? Do you have that?

28 MR. VERCKEN:

29 Mr. President, I am going to forward to you the first two pages of witness statement given by this
30 witness to the Prosecutor.

31 MR. PRESIDENT:

32 No, you don't have the personal details set out in the way in which the Prosecution did and those
33 statements can just be exhibited. I suggest you do that for your future witnesses so that it makes for
34 some efficiency.

35 MR. VERCKEN:

36 Frankly speaking, Mr. President, I intended indeed to do so, but since the witness was very categoric
37 about waiving the protective measures, I thought that the information would appear on the record

1 directly.

2 MR. PRESIDENT:

3 Yes, all right. Well, I suppose in this case you can elicit those details from him now. But his desire to
4 waive the protective measure is granted, so you can proceed on the basis that he is not a protected
5 witness.

6 GANUZA LASA SANTOS,
7 first having been duly sworn,
8 testified as follows:

9 EXAMINATION-IN-CHIEF

10 BY MR. VERCKEN:

11 Q. Witness, kindly tell this Court your names and date of birth.

12 A. Let me start by thanking you for allowing me to testify for the Defence of the *bourgmestre*. As far as I
13 am concerned, it is a mark of trust in me. Let me thank you for accepting me to testify on his behalf.
14 My name is Santos Ganuza Lasa. I was born on 31st of October in Navara, in Spain.

15 Q. Please tell this Court what your occupation is.

16 A. I am a missionary priest. I have been a missionary priest since 1954. So I have been in this
17 occupation for 52 years.

18 Q. So Father Santos –

19 A. *(No interpretation)*

20 MR. PRESIDENT:

21 Well, we are not getting that in English.

22 MR. VERCKEN:

23 Mr. President, you want the witness to repeat?

24 THE WITNESS:

25 I am a missionary of the Sacred Heart of Jesus and Mary. It is a Spanish congregation in Majorca.
26 And I am saying Majorca because there are three groups with the same name, so we are obliged to
27 add the name of the place where the congregation was founded. And I have been a member of that
28 congregation for 52 years now.

29 BY MR. VERCKEN:

30 Q. Please tell us what is your current occupation.

31 A. Well, I am retired. I am 77 years old. However, I am based in Yaoundè, or around Yaoundè, in a
32 centre which we are setting up, a training centre in the valleys. And my role is to place the institution on
33 track for now.

34 Q. Father Santos, what is at issue before this Court is what concerns the period 7th to 16th of April 1994.
35 Can you tell this Court what was your duty at the time?

36 A. At the time, I was the parish priest of Rukara parish. At that time, I was practically alone because my
37 colleague had a car accident on the 8th of January, and he died. He was my colleague. And there was

1 another person assigned as an emergency measure to accompany me, but, actually, I was the only
2 person having responsibility over Rukara parish.

3 Q. Father Santos, please tell this Court for how long you were in Rwanda on mission.

4 A. I arrived in Rwanda on the 26th of May 1967. That is, I was about 30 years at the time. I worked at
5 Kiziguro parish, which was nearby Rukara. Subsequently, I was transferred to Rukara parish, and then
6 to the Butare training centre. Subsequently, I went again to Kiziguro once more and the second time in
7 Rukara when the events occurred.

8 Q. So when the 1994 events occurred, you were the parish priest of Rukara parish. For how long had you
9 been the parish priest of that parish?

10 A. I had been a parish priest in Rukara for two years. I worked there for the second time from 1992, and
11 since I had served there already for eight years, it was a sort of continuation of my work.

12 Q. Please tell this Court who was the *bourgmestre* of Rukara parish -- of Rukara *commune*, correction, in
13 1994?

14 A. Let me start by making a clarification. I am not a politician. I served as a priest, a missionary with the
15 people, such that if you asked me things concerning politics or the supervision of politicians, I am
16 completely ignorant of such things. But I had adequate relations with the *bourgmestre*, but that is all. It
17 seems my mission was different. I knew him because we were neighbours; we often met. But I do not
18 remember having ever gone to his house for a meal or a drink. But our relations were cordial, each in
19 his own sphere.

20 Q. Witness, please tell us what was the name of that *bourgmestre*?

21 A. His name was Jean-Baptiste Mpambara.

22 Q. Do you see that person in this courtroom today?

23 A. You want me to point at him?

24 Q. Yes. Actually, I am asking you where he is.

25 A. Well, since it's been ten years since I last saw him, perhaps he has changed. But if he raises his hand,
26 well, I may be able to identify him.

27
28 No, I do not know whether he is the one. I am under oath to say the truth. Is it you? Is it him? If he is
29 the one, let him please stand up. Now that he is on his feet, yes, but he has changed quite a lot. He
30 has changed a great deal. Now I can see him because, looking at him, he does not look like the
31 dynamic and courageous man of old.

32 Q. Father Santos, on several occasions you have spoken in Kinyarwanda. Kindly tell us whether that is a
33 language whether you mastered.

34 A. Saying that I mastered Kinyarwanda is saying too much, but saying that I understand it quite well and
35 that I can speak it well, yes. And I actually used it as the sole language of communication with the
36 people for more than 20 years.

37 Q. Father Santos, please tell us what was the staffing strength of your mission and the facilities of that

1 mission in Rukara in April 1994.

2 A. Well, looking at the trend of the political issues and the war, we received assistance from Spain to
3 construct school buildings. And we were actually in a haste to use up all the money before the disaster,
4 which would have caused us to lose the money, because we said that money used to construct a
5 building will be more useful than liquid cash. So in 1992, 1993, and 1994, we were employed in
6 development activities; that is, building schools and chapels during that three-year period. You see, we
7 were afraid of losing everything so we were rapidly trying to make use of all the money we had
8 received. So we were really busy attending to development issues.

9 Q. If I were to tell you that apart from the church itself and the presbytery, your duties were basically at the
10 health centre, is that correct?

11 A. Yes, we were involved in working in a leather factory and we produced leather goods; and that is what I
12 did for more than ten years.

13 Q. Besides that parish and the health centre at that factory, is it correct to say that your congregation was
14 in charge of schools and that -- was in charge of the population of Rukara?

15 A. We were the people who built most of the buildings. We had a contract with the government to the
16 effect that if we built schools, the government would provide teachers.

17

18 Is it not true, Mr. *Bourgmestre*?

19

20 That is how we came to build beautiful schools, very good schools that were capable of providing
21 education. We built nine classrooms in Rukara. We also built schools in -- six classrooms in
22 Rwimishinya, and in Gahini we built nine classrooms, and in Ryamanyoni we started building, but we
23 didn't know how far we went. We built a chapel in Juru. We also built a chapel near Gahini. We were
24 not able to complete those buildings. We also had a sorghum mill for the population. Then we had the
25 leather factory. Apart from the health centre, I would like to say that we disbursed the funds, but to
26 avoid problems we built outside the parish grounds, but the building was the property of the
27 government.

28 Q. Father Santos, can you tell us how many clerics were with you in Rukara in 1994, as well as your
29 (*inaudible*) to the best of your knowledge?

30 A. I do not remember names properly. I only remember faces. I recall events, but as regards names I
31 may be wrong. As you have seen, I had a problem identifying Mr. Mpambara. One of my colleagues
32 was Melchior. He came to assist me in February. At the health centre was a sister called
33 Theresa Canaves. She was in charge of the maternity, not the dispensary. There was another sister,
34 whose name I can remember. I believe her name was Maria.

35 MR. PRESIDENT:

36 Can we have those two names spelt for the record?

37

1 MR. VERCKEN:

2 Of course, Mr. President.

3 BY MR. VERCKEN:

4 Q. Father Melchior is spelt, of course, M-E-L-C-H-I-O-R, and Sister Theresa Canaves is spelt as follows:
5 T-H-E-R-E-S-A space C-A-N-A-V-E-S, C-A-N-A-V-E-S.

6

7 Father Santos, you have just told us that there had been another priest with you for a short time, that
8 there were other clerics including Sister Theresa. Can you tell us whether Sister Theresa was alone or
9 she was accompanied by other religious, and can you give us their names?

10 A. She was accompanied by two Spaniards. I do not remember their names. One of them was the head
11 of the nutritional centre for children and mothers. The other was a nurse and she assisted at the health
12 centre. I believe her name was Marguerite, and Maria Dorette (*phonetic*), but I am not very sure of
13 those names. At least I can tell you where they were working.

14 Q. Right. Thank you, Father Santos, for telling us about your duties at the time and the staff members who
15 were in the congregation in Rukara parish.

16

17 This brings us directly to the period that is of interest to the Tribunal, which started the morning of the
18 7th of April 1994. We shall to the best of our ability try to go through the events in a chronological
19 manner, Father Santos. But, by way of introduction, I would like to ask you whether during that
20 time-date period, from the 7th of April, you met the *bourgmestre*, Mr. Mpambara?

21 A. I would, first of all, like to point out that I came here to testify in the defence of
22 Mr. Jean-Baptiste Mpambara. I would not like to answer any questions that fall out of that period, either
23 before or after that period. If I have accepted to come and give evidence, it is only in respect to that
24 week from the 7th to 14th of April. I would like to point out that from the 7th of April we met several
25 times a day with Mr. Mpambara, and he was one who usually came two or three times a day to meet
26 us. And during our meetings, we specified the strategy of our work, our actions.

27 Q. I thank you. Let us start with the morning of the 7th of April 1994. Could you, first of all, tell the
28 Chamber how that morning started? Did it start as usual or were there any particular events which you
29 were aware of?

30 A. At 6:30 in the morning, the reverend sisters went to Kigali. They were stopped on the way, in Kayanza,
31 and they returned to the parish. They came to inform me that the president had been killed. I got that
32 information at 6:30 in the morning. At that time I just started saying mass, and I noticed at 6:30 already
33 that there were refugees in front of the church. That was at 6:30 a.m. I do not know, but when I went
34 out they looked out -- I didn't know what was happening. After the mass --

35 Q. Father Santos, I would like you to bear in mind that there are interpreters translating what you are
36 saying, so please try to speak more slowly. I myself have problems getting used to this approach of
37 working. If you do not speak slowly, the Tribunal will not be able to understand what you are saying

1 and those taking notes will not be able to do so.

2 A. Right.

3 Q. Returning to the event, how did you understand that the people you referred to were refugees? I mean,
4 the people you saw when you came out of mass.

5 A. At 7:30 a.m. when I came out of the church after mass I went to see those people who were in front of
6 the church, some 20 metres in front of the church. I spoke with them, and they told me they came from
7 the border with Kiziguro. That was a region that was very much affected. They said that at night their
8 homes had been attacked by people. Since they were afraid, they had left those homes to seek
9 protection in the parish. And then the *bourgmestre* arrived.

10 Q. Before we get there Father Santos, can you tell the Chamber -- first of all, I will spell Kiziguro for the
11 stenographers. Spelt as follows: K-I-S-I-G-U-R-O (*sic*).

12
13 Father Santos, can you tell the Chamber where it was situated in relation to the parish and the entire
14 Rukara *commune*? Where was Kiziguro situated, in the north or in the south?

15 THE WITNESS:

16 Both.

17 MR. NYIRINKWAYA:

18 (*Microphone not activated*)

19 MR. PRESIDENT:

20 (*Microphones overlapping*)

21 MR. VERCKEN:

22 I will spell it out again because I replaced Z with an S. It's K-I-Z-I-G-U-R-O, Kiziguro, Kiziguro.

23 THE WITNESS:

24 Kiziguro is about 22 kilometres from Rukara from the church. Rukara shares a boundary in the west.

25 That's a -- it's on the border with Murambi *commune*. And there are about -- that border is about
26 20 kilometres long.

27 BY MR. VERCKEN:

28 Q. Father Santos, does that mean that Kiziguro is in Murambi *commune*? Is that correct?

29 A. Yes. Kiziguro is the name of the parish and Murambi is the name of the *commune*. That was the case
30 at the time. I don't know whether the situation has changed.

31 Q. Thank you. You started telling the Chamber that, at the time, you had discussions with those people,
32 and while you were talking to them, Mr. Mpambara, the *bourgmestre*, arrived. Can you
33 continue, Father?

34 A. I would rather say we were holding a dialogue, not discussing. I thought they were exaggerating. I tried
35 to calm them down. And then the *bourgmestre*, Mr. Jean-Baptiste Mpambara, arrived, and he himself
36 started dialoguing with those people and showing interest in the events that occurred that night. He
37 spoke for perhaps half an hour trying to gather information. Once he was informed of what had

1 happened, he came to dialogue with me. I mean, the *bourgmestre*. And we know that he decided to
2 visit the entire Rukara *commune* to see with his own eyes what was happening in the field and to find
3 out what was causing the refugees to move. There were about 50 of them. After the dialogue which
4 we had there were already several hundred of refugees. The *bourgmestre* decided to go into the field
5 to observe what had happened one region at a time. He first went to Gahini. He sent the IPG to go
6 with me. We were accompanied by police officers.

7 Q. I will stop you here, Father. Is it correct to say that on that morning of the 7th of April, 9:00 a.m., is it
8 correct to say that at the end of your discussions with the *bourgmestre*, Mpambara, there were already
9 hundreds of people who had carried -- who had fled and gathered in the church grounds; it was decided
10 that you should visit the *commune* and you had to do the work as part and team with the judicial police
11 inspector and that you were accompanied by police officers? Can you tell us the means of
12 transportation you used to visit those parts of the *commune*, if you did visit them?

13 A. The *bourgmestre* commandeered the van of the *commune*, and I used the van of the parish.

14 Q. Father Santos, according to you, what time was it approximately when the teams parted company in
15 order to go on a tour of the *commune*? At what time was it on the morning of the 7th of April?

16 A. It must have been about 9:00 a.m.

17 Q. Did you actually visit the *commune* with the criminal investigation officer and the police officers, and
18 what did you observe?

19 A. We went up Rukara *colline* and we observed that many hills had already been destroyed. We saw
20 people -- or had been looted. We saw people transporting chairs and tables. We went up to Kawangire
21 *secteur*.

22 Q. Let me spell those names: K-A-W-A-N-J-I-R-E (*sic*).

23 BY MR. VERCKEN:

24 Q. Witness, could you continue telling the Chamber what you were able to observe in Kawangire *secteur*
25 that morning on the 7th of April?

26 A. The first thing was that it was very silent, and one would have thought that nature itself had gone silent.
27 We had been told that someone had been killed, but at that time we were not able to ascertain that.
28 We could see the youths going out with sticks trying to defend we don't know what. But all the houses
29 were closed. We could see people on the streets, and those youths were to be feared. Before we got
30 to Rwimishinya --

31 Q. I will stop you there in order to spell that name. It's spelt as follows: R-W-I-M-I-S-H-I-N-Y-A.

32 A. We could see a house whose front door had already been removed. Those were the first refugees who
33 arrived in the parish. Somewhat later, further on, I met with the *bourgmestre*, who had already visited
34 the parts he had to visit.

35 Q. Father Santos, can you tell us who accompanied the *bourgmestre* in his tour?

36 A. I am not in a position to specify. I do not see very clearly, that is why I do not recognise people. But I
37 do know about the events, the acts. He was accompanied by two police officers. He was the person at

1 the steering wheel. We stopped on the main road. We stopped on a path leading to the main road to
2 Rukara. That was at Rwimishinya. That is where we met with the *bourgmestre* -- if you remember,
3 Mr. *Bourgmestre*?

4 Q. Mr. Witness --

5 MR. PRESIDENT:

6 Before we go on, could you just clarify something for me? At what time did the *bourgmestre* arrive at
7 the parish?

8 THE WITNESS:

9 He arrived no later than 9:00 a.m. because I came out of mass at about 7:30 a.m. I went to meet the
10 refugees. I spoke with them. They were coming one after the other and we met with each of them,
11 asked them what had happened to them. So it was during that meeting after 8:00 a.m., about 8:00 a.m.
12 in the morning that the *bourgmestre* also arrived to find out what had happened. So it was between
13 8:00 a.m. and shortly before 9:00 a.m.

14 MR. PRESIDENT:

15 And at precisely what time did you leave the parish to go on this tour of the area to see what had
16 happened?

17 THE WITNESS:

18 Perhaps 9:00 a.m., 9.30 a.m., no later than 9:30 a.m. since at 11:00 a.m. we were already back in the
19 parish.

20 MR. PRESIDENT:

21 And did the *bourgmestre* and his party leave at the same time as you? Before or later?

22 THE WITNESS:

23 What did you say, they left, what? Yes, we went in two different directions. He went towards the east,
24 and I went towards the west. I know nothing more.

25 MR. PRESIDENT:

26 Yes. What I asked you was whether you left at the same time.

27 THE WITNESS:

28 At the same time and immediately.

29 MR. PRESIDENT:

30 Thank you for that.

31 JUDGE EGOROV:

32 Mr. Witness, you mentioned that there was a conversation between the *bourgmestre* and refugees for
33 about 30 minutes.

34 THE WITNESS:

35 Yes. Yes.

36 JUDGE EGOROV:

37 Could you recall what the *bourgmestre* told the refugees?

1 THE WITNESS:

2 I would say that he said nothing. He listened. He gathered information. He wanted to find out whether
3 what they were saying was true or not, or to what extent what they were saying was true. That is what I
4 could gather, because in order to find out what was happening you didn't have to say anything. Before
5 he knew what was happening, he didn't have to speak.

6 BY MR. VERCKEN:

7 Q. Witness, let us go back to the meeting regarding your tour of the various *secteurs* in Rukara. You say
8 you met the *bourgmestre*, Mpambara -- before we talk about that I have one question to put to you.
9 Can you tell the Chamber what was the ethnic group of the criminal investigations inspector of Rukara,
10 if you know his name?

11 A. It is not easy to remember him officially, but I can recognise him through his gestures, the way he acted
12 before the people. I understood that he was Tutsi.

13 Q. Can you tell us approximately what time it was when you again met the *bourgmestre*,
14 *Bourgmestre* Mpambara, that morning on the 7th of April? For how long had you been on the tour
15 when you came across his vehicle?

16 A. At least for an hour, because we stopped at each crossroads when we found people in order to gather
17 information and to find out the origins of the disturbances in Rukara *commune*, a *commune* which had
18 been well known for being peaceful. At that time, we were surprised to observe that such a calm,
19 peaceful *commune*, was disrupted so quickly.

20
21 I would like to say something which I understood. In Kawangire we were told that somebody from
22 Rwamagana had crossed the lake in a canoe to inform people in Kawangire and to pass on I don't
23 know what, but they were met by people from Rwamagana.

24 Q. Mr. Witness, I don't understand what you are saying. Can you be more specific with regard to the
25 information you are giving the Tribunal? What was the message passed on by people from
26 Rwamagana to people at Kawangire.

27 A. I observed two things. First of all, I observed that Rukara *commune* was known to be a peaceful
28 *commune*. At that time we were trying to find out who had disrupted the peace in Rukara *commune*.
29 As regards the message you are referring to, I cannot say exactly what the message was but it was a
30 message inciting people to attack Tutsi. And in Rwimishinya those people came from Kiziguro
31 *commune* and they themselves, those people who came from Kiziguro, were those who attacked the
32 first houses in the Rwimishinya.

33 MR. PRESIDENT:

34 (*Microphones overlapping*)...spellings.

35 MR. VERCKEN:

36 Those names have already been spelled, apart from Rwamagana. The last name hasn't been spelt. I
37 can spell it if you wish. You mean Rwimishinya? R-W-I-M-I-S-H-I-N-Y-A.

1 BY MR. VERCKEN:

2 Q. You told us that your tour of the *secteur* had lasted about an hour and that it ended at about 11:00 a.m.
3 Can you tell us what time it was when you met the *bourgmestre*, approximately?

4 A. I would like to answer another question: What was the attitude of the *bourgmestre* regarding meeting
5 me? As for the time, it was 10:00 a.m., 10:30 a.m. The *bourgmestre* came out of his car on to the road
6 and dialogued with the people on the street. He wanted to be close to them. And at that time some
7 boys came out through a small street with sticks, and the *bourgmestre* drove them away, drove all of
8 them away: "Go back home. Try to be at peace in your homes. Don't cause any disorder. Go, go."
9 He himself drove those boys, sent them back to their homes.

10 Q. During that discussion with the *bourgmestre* on the road, did you compare notes with him regarding the
11 outcome of what you have observed?

12 A. Yes.

13 Q. And, Witness, please, what did the *bourgmestre* tell you about his own talk? Do you remember?

14 A. Yes, I remember that the IPG who was with me talked about 34 persons killed, but the *bourgmestre*
15 talked about a few casualties, three or four persons killed in Gahini. That was the outcome of his
16 personal inspection that morning. He was talking about three or four persons killed. But we said there
17 was no one killed. No one was injured when we were making our rounds.

18 Q. Did you share any other information with him at that time?

19 A. That was all. I no longer remember because it was information regarding the overall state of the
20 *commune*.

21 Q. Now, what was the decision taken?

22 A. We went back to the parish to see into the matter concerning the refugees, and there we found a
23 crowd.

24 Q. Father Santos, please tell us what you mean by "we." Are you referring to you and the *bourgmestre*, or
25 are you referring to yourself? What is the "we" you are referring to? Is it referring to you and the
26 *bourgmestre*?

27 A. No, I am saying the two of us, because we used the same road to return. We passed through the same
28 locations. So logically speaking the two vehicles stopped in front of the groups of refugees who were in
29 the church courtyard. So the "we" refers to the two vehicles.

30 Q. Please tell us the time you arrived there.

31 MR. PRESIDENT:

32 Before we go back to the parish, Father, you said that the IPG who was with you talked about
33 34 people having been killed.

34 THE WITNESS:

35 Yes, in Gahini.

36 MR. PRESIDENT:

37 And is that information he gathered during the tour with you, and if so, where from, or who from?

1 THE WITNESS:

2 He got that information from his house when he arrived there, because there is a long distance from
3 one region to the other. So, at that time, he had his suspicions. I would say "suspicions" because I
4 could see him talking about things which were not correct. He was trying to calm down people by
5 saying, "You know, there are already 34 people dead. That is enough." So I thought then that he was
6 exaggerating in order to tell people to calm down, that there were already enough casualties. Also, I
7 remember that because he did not even have time, as he was saying, "I did not even have time to take
8 my breakfast, but you are already having your stomachs full with all the cows you have slaughtered."
9 But, you see, it was not logical that you would kill a cow at 8:00 a.m. and by 9:00 a.m. you were already
10 having your stomach full. So it was just a way of exaggerating to let the people to calm down.

11 MR. PRESIDENT:

12 And did the *bourgmestre* tell you how he found out that three or four people were killed? Did he see the
13 dead bodies, or was he told?

14 THE WITNESS:

15 It was information he got in Gahini. I cannot know whether he saw the dead bodies or not. It was
16 information he had gathered in Gahini.

17 MR. PRESIDENT:

18 Yes, thank you.

19 BY MR. VERCKEN:

20 Q. Father Santos, kindly tell us what was the approximate time, and what was the situation when you and
21 the *bourgmestre* arrived at Rukara parish?

22 A. I think, you know, I am saying so because at the time I did not look at my watch, but taking into account
23 the trip we had made, it was about 11:00 a.m. It was necessary to get a solution to the problem. The
24 refugees were in the courtyard and it was necessary to provide some sort of accommodation for them.
25 So I opened the doors of the catechist's house so that they could get in.

26 Q. Are you in the position to give a number, even an estimate of the number of refugees at your parish as
27 at 11:00 a.m. on the morning of the 7th of April?

28 A. I do not think they exceeded 300 persons because all of them were able to get into the two main halls
29 of the catechist's home. Since all of them were comfortably settled, I would say they were not more
30 than 300 as at 11:00 a.m. because there would be another influx, as we would see subsequently.

31 Q. So you settled those people in the premises. And was the *bourgmestre* with you at the time?

32 A. No, the *bourgmestre* returned to his office because he had some work to do gathering information
33 coming from all the *secteurs* of the *commune*. So he left us.

34 Q. For how long was he with you to observe the presence of the refugees when you returned from your
35 talk?

36 A. Perhaps 30 minutes.

37 Q. During that day, the 7th of April, subsequent to 11:00 a.m., did you see *Bourgmestre* Mpambara again?

1 A. Of course, yes. He came every now and then to find out the situation. By the afternoon, there were
2 already more than 1,000 refugees, and already the rooms of the catechist's home were already full. So
3 in the afternoon, we opened the other rooms which were within the parish premises. We opened
4 another room which was known as the video room. It was a conference room so to speak, and there
5 we were able to settle those who could not get space in the catechist's office.

6
7 And I wanted to prepare something to give to those people to eat, but because of the flurry of people
8 seeking shelter I was busy the whole day such that on that day, there was nothing to eat, nothing to
9 drink. I spent my time receiving people and gathering information, and when evening fell, we realised
10 we had not prepared any food.

11 Q. Father Santos, please tell us, as far as you remember, during that period of year in Rwanda and
12 especially in Rukara, when was nightfall?

13 A. Nightfall in Rukara was from as early as 6:15 or 6:30 p.m. and by 7:00 p.m. it was already completely
14 dark.

15 Q. You said that subsequently during that day of the 7th of April, *Bourgestre* Mpambara came back to
16 the parish premises to gather information on several occasions. Am I correct?

17 A. Yes, you are. He was particularly interested in knowing what the situation was.

18 Q. Do you have any specific recollection of what went on during those visits, how they were conducted?

19 A. Well, the visits entailed questioning people, not making a speech to the entire group. He interviewed
20 the people individually so as to find out from them how the events had occurred to each and every one
21 of them.

22 Q. Father Santos, were you informed of the outcome of the individual discussions the *bourgestre* had
23 with those people and about the information he was able to gather from them concerning the reasons
24 for their flight?

25 A. Of course. He dialogued with me with a lot of regrets, because he felt some sort of powerlessness,
26 inability to master the situation, and he underscored the problem of theft because the first complaint
27 was the looting of the property of those people.

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

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2 BY MR. VERCKEN:

3 Q. Did you yourself talk to the refugees?

4 A. Of course. That was the first thing I did with each small group that came in each family. I sought to
5 know their story.

6 Q. Generally speaking, where did the refugees come from? Did they come from a particular location?

7 A. They came from everywhere, even from Murambi *commune*, Kiziguro parish. There were some people
8 who came and sought refuge in our parish. There were family members of Protestant pastors. And I
9 received the Protestant pastors, their wives and children, in my house. And from Kiziguro there were
10 people who came. Those who were nearer to us came and sought refuge at our place. But most of
11 them came from Murambi *commune*, Kiziguro parish.

12 Q. Did they tell you why they were fleeing?

13 A. The reasons were the same. When you see a neighbour being attacked you would flee before your
14 house is attacked, so they usually fled in order to save what they could save.

15 Q. You said that the first refugees came from Kiziguro, so am I correct to state that the first refugees came
16 from Murambi *commune*?

17 A. Yes, it was located 10 kilometres away.

18 Q. As far as you know, was it a *commune* well-known for peace and tranquility as was the case with
19 Rukara *commune*?

20 A. No, Rukara had always been considered as a quiet and peaceful *commune*. Given that the events
21 started off in Kiziguro and the first refugees started in 1990, and there were displaced persons very
22 near the parish numbering as much as 100,000, Murambi *commune* was more affected by the events
23 and by the tragedy.

24 Q. Is it correct to state that the displaced persons you are referring to were people who had been settled in
25 camps in the *commune* of Murambi because of the October 1990 war?

26 A. I am the one who received the first refugees of the war on the 3rd of October 1990. I went and met
27 them. They had sought refuge at the hospital, and I shouted in front of them, "Those who are injured
28 should stay here, and those who are not injured should come with me." And on the 3rd of October I
29 took them to the church and they settled in front of the church in Kiziguro.

30 Q. According to you, why is that in April 1994 the people from Murambi were going towards Rukara
31 *commune*?

32 A. It was because of the distance. Rukara was very close and also enjoyed the reputation of being a very
33 calm and peaceful *commune*. Because going back towards Kiziguro was to get caught up in fire
34 because there were other refugees there and they would have met with refugees of a different ethnic
35 group.

36 Q. Witness, were there any events of significance on the night of the 7th to the 8th of April 1994?

37 A. Perhaps it was that night, perhaps. No, I do not think so. I think it would rather be another day. On

1 that day there was no event because we, the priests and religious figures, organised a meeting that
2 evening to study the ways of providing food to those people. First and foremost it was necessary to get
3 the necessary pots. To prepare food, we needed wood for fire and foodstuffs also. So that night we
4 decided that the reverend sisters, who had nutrition centres would provide me all the food they had in
5 their centres so that I could distribute the food to the refugees, because given that there were people
6 there who were refugees and who could not prepare food for themselves, we told them that the
7 following morning we would give them food.

8 MR. PRESIDENT:

9 These refugees who had gathered there, Reverend, by the end of that day, the 7th, which ethnic group
10 did they belong to? Can you give us some idea?

11 THE WITNESS:

12 The great majority or all of them were Tutsi.

13 BY MR. VERCKEN:

14 Q. Now, let us move to the day of the 8th of April. What do you remember concerning that day? At what
15 time did you get up? What were your first activities for that day?

16 A. Well, on that day we got up as usual at 5:15, 5:30 a.m.

17
18 And when I got out I realised that the entire courtyard was full of new refugees. There were already in
19 excess of 1,000. So the first thing we did then was to discuss with the sisters on how to give food to the
20 refugees. We decided to make two categories of refugees; those who had come the previous day, we
21 decided to give them food immediately. Each of them received a glass of maize flour, and for children,
22 each child had five small biscuits. That was all. No, we gave beans also. So we gave a glass full of
23 maize flour and a glass full of beans. Concerning pots, neighbours of the same ethnic group came with
24 pots and they started preparing food. In the meantime, all those who were coming were allowed to
25 enter the church. We told them, "You can get into the church, but try to be respectful", that is all,
26 because I did have no other space. On the morning of the 8th of April, I think, the families of Protestant
27 pastors came in and I received them at home and I gave them rooms. Each family had a room.

28 Q. Did you see *Bourgmestre* Jean Mpambara on that day, the 8th of April?

29 A. Yes, he came at about 10:00 a.m. to see what the state of affairs was. I remember all that because I
30 told him, "Mpambara, if you cannot adequately protect the refugees of the parish, if the refugees are
31 killed by the crowd, then beware because your Hutu agreement (*sic*) is lost. The entire world will see
32 these images and you will have nothing to say, nothing to do." He looked at me, stopped, and told me,
33 "Could you make such a statement before a *sous-préfet* because perhaps a statement made by a white
34 man would be more powerful than what I would say?" So I told him, "Yes, I agree to go with you and
35 repeat that before the *sous-préfet*." So at about 2:00 p.m. we went to Rwamagana.

36 MR. PRESIDENT:

37 All this is very important information you are giving us, but you're going far too rapidly, and the record

1 may miss all this out which would be a great pity, wouldn't it. So could you please slow down and go
2 back and repeat what you just told us about what the Accused said to you.

3 THE WITNESS:

4 Let me come back to what we said to one another at about 11:00 a.m. on the 8th. I told him "If you
5 cannot protect the refugees at the parish, and if the refugees are attacked by the population, and if the
6 refugees are massacred by the population, you are cause -- the cause of the Hutu would be lost for
7 good. Those images will be aired the world over, and your cause will be lost." So he stopped and
8 looked at me in a pensive mood. And a few seconds afterwards he asked me, "Would you dare be
9 making such a statement before the *sous-préfet*?" And I told him "yes". So we had a discussion, and
10 at 2:00 p.m. we went with the *bourgmestre* to Rwamagana.

11 BY MR. VERCKEN:

12 Q. Father Santos, according to you, why did the *bourgmestre* wish that you, the parish priest, should make
13 the statement before the *sous-préfet*?

14 A. He said, "Statements made by a white man would be more powerful than if the statements were made
15 by me. So if you can repeat your statements it would be more powerful."

16 Q. Father Santos, your aim of going to Rwamagana on that day was it to secure the protection of the Tutsi
17 refugees in the parish or to convince the *sous-préfet* who was the administrative authority?

18 A. Of course, the goal was to seek the protection of the refugees and it was the same set objective of the
19 *bourgmestre* to defend the refugees. Once again, we did not have the strategies in our minds. We
20 were simply trying to respond to the events as they were unravelling.

21 Q. Where did you meet with the *bourgmestre* in order to go to Rwamagana on the 8th of April?

22 A. At about 2:00 p.m. he came for me in his vehicle, and together we drove off to Rwamagana, located
23 25 to 35 kilometres away. We did not meet the *sous-préfet*, so we talked with the commander. I'm
24 sorry, I'm not able to remember the names. We talked with the Rwamagana commander.

25 Q. Father Santos, was the commander a military commander?

26 A. He was a military commander. He was the head of all the soldiers of the Rwamagana region.

27 Q. Was his office in Rwamagana?

28 A. In the military camp premises.

29 Q. Was the military camp near the *sous-préfet*'s office?

30 A. It was about 50 to 100 metres from there.

31 Q. Can you tell us what happened when you went to meet the commander?

32 A. Of course, we informed him of all what had happened at Rukara. The *bourgmestre* -- or, rather, the
33 military commander was surprised that such a calm *commune* as Rukara could have experienced such
34 disturbances. I repeated my words to him to the effect -- and after which the *bourgmestre* asked me to
35 go out, and then they prepared the strategy for defending the refugees. But that was for the 9th. I will
36 stop here. After that we returned home, but the *bourgmestre* did not tell me what the strategy was. He
37 told me nothing. We went back because I had to receive -- welcome the refugees. I didn't have time to

1 wait here and there.

2 Q. Can you tell us approximately how much time it took to go from Rukara to Rwamagana?

3 A. The distance by road is about 15 kilometres. If you took a difficult or even impossible road, which
4 cannot be plied by vehicles -- or (*unintelligible*) vehicles -- that road can only be plied by big vehicles
5 and it would take about half an hour.

6 MR. PRESIDENT:

7 Before we go there, it is not very clear to me why the *bourgmestre* asked you to go out, presumably out
8 of a room or an office, while he and the military commander worked out a strategy for protecting the
9 refugees. Can you tell us?

10 THE WITNESS:

11 I find it normal. Military officers are soldiers and a strategy cannot be made public. That wouldn't be a
12 strategy. That is why I understood they had to prepare it in a confidential manner. And I was not an
13 authorised person concerned with military matters. That is what I could understand. I found it normal
14 that between them they would draw up such an action strategy in secret.

15 MR. PRESIDENT:

16 But did they say to you why they wanted you out or are you drawing your own conclusions?

17 THE WITNESS:

18 Yes, this is my own conclusion. They did not tell me anything. They told me they wanted to be alone,
19 so I left. We did not go in together. He first went in alone and spoke with the commander at length,
20 and then he called me in to tell the commander what I had to say. So I said what I had to say, and then
21 I went out again and left them to continue speaking with one another.

22 JUDGE EGOROV:

23 Do you find this situation normal?

24 THE WITNESS:

25 I haven't quite understood the question. Are you referring to the reaction of the *bourgmestre* in asking
26 whether it was normal? I haven't quite understood your question.

27 JUDGE EGOROV:

28 My question is: Do you find it normal that this very important issue was discussed without you?

29 THE WITNESS:

30 Quite normal. For instance, the *bourgmestre* had to inform the commander of the most affected areas.
31 Perhaps he had to inform him of secret issues that were of no interest to me. So I understood that
32 information regarding the death toll and the conflict was not something to be discussed openly. So I
33 found that very normal.

34 JUDGE LATTANZI:

35 I have one question for you: Since you were the person in charge of the area in which the refugees
36 were, did the *bourgmestre* inform you in general terms, and perhaps not in details, of the strategy
37 designed to protect refugees in the area which was under your jurisdiction?

1 THE WITNESS:

2 I cannot answer that question, but what I know is that there was a military *cellule*, no police officers
3 involved, in front of the refugee camp; that is, in front of the parish grounds, at the entrance. So there
4 was a post of four soldiers. There was a market opposite, so they put a makeshift office and they put
5 four soldiers there. That was opposite the road leading to the parish. And they had to keep an eye on
6 the entire parish and the courtyard. So there were four soldiers with submachine guns stationed there.
7 That is what I could see. They were posted there on the 8th, which means that that same day, the first
8 strategy, even though they didn't tell me about it, was to station soldiers in front of the refugees about a
9 hundred metres from the church.

10 JUDGE LATTANZI:

11 Thank you.

12 MR. PRESIDENT:

13 Yes.

14 BY MR. VERCKEN:

15 Q. The words you repeated to the commander, were they the same words you uttered before the
16 *bourgmestre* a little earlier which had prompted him to take you along with him to go and see the
17 authorities?

18 A. They were the same words, the same words, but the reaction, if you know Rwandans, is to hide their
19 feelings. You wouldn't know whether he was in agreement or not. He listened and that is all. At that
20 time I repeated what I had said, but at least I know that he heard my words.

21 Q. I didn't quite understand what you said, Father Santos, whether they asked you expressly to leave or
22 you inferred that what they were going to say did not concern you.

23 A. They made a sign that I should go out. They said now that I should go out. I understood that that office
24 did not belong to me and that I had no right. I had been allowed to go in and say a word or two. And
25 after saying what I had to say, I normally had to go out. That is why I left, I went out.

26 MR. PRESIDENT:

27 If I can ask you a question on this subject: While you put a very innocent construction on that request,
28 is it not equally consistent that they should ask you to go out if they were up to no good insofar as the
29 Tutsi population was concerned, and the desire not to wish you to know?

30 THE WITNESS:

31 Not at all. Not at all. Because if you are a psychologist, you do not only have to listen to what is being
32 said, but you look at the spontaneous reactions of people, the small gestures, or words which reveal
33 what is deep down. And, in that regard, I did not have any feeling whatsoever that they had any hostile
34 feelings towards the refugees. At no time did I have such a feeling. They just made me understand
35 that I was free. I never had that feeling at all in Rukara *commune*. I felt no suspicions. Throughout
36 those events, I did not suspect that they would harbour such sentiments at all.

37

1 MR. PRESIDENT:

2 Yes, thank you for that clarification.

3 BY MR. VERCKEN:

4 Q. To go further, Father Santos, during the events, did you have the impression that
5 *Bourgmestre* Mpambara was playing a double game with you?

6 A. I can say that in the same house there was a colleague who was against me, the one who came after
7 me, Father Melchior. He was against me. Right there I was being contradicted because he was only
8 surrounded by the refugees and only listened to refugees. At that time, he was the spokesperson of
9 those refugees and he attacked me and the *bourgmestre*. In that regard, I will say that that wasn't the
10 first time, but it helped me to adopt a proper conduct. As I said earlier, from the psychological
11 standpoint you have to be conscious of how the person is behaving. In the gestures of the
12 *bourgmestre*, I could see at all times the commitment to defend the refugees. He was not anxious to
13 see -- he didn't want to see anyone else being killed. He said he didn't want to be involved in this
14 matter and wanted to go, but later on he said, "I am the *bourgmestre* and I have to say." So he felt
15 helpless. I made the situation -- he wanted to flee but his conscience and his sense of responsibility
16 obliged him to hold out. Whether he came to relay events to me, I could have that presentiment, I could
17 feel that deep down. He could see himself being accused as a *bourgmestre* and he felt powerless
18 because of the situation. He felt like fleeing in order not to be involved but, on the other hand, he felt
19 obliged to stay -- in order to live up to his responsibilities.

20 MR. PRESIDENT:

21 When did he make that last statement that he was minded to flee, but he had a responsibility and, out
22 of a sense of responsibility, he was staying? Can you tell us exactly when he made that statement to
23 you?

24 THE WITNESS:

25 I am unable to give the exact date, but I can say where that was; it was at the crossroads. He was
26 returning from one of his tours in the *commune*. He was passing in front of the main road leading to the
27 *commune*, that is Gahini, and I was at that crossroad. And I greeted him and I asked him to give me
28 information. It could possibly have been on the 8th because after that the events occurred very quickly
29 and it was not possible to go back. It was probably on the 8th at the intersection in front of the sisters'
30 convent. And he stopped and told me he was very discouraged and overtaken by the events.

31 BY MR. VERCKEN:

32 Q. Father Santos, let us go back to the beginning of what you said in answer to the President's question
33 when you said that with you was someone who contradicted you, Father Melchior, who echoed the
34 opinions of the refugees. I would like to properly understand your position on this issue. Is it correct to
35 say that -- because of this contradiction from Father Melchior, you increased your vigilance and mistrust
36 vis-à-vis the *bourgmestre*? You observed him more carefully to determine whether he was playing a
37 double game or that contradiction. Did it make you more realistic?

1 A. Yes, you are right, because there was a contradiction in my own group. That contradiction obliged me
2 to observe all the details, all the circumstances that could have underpinned a double game. And at no
3 time did I have any suspicions.

4 JUDGE LATTANZI:

5 What was Father Melchior telling you, thereby contradicting your confidence in the *bourgmestre*?

6 THE WITNESS:

7 He said that the *bourgmestre* and myself had consulted one another to leave the parish and had gone
8 to inform the opposition so that it should attack because -- "Each time you and the *bourgmestre* leave
9 the parish there are attacks and people are killed among the refugees." And I told him, "Of course, you
10 see us leaving -- he sees us leaving the parish for Rwamagana. He knows that there are religious
11 authorities and administrative authorities. At that time the attackers feel free when we leave." And to
12 say that we consulted one another was a pure fabrication. And I went out with the *bourgmestre*. We
13 had to go out. As to what happened after we left, that is not my business.

14 BY MR. VERCKEN:

15 Q. Father Santos, the President asked you to give the date on which the *bourgmestre* told you how he
16 was discouraged and wished to flee, and you pointed out that it must have been on the evening of the
17 8th of April. Now, you have just said that Father Melchior blamed you for the attacks that were carried
18 out when you left to go to Rwamagana -- when you left the parish to go to Rwamagana, which means
19 that on the 8th of April the attacks against refugees had already been carried out and refugees had
20 died. When did that attack take place? Would it take place later?

21 A. Refugees left the parish grounds which are five acres large. The attackers, the assailants, respected
22 those grounds, that is where the maternity, the school, the catechism facilities were situated. Any
23 refugees who left the grounds were at risk. Some refugees returned with cattle. There were about
24 500 head of cattle on the parish grounds. They had to take the parish -- the cattle to graze and give
25 them water. Those who left the parish grounds were wounded. There were even some who were
26 killed, but that was outside the parish grounds and not inside the parish premises.

27 Q. To the best of your recollection, Father Santos, can you tell the Chamber, what was the situation in the
28 parish grounds? How many refugees were there, in your opinion?

29 A. There were probably already about 3,000 refugees; I counted the babies and there were 300 of them
30 aged under two, there were 600 school children under 12. I reckoned that there were about
31 3,000 refugees. I counted the number of children because they had to be given special food. We had
32 little biscuits. On the first day we gave them five biscuits. The second day we gave them three
33 because we looked at the numbers and the quantity of biscuits we had. And on the third day we gave
34 them two biscuits. You cannot eat everything in one day. That is why I had to count the number of
35 children, babies and adults.

36 Q. Father Santos, can you tell us how that night of the 8th, that is Friday night, 8th to the 9th of April
37 unfolded? Were there any peculiar events?

1 A. Not much. It was already nightfall. Everyone had already eaten. We had given food out to all of them.
2 And all of the refugees had withdrawn to their quarters such that there was no one in the courtyard. I
3 was in front of the church talking to someone, I don't remember very well. So there were two soldiers
4 came around. They were monitoring the situation. They went into the catechism rooms and turned off
5 the lights. All the women and children shouted. They feared the worst. They thought the soldiers were
6 going to do something. I ran to the door and I asked, "What is happening?", and they shouted. The
7 soldiers who saw me, turned on the lights again and smiled, and they left. I heard that there were
8 charges of rape; none occurred. The lights were turned off for no more than five seconds. I ran
9 immediately and the soldiers, smiling, left. I told them "Don't do anything stupid here." That was
10 probably on the 8th, because on the 9th the situation deteriorated.

11 Q. Father Santos, I would like you to know that there is some water before you and if you need some have
12 a drink since you are talking a lot.

13

14 I would also like you to know that whenever you feel tired you should tell the Chamber.

15

16 Can you tell us what the situation was at the health centre? Were there already refugees at the health
17 centre?

18 A. All the Tutsi refugees had already left the health centre, and the health centre was practically shut
19 down. At the time, all the wounded refugees who came from outside, since the people who came to
20 seek refuge in the parish, were discovered by groups that attacked them and tried to kill them. I myself
21 I saw some people wounded in the arm and in the head, running -- not towards the health centre
22 because there was nobody there, but towards the maternity because it was at the maternity that the
23 sisters provided care to all casualties. But all the workers at the health centre had left.

24 MR. PRESIDENT:

25 What date are we talking about now, is it on the 8th?

26 MR. VERCKEN:

27 My questions had to do with the 8th of April, the evening of the 8th of April and the situation in the
28 health centre, Mr. President. What I intend to do now is to move on to the 9th.

29 MR. PRESIDENT:

30 It might be a convenient time to take a morning tea break, and the reverend will have had some rest.

31 We will resume at half past 11:00.

32 THE WITNESS:

33 Thank you.

34 *(Court recessed at 1058H)*

35 *(Pages 15 to 22 by Roxane Meena)*

36

37

1 (Court resumed at 1132H)

2 MR. PRESIDENT:

3 Yes, we will continue hearing the reverend.

4 MR. VERCKEN:

5 Mr. President, I'm being told right now that, in order to ease the organisation of the work of the witness
6 protection section, it will be necessary to inform you that the next witness, RO1, also waives the
7 protective measures, which entail remaining in the safe house while in Arusha.

8 MR. PRESIDENT:

9 Yes. Thank you for that information.

10

11 We will pass that on to the protection -- witness protection.

12 BY MR. VERCKEN:

13 Q. Father Santos, could we now move to the day of Saturday, 9th of April, 1994, which was a long day?

14

15 Please tell this Court what went on on the morning of Saturday, 9th of April, as far as you, parish priest
16 of Rukara parish, are concerned.

17 A. Let me start by mentioning something I forgot to mention on the 8th of April and which is linked to what
18 is going to happen on the 9th.

19

20 The public taps which were in front of the parish were broken, so we could not get water. On the 8th I
21 tried to do some repairs on the taps, and the refugees were able to get water from the public taps. But
22 given that they did not know what this tap was -- they thought it was like a fountain on which water
23 would flow ceaselessly -- and given that there were about 500 cows, on the same day the water was
24 exhausted. So in the evening of the 8th, the refugees came and told me that there was no water. I had
25 a tank used for the house chores, so I decided to close the public section, retaining only water for
26 emergency use. Otherwise, I would have exhausted all water, and there would not have been any
27 water available even for cooking. (*Microphones overlapping*)

28 Q. Well, Father Santos, since you are mentioning this issue, it's better for you to go to the end of the
29 description. You talked about public water. Try to give us information on how all the facilities of your
30 religious community received water supply.

31 A. The public water supply was quite recent. It had just been on for a few months, such that people at the
32 time did not know what a tap or faucet was. And they did not even know how to open or close the tap.
33 They would open the tap, and water would flow continuously.

34

35 Now, for us. Since the tap had just been set up at the time for our personal use, we had rainwater
36 which we collected from the roof of the house. It was the water we used.

37 Q. Father Santos, you collected the rainwater from the roofs and in what you referred to as a tank --

1 A. (*Microphones overlapping*)

2 Q. -- am I correct?

3 A. Yes.

4 Q. Kindly give us the number of tanks you had within your parish premises and the various facilities
5 therein.

6 A. There was one tank with the capacity of 20,000 litres for the house. There was another tank which I,
7 myself, manufactured at the dispensary. It was also of a capacity of 20,000 litres. There was another
8 one in the maternity.

9

10 But given that the people did not know how to use tap water, they opened the tap and let the water flow,
11 so the water would flow only for a few minutes.

12 Q. When you explained that there was public water available, am I correct to state that for some months a
13 device had been set up such that the tanks will not receive water only from rainwater from the roofs but
14 also water from another source or a spring?

15 A. Probably. We had not talked about this at the time. It was still very recent. They thought that the
16 facilities, namely, the dispensary, the maternity, and the house, that we had enough water. And we
17 thought first and foremost about providing water to the population. We did not get into a normal
18 thinking.

19 Q. Let me be clearer in my question. Were there pipes which were used in filling up the tank of your
20 parish, or did you have water from any other source than the roofs?

21 A. No, we did not have any pipes. We succeeded in setting up a tap in front of the parish in order to be
22 used by the people. But it was not connected to the house at that time.

23 Q. Very well. So the sole device used in providing public water on which the *commune* managed was the
24 one which was in front of the parish used by the refugees, correct?

25 A. Correct.

26 Q. Thank you.

27

28 Now, perhaps we can come back to the question I had put to you earlier on, that is, to know how you,
29 the parish priest of Rukara, experienced the morning of the 9th of April 1994. What was the situation
30 and what were your activities?

31 A. The first thing we had to do with the sisters was to prepare food for 3,000 people, and with the cases of
32 illnesses, all the problems of refugees. So the first thing we did on the morning was to distribute food.
33 And in order for this to be done properly, we obliged everyone to get into the church. Then they would
34 leave one after the other to receive what was given to them by way of food.

35

36 And this was in order to prevent the situation where we would be overwhelmed. Everybody would stay
37 within the church. There were 3,000 of them. We told them, "You will not be suffocated. Just hang on

1 for a few minutes."

2

3 So all those who were there then started coming out one after the other. And each of them received a
4 glass of maize flour, a glass of beans, and small biscuits for the children. This took us about -- more
5 than two hours. In other words, we started at 8 and continued up till 10 o'clock distributing food in order
6 for it to be done in an orderly manner.

7

8 Afterwards, I immediately went off to check into the water problem. Personally, I went single-handedly
9 to where the engine was located some 3 kilometres away.

10 Q. When you talk about water, what water are you referring to, the public water supply connected to the
11 tap --

12 A. *(Microphones overlapping)*

13 Q. -- is that correct?

14 A. Yes, there was a spring located 3 kilometres away and on which the *commune* had set up a very new
15 engine. So realising that there was no water, I went to the pump operators in order to ensure that the
16 pump was functioning. So I said that someone had deliberately sabotaged the pump. So I tried, but in
17 vain. That was already about 11 o'clock.

18

19 I left that place and went back to the parish. I was informed that soldiers had arrived and were on the
20 Rukara hill, so I immediately decided to go and reinforce the actions of the soldiers in order to
21 encourage them. They had come to calm down the population and to encourage the population to stay
22 indoors.

23 Q. Father Santos, kindly tell us how you moved about.

24 A. I had my car, my pickup, and I moved about probably alone.

25 Q. Please tell us who told you that there were soldiers on Rukara hill.

26 A. Those who were there could see the road leading to Rukara. The people passed in front of the
27 *commune* and went down to the *colline* with the *bourgmestre*.

28 Q. Who went to the Rukara hill with the *bourgmestre*? *(Microphones overlapping)*

29 A. When I arrived there, where is the -- *(microphones overlapping)*.

30 Q. Father Santos, try to listen to me properly. What is important is that what you are saying should be very
31 clear. I'm asking you to make the efforts to give the names of the locations and persons in full in your
32 sentences and statements so that your statements will not be misconstrued.

33

34 So when you single-handedly attempted to get the engine running, you said refugees in the parish
35 where you had gone back told you there were soldiers near the parish; am I correct?

36 A. Four kilometres away -- *(microphones overlapping)*.

37 Q. So is that correct?

- 1 A. That is correct.
- 2 Q. Did the refugees tell you what soldiers there were?
- 3 A. There were soldiers who come from Rwamagana.
- 4 Q. Did the refugees tell you whether the soldiers were accompanied by another authority and, if yes, who
5 the authority was?
- 6 A. No. They simply told me that soldiers from Rwamagana had come.
- 7 Q. Very well. What else did they tell you regarding the presence of soldiers which led you to go to the
8 scene?
- 9 A. Of course, I was supporting all pacification actions, so the awareness that they had come to pacify the
10 population according to what we had talked about on the eve in Rwamagana. And we had requested
11 military action to pacify the population, knowing that they were there. So I was told of that, and I
12 wanted to strengthen the action. That is why I went to see them, not knowing where they were, but I
13 just went down the road they had taken.
- 14 Q. Do you use your vehicle?
- 15 A. Yes, the parish pickup.
- 16 Q. So when did you meet the people, especially the soldiers?
- 17 A. Yeah. I cannot give the specific location, but when going down Rukara hill, to the right on a small slope
18 there were about 300 soldiers sitting on the ground. And in front of the soldiers, there was the
19 commander. There was another high-ranking officer. Three of the soldiers were carrying machine
20 guns, and beside them was the *bourgmestre*.
- 21 Q. Witness, this is a very significant moment. I would ask you to speak slowly so that the interpreters
22 would be able to interpret and everybody would take note.
23
- 24 Now, the situation that you are describing at the time when you arrived there, am I correct to state that
25 there were military authorities there accompanied by armed persons as well as the *bourgmestre* who
26 were facing 300 men seated?
- 27 A. Yes.
- 28 Q. Who were those 300 people sitting in front of -- or, facing the military authorities and the *bourgmestre*?
29 What did they look like? What was the apparent intention?
- 30 A. Their intention was the -- an invitation from the *bourgmestre* to inform the population. It was not a rally
31 in preparation for an attack. They were there probably because they had been invited by the
32 *bourgmestre* for a dialogue with the military authorities of Rwamagana. That was my impression.
- 33 Q. What did you observe -- what did you witness at that time? How did the events unravel
34 chronologically? And, once again, kindly describe the events as slowly as possible.
- 35 A. When I arrived there, they were speaking. The military commander of Rwamagana was speaking. So I
36 stood to the right of Mpambara, and I remember that we had just heard that we had a new government.
- 37 Q. Witness, who were you talking to at the time?

1 A. I was talking to Mpambara, the *bourgmestre*. And I said, "The watchword of the new government is
2 'peace.' Everybody has to go back home."

3

4 So since I was whispering into Mpambara's ears, he stood up and loudly repeated the statement to
5 everybody. He said, "We have a new government. Please calm down. Go back to your homes and let
6 us all await the directives and instructions from the new government. So, for the moment, everybody
7 should go back home."

8 Q. Then what happened subsequently? Did the crowd react to Mr. Mpambara's statement?

9 A. There were reactions. I still remember the echoes I received, the feedback I received: "If we do not kill
10 the Tutsis, the Tutsis will kill us. So we have to take the upper hand."

11

12 Do you remember that, *Bourgmestre*? Because I don't remember that. At the time they were insisting
13 on the authorities to come and -- (*microphones overlapping*).

14 Q. But, Witness, who then took the floor?

15 A. The *bourgmestre* and the commandant.

16 Q. What did they say?

17 A. They said the same thing. They were calming the people down and asking them all to return home.

18 Q. And what was reaction of the crowd?

19 A. The crowd stood up and picked up their machetes and sticks, so the military authorities became afraid.
20 Then the commandant then turned towards me and told me, "There's nothing for us to do here. Let us
21 leave this place. They threatened me and even the *bourgmestre*. But haven't you realised that the
22 people who were sitting stood up and faced the authorities? It was a way of revolting. So this -- these
23 people are revolting against us, so there is nothing for us to do. This is a huge crowd."

24 MR. PRESIDENT:

25 Some of the details are not very clear. We have the picture of soldiers, I'm not sure how many soldiers,
26 and at least three were carrying machine guns. And then we have a crowd of would-be attackers. No, I
27 think you should get all those details on to the record, where were they, how many in the crowd, and so
28 on. Otherwise, this is a pretty obscure picture.

29 BY MR. VERCKEN:

30 Q. Father Santos --

31 A. (*No interpretation*)

32 Q. -- we certainly understand that we should be as clear as possible before this Court so that when the
33 record will be read it will be as clear as possible. Accordingly, I'm asking you, once again, to very
34 clearly tell us who were the authorities present, what were the soldiers who were present there, and
35 what their weaponry was.

36 A. Well, I can say that there were two major military authorities without weapons, the commander and
37 another officer.

1 Q. Witness, how did you recognise them?

2 A. By their attire and ranks. But I cannot specify whether it was a commander, a captain, or a lieutenant.

3 Q. But amongst the two authorities, were you able to recognise the commander with whom you had
4 chatted the previous day?

5 A. I recognised the commander. I spoke with him. I greeted him because he had recognised me.

6 Q. So those two officers, were they accompanied --

7 A. They were accompanied by at least two soldiers armed with machine guns, perhaps three, but not more
8 than three.

9 Q. When you --

10 A. *(Microphones overlapping)*

11 Q. -- say "machine guns," were they sub-machine guns?

12 A. Yes.

13 Q. *(Microphones overlapping)*

14 A. There were small Kalashnikovs.

15 Q. Witness --

16 A. *(No interpretation)*

17 Q. -- let me put this question to you, because I am being told that you are speaking too fast, unfortunately,
18 and the court reporters are appealing (sic) to record my questions and your answers because you are
19 moving too fast.

20

21 So alongside the two officers and two or three soldiers armed with sub-machine guns, is it correct to
22 state that there was *Bourgmestre* Jean Mpambara, yes or no?

23 A. He was beside the commander.

24 Q. Now, if I count the authorities present, including the soldiers, I would say there were four or five. So
25 those four or five people, the two officers, the two or three soldiers, and if we add the *bourgmestre*, it
26 would be five or six -- *(microphones overlapping)*.

27 A. And there were also policemen accompanying the *bourgmestre*.

28 Q. Thank you very much for this clarification.

29

30 So there were two policemen accompanying the *bourgmestre*?

31 A. Yes. They were armed.

32 Q. That would give a figure of four or five armed persons; is that correct, Witness?

33 A. Yes.

34 Q. So were they standing beside the crowd or were they facing the crowd?

35 A. They were facing the crowd on a road -- on the road. The crowd was sitting on the slope, and all those
36 people were standing on the file on the road, and the *bourgmestre* was standing behind that first row.

37

1 JUDGE EGOROV:

2 Could we specify the place and the time?

3 THE WITNESS:

4 Yes, I have understood.

5

6 I cannot specify the exact location, but it was Rukara hill. There were no houses. They were scattered
7 all over the place. To the best of my recollection, we had gone beyond the Catholic school, which was
8 to the left. That was when we were going down Rukara hill to the right. Not a very high hill. It was just
9 a slope above the road. But it could have been 4 kilometres from the parish. It could have been at
10 about 10 a.m., 11 a.m.

11 JUDGE EGOROV:

12 Thank you, Witness.

13 BY MR. VERCKEN:

14 Q. (No interpretation)

15

16 Mr. Witness, regarding the time, I would like you to say whether you are absolutely sure, or could it
17 have been later? Can you confirm that the time you've given is correct, or can you be more precise
18 with regard to time? Or, does that pose a problem to you?

19 A. I cannot give any more details. Those were the events that occurred during the day. We, first of all,
20 talk about the crowd of refugees. I said it took a minimum of two hours for feeding the refugees, and
21 later on I went to check the water pump. After that, I returned to the parish, and that was when I was
22 told that the military authorities in Rwamagana had come down from Rukara hill. I wonder it could have
23 been at about 11. It could have been later. I cannot give any more details. I cannot be any more
24 specific.

25 Q. When you witnessed the scene, did you feel that there was any hostility between the people? Did you
26 feel any hostility?

27 A. I felt some hostility from the small group, saying they should kill all the Tutsis. It was a small group of
28 people. They had already started walking in front of us. They had already started moving towards the
29 parish. At that time, we left in order not to give -- to attach too much importance to that small group. It
30 could have been a group of about six or seven people, no more. The larger crowd remained calm,
31 standing where they were. But we saw that small group of people walking.

32 Q. You say that when you saw that group stand up, you thought it was an indication of hostility.

33 A. It was some way of standing in front of the authorities. It is the *bourgmestre* who told me. I, myself, did
34 not observe that. But he told me -- that is, the *bourgmestre*, he whispered to me that by standing up
35 means that we are opposed to what we have said.

36 Q. A while ago you say that you saw machetes.

37 A. Yes.

1 Q. Not only did people stand up, but they brandished machetes?

2 A. I would -- I wouldn't say "brandished," but they had sticks and machetes. They have a stick with a club,
3 a club. Not all of them -- (*microphones overlapping*).

4

5 They were not all ready for an attack, but some of them were. Normally, on that day -- listen carefully --
6 normally, everyone went out with a defensive weapon. Nobody went out on the street without a
7 defensive weapon, at least a group, not everybody.

8 JUDGE LATTANZI:

9 I have a small question. If I understood you correctly, you said that most of those people remained
10 calm, that only a small group stood up and the *bourgmestre* told you that they were threatening and that
11 they were hostile.

12 THE WITNESS:

13 That is not exact. All of them stood up. All of them stood up --

14 JUDGE LATTANZI:

15 (*Microphones overlapping*)

16 THE WITNESS:

17 -- but a small group started walking towards the parish. All of them stood up.

18 JUDGE LATTANZI:

19 And all of them was -- all of them were armed with machetes and clubs, or was it only the small group
20 that started walking?

21 THE WITNESS:

22 I would like to specify, to point out, that at that time everyone who went out on the street had a
23 defensive weapon. And where we were meeting, everyone had a defensive weapon. There was
24 general chaos everywhere. At that time everyone had to take precautions, and everyone had
25 something to defend him or herself with. And everyone who was there was armed in one way or the
26 other.

27 JUDGE LATTANZI:

28 Another small question. If only a small group was hostile, was clearly hostile, you had the impression
29 that the soldiers present could not have been able to overcome that small group?

30 THE WITNESS:

31 It was not only the small group that was hostile. Everyone was hostile. But the small group had
32 already started walking ahead, had taken the lead. But everyone stood up, not the small group, such
33 that the authorities, from what I gathered, dared not even touch anyone. The soldiers could not even
34 take up their sub-machine guns because they couldn't have fired into the crowd. But the small group
35 took the lead and started walking.

36 JUDGE LATTANZI:

37 Thank you.

1 BY MR. VERCKEN:

2 Q. In what direction was that small group walking?

3 A. Towards the parish, uphill.

4 Q. What was the reaction of the authorities when they saw that small group walking, that small group that
5 split from the crowd?

6 A. The impression I had -- I don't think it's the impression of everyone -- was that it was a provoking group.
7 But it wasn't significant. That is why I said it was a small group. The impression I had was that it was
8 only a gesture, signaling that we are capable. But we didn't think that small group could attack alone.

9 JUDGE EGOROV:

10 What do you mean "stay in small group"? How many people?

11 THE WITNESS:

12 Six or eight, no more.

13 BY MR. VERCKEN:

14 Q. I repeat my question: What was the reaction of the authorities? Was that when the dialogue between
15 the authorities and the crowd ended, or did the dialogue continue with the people who remained on the
16 spot, even if they were standing in front of the authorities, that is, the dialogue between people and the
17 authorities?

18 A. The small group started walking, and when we entered our vehicles and followed, we arrived before --
19 we arrived after them.

20 Q. Can you, therefore, describe the chronology of events by saying that the dialogue between the
21 authorities and the crowd was interrupted when the crowd stood up, signaling its opposition, and the
22 authorities went into their vehicles and that was when you noticed that the small group seemed to be
23 more active and was walking towards the parish? Is that how things happened?

24 A. I said that the authorities who came from Rwamagana understood that they had failed in their actions,
25 that their actions were futile in the sense that they had wanted to calm the masses, the population, and
26 the population did not heed their instructions to calm down. Probably there were some members of the
27 population who had come.

28
29 And we should be clear with this. The commander was a military commander, but there was neither
30 one commanding. At that particular time, he was not the person in command. Officially, he was a
31 commander, but whenever I went to Rwamagana, I saw other military authorities who came from Kigali,
32 and those authorities from Kigali were the ones commanding. The commander seemed to be a mass
33 servant without any authority vis-à-vis the major military authorities from Kigali. He tried to do his best
34 to calm down the population, but we all felt, he in particular felt, that there was another force from
35 outside and that -- that was the force that galvanized the opposition.

36 Q. To end this line of questioning on the dialogue and the meeting on the -- on the rally on Rukara hill, did
37 you understand at what time the authorities decided to -- to put an end to the dialogue? Was it the fact

1 that the 300 people who were assembled there stood up and put an end to the discussion? Was there
2 any oral statement to the effect that the meeting should be called off? What put an end to that
3 meeting?

4 A. I remember the last words uttered by the *bourgmestre* when he tried to calm down the people when
5 they stood up. Since the crowd kept screaming that "If we do not kill them, they will kill us," the
6 *bourgmestre* tried to calm them down. He found out that it was futile. The *bourgmestre* said, "We have
7 nothing more to do."

8 Q. Father Santos, at that moment, you, who are a priest and not a civilian, not a soldier, did you think there
9 was nothing else that could be done? Do you think that military force could not be used? Did you feel it
10 could have been useful?

11 A. Not at all. It would have been madness. It would have been madness. If they had started shooting the
12 entire population, the entire population would have risen against the three soldiers. All the 300 people
13 who were there would have risen up, and all the people on the hills would have risen. There were
14 many, many thousands of people around. At that time the use of military force was not
15 recommendable. That was my opinion.

16 Q. The authorities went into their vehicles, you told us, probably you yourself. In what direction did you
17 go?

18 A. We went directly to the parish, where the refugees were mainly. The *bourgmestre* went ahead of me.
19 He summoned everyone before the parish and told them that the commander wanted to tell them
20 something. I arrived a few seconds later.

21 Q. Witness, when you say that the *bourgmestre* summoned everyone, who are you referring to?

22 A. I'm referring to the people who were inside the church and in the church courtyard. There are about
23 3,000 soldiers spread out on the parish grounds and about a hundred of them assembled, no more. It
24 was a small group.

25 Q. When you, in turn, arrived at the parish, you saw Mr. Mpambara surrounded by about a hundred
26 people; is that correct?

27 A. Yes. He, the *bourgmestre*, and the authorities with the refugees opposite them, not surrounded, the
28 authorities were separate from the crowd.

29 MR. PRESIDENT:

30 Now, you talked about 3,000 soldiers spread all over the parish grounds.

31

32 Well, he did.

33 THE WITNESS:

34 Yes.

35 MR. PRESIDENT:

36 It came in English clearly "three thousand soldiers spread all over the parish grounds." (*Microphones*
37 *overlapping*)

1 THE WITNESS:

2 No, no, I meant 3,000 refugees spread out in the parish courtyard, 3,000 refugees.

3 *(Pages 23 to 33 by Ann Burum)*

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1 1215H

2 BY MR. VERCKEN:

3 Q. Father Santos, to clarify what you have said, when you got to the parish, you observed that the
4 *bourgmestre* and the same authorities, who had been with you a while before, were facing about 100
5 refugees; is that correct?

6 A. Yes.

7 Q. Do you know how those people, about 100 people, had been chosen from the 3,000?

8 A. They were the most important. They were primary school teachers in front and the masses would not
9 have approached the authorities, but those who were more important were those in front.

10 MR. PRESIDENT:

11 Could you specify the time when the meeting ended and when they appeared at the parish this time.

12 THE WITNESS:

13 It could have been at about midday. Those events probably occurred about midday. It could have
14 been about midday. A lot of things happened in the morning.

15 BY MR. VERCKEN:

16 Q. If I were to put it to you, Witness, other witnesses talked about that meeting in front of the church with
17 the authorities but said that it happened a little later, early in the morning. Is that possible or entirely
18 false?

19 A. I have to string together all the events that occurred during the day. It could not have been more than
20 one hour, midday, 1 p.m., no later than that.

21 Q. You are certain that a meeting took place?

22 A. Yes, yes. I can make an additional comment. When the commander --

23 Q. We will return to what happened during the meeting, and subsequently you can make another
24 comment, because you haven't told us what happened at the meeting. So what did you observe when
25 you arrived at the parish and realised that the refugees were facing about 100 refugees (*sic*)? What did
26 you hear and what did you see?

27 A. When I arrived, the commander was already speaking to the people who were in front of him, that is,
28 the commander, not the *bourgmestre*. A primary school teacher whispered to me and said, "What is he
29 talking about? Is he not making a mockery? He is the one who brought the grenades."

30 Q. I don't know how to say it. Is it correct to say that, in describing the scene, you're talking about a
31 teacher who was a member of the group of refugees who came to whisper to you while the commander
32 was talking?

33 A. That is correct.

34 Q. And that refugee was a teacher, was accusing the commander who was speaking; is that correct?

35 A. That is correct.

36 Q. And what was the accusation, to be precise, Witness? You're saying?

37 A. It is the same commander who has given the *Interahamwe* -- that is a small group opposing the

- 1 attackers. I waited for the commander to finish saying what he was saying, and I told the commander,
2 "Mr. Commander, you know the comments that have just been made to me, they are saying that you
3 are the person who gave weapons to the attackers," and he was saying, "There is nothing I can do. I
4 am sorry that what I said has been misinterpreted. There is nothing that I can do."
- 5 Q. Witness, wait a minute. What did the commander say when he was talking to the crowd?
- 6 A. It was a dialogue, the few words I gathered. Since I arrived while he was already talking, I didn't gather
7 much. He spoke for three minutes, no more. He was saying that the military authorities were there to
8 protect them, and that he had to remain calm, because the military authorities were there to defend
9 them. In a nutshell, that is what he said. And the others reacted and the commander repeated, "We
10 are there to protect you."
- 11 Q. When you say that the others reacted or responded, who are you referring to?
- 12 A. Those who were opposite us. I am referring to the refugees, the teachers.
- 13 Q. And what were they saying?
- 14 A. I cannot give you the exact words, but they did not believe what we were saying. I cannot repeat
15 exactly as I did the words that were whispered to me. They were signalling the opposition to what the
16 commander was saying.
- 17 Q. Is it correct to say that you had the impression they did not believe what the commander was saying?
- 18 A. Of course, they did not believe what the *bourgmestre* was saying. That was the impression I had when
19 I heard what they said.
- 20 Q. Was the commander the only authority who spoke at that time, or other authorities also spoke? If yes,
21 which authorities?
- 22 A. There were no major speeches. Because it was a small scene, the *bourgmestre* had come, according
23 to what I saw, to make the people more attentive to what the commander was saying, but he did not
24 say anything. He was not the one delivering the speech. He tried to make the people pay more
25 attention to what the commander was saying. He, himself, didn't deliver any speech, and he maybe
26 said a word or two to calm the people down.
- 27 Q. Did he (*sic*) hear *Bourgmestre* Mpambara advise the refugees to flee?
- 28 A. Not at all. At that time, not at all.
- 29 Q. At that moment did you hear *Bourgmestre* Mpambara approach the refugees being responsible for the
30 death of President Habyarimana?
- 31 A. Rubbish.
- 32 Q. Did you hear the *bourgmestre* say anything of the sort?
- 33 A. I don't remember him saying anything of the sort. Not at all. It was -- he never attached such words. A
34 Rwandan would never speak in such terms. No Rwandan ever speaks like that. That is impossible,
35 unless he is mad or drunk.
- 36 Q. I put this question to you because some Prosecution witnesses said -- and I want things to be very
37 clear, that is why I am putting questions to you that may be outrageous to you. I am putting to you a

1 statement made by people who accuse *Bourgmestre* Mpambara of saying those things. That's why I'm
2 asking who attended that meeting, to clarify these issues. That is solely why I am putting these
3 questions to you.

4 A. The *Bourgmestre* Mpambara made a mockery of the refugees present, laughing at their fate. Each
5 person interprets a smile as he likes. He could interpret it as something being -- you can interpret a
6 smile as a sign of mockery, but we at no time imagined -- since we're all defending the refugees, we did
7 not have the impression that he was making a mockery of the refugees. Not at all. No one said
8 anything to me regarding such mockery.

9 MR. PRESIDENT:

10 Slowly, Witness.

11 THE WITNESS:

12 He said these words are a mockery, hypocritical. That is why they told me, but they didn't mean that
13 they are making a mockery of us, to interpret it as hypocrisy, to think that they were the ones who were
14 preparing all the attacks, at that time they misinterpreted.

15 MR. PRESIDENT:

16 Reverend, I can understand your evidence that the *bourgmestre* did not reproach the refugees for the
17 death of the president. But how do you say that no Rwandan would ever do that?

18 THE WITNESS:

19 I did not say that no Rwandan could openly accuse others, openly accuse others. Rwandans are polite
20 and discreet enough not to insult people openly. That is what I meant.

21 MR. PRESIDENT:

22 Mr. Witness, you mentioned that you arrived at the parish at a different time. When you arrived, the
23 authorities had already been talking. How much time later did you arrive?

24 THE WITNESS:

25 A difference in minutes or seconds, not hours. Perhaps one vehicle arrived a few seconds or a minute
26 before the other, and we immediately got out of the vehicles and started (*unintelligible*).

27 JUDGE LATTANZI:

28 But you also said that you thought the *bourgmestre* did not speak. So you are not sure that the
29 *bourgmestre* did not speak.

30 THE WITNESS:

31 When I was there, the *bourgmestre* did not speak?

32 JUDGE LATTANZI:

33 Now, is it possible that the *bourgmestre* spoke a few seconds before you arrived there from the point of
34 view of the hierarchy between the *bourgmestre* and the commander? Is it possible that the
35 *bourgmestre* spoke before the commander?

36 THE WITNESS:

37 I find it normal that it would be the *bourgmestre* who convened the assembly. It is the *bourgmestre*. At

1 that time I was not there. But let us say it is not a speech, just a word to rally people. "Please come,
2 the commander has a few words for you." But at that time I was not -- could have lasted a minute.
3 That is all.

4 JUDGE LATTANZI:

5 Thank you.

6 BY MR. VERCKEN:

7 Q. Father Santos, during that one minute, did the refugees who were present at that time tell you
8 subsequently that *Bourgmestre* Jean Mpambara took advantage of that one minute to make a mockery
9 of the refugees, to blame them for having killed President Habyarimana, or to advise them to flee? Did
10 the refugees tell you that, given that you were with them?

11 A. To give you an account of any such an event, this is the first time I am hearing of this. At that time I did
12 not hear any such thing. I simply heard the blames heaped against the commander, not against the
13 *bourgmestre*.

14 Q. The blame was placed by a refugee who was a teacher, and you heard that during the meeting; is that
15 correct?

16 A. Yes.

17 Q. Can you also tell us whether, during that meeting, the issue of water was raised by the refugees also, or
18 was it only a meeting for security issues?

19 A. Of course. I cannot say all what was said, but the refugees constantly clamoured for water because the
20 issue of lack of water was very serious. But I can say that the following day --

21 Q. Wait a minute, we will get to what happened the following day. I wanted to be very clear. During that
22 meeting, was the matter of water raised by the refugees?

23 A. Very likely, very likely, but I cannot remember for sure.

24 Q. Please tell us how this meeting ended. But before telling us how it ended, tell us how long it lasted, and
25 then you can tell us how it ended.

26 A. I do not think that it all lasted 15 minutes. Immediately I talked to the commander. He just talked, and
27 he realised that he was being accused, and that what he said was not accepted. They went into their
28 vehicles and left.

29 Q. Who do you refer to when you say "they"?

30 A. I am talking about the *bourgmestre* and the authorities.

31 Q. Did they leave together?

32 A. They probably passed through the commune.

33 Q. No, my question is, did all of them leave together?

34 A. It is impossible for me to give such a detail. It is of no interest to me.

35 Q. It is of interest to us. Now, what happened when the authorities left? What did the hundreds of
36 refugees in front of the church do?

37 A. At the time the most critical matter was water supply, and probably because of the criticisms, the

- 1 *bourgmestre* and I decided --
- 2 Q. But Father Santos, I am going to interrupt you. You just told us that the *bourgmestre* had left. Does
3 that mean that the *bourgmestre* perhaps stayed back with you?
- 4 A. Well, I said that this issue was of no interest to me, or in any case, as far as I'm concerned, it does not
5 count. Because immediately we left together, the *bourgmestre* and myself, to repair the engine.
6 Whether we stopped by his house, I cannot remember.
- 7 Q. Whose house?
- 8 A. The *bourgmestre*. House, not office. I am unaware of these details.
- 9 Q. Very well, but I did not put to you any question in that connection. In any case, as far as you
10 remember, and we understand that after ten years it is difficult for you to be too specific. As far as you
11 remember, after the meeting, you chatted with the *bourgmestre* and decided to go and solve the
12 problem of water, correct?
- 13 A. Yes, but I remember that we went to his house in order to underscore the problem of water supply. And
14 then together we went. But wait a minute, wait a minute, there are so many things. So we went -- no. I
15 went to his house.
- 16 Q. Whose house?
- 17 A. The *bourgmestre*, and he told me to go and get the pump operators.
- 18 Q. Witness, are you referring to the pump operator?
- 19 A. Yes, the person in charge of the engine. And I asked where he lived, and he said in Gahini. So I said,
20 "Fine, I will go and get him." And the wife of the *bourgmestre* said, "Oh, Father, no, do not go there
21 alone."
- 22 Q. But I do not understand you, Witness, what did you say?
- 23 A. I said the *bourgmestre*'s wife was there. She said, "Father, do not go there alone. There is fire there.
24 You need protection of soldiers given to you by my husband."
- 25 Q. When you said, "There is fire there," what was he (*sic*) referring to?
- 26 A. She was referring to Gahini where the pump operator lived.
- 27 Q. So the *bourgmestre* gave you protection?
- 28 A. Yes.
- 29 Q. What type of protection?
- 30 A. I cannot remember whether he gave me one or two common policemen.
- 31 Q. Fine. With the two policemen you went to look for the pump operator, correct?
- 32 A. Yes. But I could not get him.
- 33 Q. Wait a minute, so you went to the Gahini region?
- 34 A. Yes.
- 35 Q. How did you get there?
- 36 A. I used the parish vehicle, my vehicle.
- 37 Q. Very well. Were you giving the pump operator's address?

- 1 A. No, but with the policemen, we asked his name and his house. We looked for him everywhere but we
2 could not see him. No one knew anything because he was a Tutsi and had fled to hide. But in any
3 case, we asked where we could see him, and very nearby the (*unintelligible*) protestant's mission there
4 was a small junction. There was a group of about 15 to 20 young men. We stopped there to ask where
5 we could see the water pump operator. When they saw me, one of the members of the group carrying
6 a machete shouted, "Yesterday 15 Tutsi priests were killed in Kigali. Today we are going to kill a white
7 priest who is defending the Tutsi." So he took the machete and walked towards me. The policeman
8 who was beside me took his machine gun and threatened them, "The first one who takes a step will be
9 gunned down by me." So he stepped backwards and the policeman told me, "Father, we cannot stay
10 here. Let us leave this place." And that is how we left without seeing the pump operator.
- 11 Q. Then what did you do? In which direction did you take?
- 12 A. We went back to the house of the *bourgmestre*.
- 13 Q. Do you have an approximate idea of the time then when you went back to the house of the
14 *bourgmestre* after you aborted your attempt to get the pump operator in Gahini?
- 15 A. It must have been at about 4:30 because of the events which will ensue.
- 16 Q. Then you went to the *bourgmestre's* house. Did you reach the house of the *bourgmestre*? And if yes,
17 what happened?
- 18 A. (*Unintelligible*) informed him of all.
- 19 Q. What are you talking about?
- 20 A. When we got to the *bourgmestre's* home we informed him about all of what happened in Gahini. So the
21 *bourgmestre* and myself decided that he (*sic*) will personally go to the pump. So we went there
22 accompanied by a commune policeman. We got to the engine. We tried --
- 23 Q. Father Santos, I am going to interrupt you now. Please describe where the pump was located, the
24 pump which provided water for public water supply, as well as the type of the refugees.
- 25 A. The pump was located about 3 kilometres away towards Gahini. So we took the Gahini road, then we
26 went right and we went down a valley. About 3 kilometres away, there was the major water reservoir in
27 the Rukara hill.
- 28 Q. Father Santos, am I correct to state that it was an uninhabited area, a wild area, so to speak?
- 29 A. It was at the bottom of a valley.
- 30 Q. So can we say it was an uninhabited area?
- 31 A. That is correct.
- 32 Q. So what did you do once you got to that area?
- 33 A. The *bourgmestre* tried – tried, but it was not able to get the engine running. So I understood that a part
34 had been taken off. You see, I am some sort of mechanic. Given that the engine was quite new, it had
35 to run, since we had an engine which we used in our leather tanning workshop. I realised that
36 something had been taken off the engine.
- 37 Q. When you get to that pump in the middle of that uninhabited valley, did you see anybody near that

1 engine near the pump?

2 A. I cannot remember. I cannot say that or I cannot say the contrary. But it is highly likely, even though it
3 is uninhabited, there is nothing which is uninhabited in Rwanda. Even if you get there, after five
4 minutes there would be an entire crowd of people. At that time I cannot remember. But what I
5 remember is that there was a hill opposite, and at the foot of the hill there was a group of pygmy, Twas,
6 who had stolen the cows of the Tutsis in the parish, and they were actually getting ready to kill the cows
7 and eat them. And there was another group of young men who saw the Batwa pygmies and went down
8 the hill to steal the cows. So it was a case of the biter bit. So the Batwa fled and came to us also for
9 protection. This is just to describe you this state of chaos and anarchy at that time and everyone had to
10 seek protection because there was anarchy. So they ran to us and the *bourgmestre* told them, "Get in.
11 Get into the car."

12 Q. Were there other people?

13 A. Yes, I would say there were one or two, but I cannot say further.

14 Q. Can you tell this Court for how long you stayed near that engine, and what were the joint actions you
15 took with the *bourgmestre* to attempt to get the engine running?

16 A. Not more than 30 minutes, because we were already tired of trying to pull the handle, and it was not
17 running, so we understood it was not going to work.

18
19 Now, continuing in respect of those people, the pygmy came to seek protection, so when the young
20 people (*unintelligible*), the *bourgmestre* shot in the area in order to frighten them. But since they were
21 far away they could not hear this noise. So he told the policeman, "Fire a shot in the air so that they will
22 be able to hear." So the policeman fired a machine gun shot and the children fled.

23 Q. Father Santos, you realise that the difficulty with testimony like yours is that, you see, this piece of
24 information you just gave is difficult to understand right now. What actually happened, and what were
25 the stakes involved in this story of cows? Can you, in a more vivid manner, explain to us what you
26 observed and what were the *bourgmestre's* intervention and the objective thereof in that event?

27 A. Now, during the events one of the first things that occurred in Rwanda is the theft of cows. There were
28 major cow thefts and cow thefts were severely punished, even with death and crucifixion, so to speak,
29 because the cow was considered as sacred. But during the unrest there was something very frequent,
30 and you see in a short while we will get to the major cow thefts. But you see, there were pygmies who
31 stole the cows and others who came and stole the cows from the cow thieves. This was just to show
32 the anarchy in Rwanda. There was no authority.

33 Q. So, according to you, where were the cows stolen from?

34 A. They were probably the cows stolen from the parish because all the Tutsis came with their cows. There
35 were at least 500 cows within the parish grounds.

36 Q. And what was the objective of the *bourgmestre* at the time?

37 A. It was to try to restore order, to put an end to anarchy, to respect ownership. Even if the cows had

1 been stolen, to move from one theft to the other would be seen almost with anarchy.

2 Q. But why did he not try to remit the cows to the refugees? Were the cows handed back over to the
3 refugees?

4 A. But did he have the physical power to do so?

5 Q. How many cows were there?

6 A. Two or three, not more. But the events were much more serious for someone to stop because of two or
7 three cows.

8 Q. Yes, I understand. After failing to get the pump running, what did you do? Did you leave that place and
9 where did you go to?

10 A. The *bourgmestre* and I left, he in his car and me in my car, and we went to the house of the
11 *bourgmestre*. When we got to his house, he got out of the vehicle to enter his house. Then he realised
12 that the cows from the parish had been stolen, 200 or 300 cows had been stolen by the attackers.
13 They were going down the hill. So the *bourgmestre* shouted, "But the cows of the refugees have been
14 stolen," so he ran behind the people with his pistol, shooting in the air to try to frighten off the thieves.

15 MR. PRESIDENT:

16 You are going very fast. You know this is rapid fire. Go slowly.

17 THE WITNESS:

18 Very well. Thank you.

19

20 So the *bourgmestre* was running after the thieves with his pistol, shooting in the air. So I allowed the
21 *bourgmestre* to carry on because I said to myself, "Something bad must be going on in the parish." So
22 I allowed the *bourgmestre* to run after the thieves.

23 BY MR. VERCKEN:

24 Q. You made that inference because you noticed that hundreds of cows were being stolen from the
25 parish?

26 A. Yes.

27 Q. You said it is possible that something bad had happened in your parish, am I correct?

28 A. Yes.

29 Q. So what did you do?

30 A. I took the road to the parish located 200 metres away. I got to the front courtyard of the parish and I
31 saw dead bodies at the door, two dead bodies, and the others were dying in front of the door. They
32 were in agony. When they saw me, those who were in the church came out, and said, "But Father, at
33 least 10 or 12 have been killed. They are scattered here and there." So I went back --

34 Q. Father Santos, please make an effort because people are interpreting what you are saying, and you are
35 talking about an event you witnessed personally, and we understand that you want to share your
36 experience with us. But it is not possible, unfortunately, to translate what you are saying at your speed.
37 You see? I am really praying you to make an effort. We will not have to handle this for a long time, so

1 try to be as slow as possible.

2 JUDGE EGOROV:

3 The timing of the events, could you please recall when did you see the dead bodies, the timing of the
4 events?

5 THE WITNESS:

6 At 5:30 p.m. or 6 p.m. just before nightfall. So I got there, I saw the two dead bodies and the two other
7 people who were just about to die. So the refugees who were in the church and who had shut the
8 church doors, opened the doors, and some of them came out to tell me that at least 12 have been killed
9 and the dead bodies were scattered within the parish grounds. So immediately I got into my car, went
10 back to look for the soldiers, who were protecting the refugees.

11 BY MR. VERCKEN:

12 Q. Father Santos, where were the soldiers?

13 A. As I told you, the soldiers were on the main road person (*sic*) in front of the parish, about 200 or 300
14 metres away, but visible from the other location. I got there very upset, and I started heaping insults at
15 the soldiers, telling them, "What is your use here if you have allowed for the refugees to be killed in
16 front of the parish doors?" So their response was that, "We have received orders not to shoot to kill
17 anyone."

18 Q. Did you tell you gave them the orders?

19 A. Well, they said the authorities. So they said, "We have received orders not to shoot to kill."

20 Q. So who were the authorities that placed them there?

21 A. The soldiers from Rwamagana. I was furious and I shouted, "So why are you here? You are to defend
22 the refugees." So they asked me, "Do we have to kill?" And I, upset, said, "Yes, you have to kill in
23 order to defend the refugees." But they insisted, "But we have to kill?" And I was upset, I must admit,
24 so I said, "Yes. If you cannot defend them, what is your purpose here?" So furious, I left, because it
25 was necessary to see what was going on. It was necessary to go and see the dead bodies.

26
27 It was almost nightfall, so I took bed sheets and bed covers, which we have at home, and wait. A few
28 courageous people, we went and picked up the dead bodies and took them to the house. It was
29 already nightfall and we were able to bring back dead bodies. But subsequently we are going to lose
30 them. We were not able to get all of them. So we had just a torch light and we said, "Well, we will have
31 to pick up the other bodies the following morning." It was quite painful. So about eight dead bodies we
32 gathered and took to the school. It was already nightfall.

33 Q. The refugees were attacked on the 9th of April, early in the evening. Did they describe how the attack
34 was conducted to you?

35 A. No, but I noticed that they were attacked with grenades, because there were impact of grenade
36 explosions on the bodies of those who had died. They had died of grenade shrapnel wounds. I do not
37 know whether there were machetes. This is as far as the dead bodies I saw were concerned. But the

1 others which were further away were killed all with machetes, but those in front of the church were killed
2 with grenades.

3 Q. Please tell this Court whether at that time, particularly on the 9th of April, in your *secteur* in
4 Rukara parish, was there public lighting which was used in lighting the public areas at night?

5 A. In any case, for me, it did not count for me to remember it. But I remember, yes, there was lighting.
6 But I'm trying to remember it now. I remember, yes, that I saw lighting before leaving. I saw light in
7 front of the parish. That is all what I can say now. Probably, yes, because I remember that we had a
8 small celebration. Well, what I mean is that there were neighbours who were dancing and celebrating
9 the arrival of electricity.

10 Q. Was that before the events?

11 A. A few days before the events, let us say it was a political measure.

12 MR. PRESIDENT:

13 This may be a convenient time to stop for the day, since one of the Judges is in another trial which will
14 begin at 2.

15 MR. VERCKEN:

16 Mr. President, I have just a matter of clarification, as well as a request to make. We have a witness,
17 TF3, who has just arrived, and equally wishes to waive protective measures with regard to staying in
18 the safe house. That is Witness TF3.

19 MR. PRESIDENT:

20 Yes, very well. I think that the witness protection unit should be informed, and he is entitled to waive his
21 protected status.

22
23 Yes, Reverend, we will continue with your evidence tomorrow morning at 8:45, so we will adjourn for
24 the day.

25 *(Court adjourned at 1259H)*

26 *(Pages 34 to 43 by Jennifer Spring)*

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CERTIFICATE

We, Judith Baverstock, Roxane Meena, Ann Burum and Jennifer Spring, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

We further certify that we are not of counsel nor related to any of the parties to this cause and that we are in nowise interested in the result of said cause.

Judith Baverstock

Roxane Meena

Ann Burum

Jennifer Spring