

1 THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
2 CASE NO. ICTR-96-10-T THE PROSECUTOR
3 ICTR-96-17-T OF THE TRIBUNAL
4 AGAINST
5 ELIZAPHAN NTAKIRUTIMANA
6 GÉRARD NTAKIRUTIMANA

6 1 NOVEMBER 2001
7 0845H
8 CONTINUED TRIAL

8 Before: Judge Erik Møse, Presiding
9 Judge Navanethem Pillay
10 Judge Andréia Vaz

11 For the Registry:
12 Ms. Marianne Ben Salimo
13 Mr. Edward Matemanga

14 For the Prosecution:
15 Mr. Charles Adeogun-Phillips
16 Mr. Wallace Kapaya
17 Ms. Boi-Tia Stevens

18 For the Accused Elizaphan Ntakirutimana:
19 Mr. Ramsey Clark

20 For the Accused Gérard Ntakirutimana:
21 Mr. Edward Medvene

22 Court Reporters:
23 Ms. Shannon Fleming
24 Ms. Geraldine O'Loughlin
25 Ms. Verna Butler

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESSES

For the Prosecution:

MR. HUGH McCULLUM

Examination-in-chief by Mr. Kapaya (continued).....	2
Cross examination by Mr. Clark	53
Re-examination by Mr. Kapaya.....	106

WITNESS OO

Examination-in-chief by Mr. Adeogun-Phillips.....	135
Cross-examination by Mr. Medvene.....	185

EXHIBITS

Prosecution Exhibit Nos 27A and 27B.....	20
Prosecution Exhibit No. 28.....	136

1 P R O C E E D I N G S

2 MR. PRESIDENT:

3 Good morning. The court is in session.

4

5 Mr. Kapaya, please.

6 MR. KAPAYA:

7 Good morning, Your Honours. Good morning --

8 THE ENGLISH INTERPRETER:

9 Counsel's microphone, please.

10 MR. KAPAYA:

11 Good morning, Your Honours. Good morning,

12 members on the other side of the aisle.

13 Morning, Mr. Witness.

14

15 Yesterday, Your Honours, I produced the CV

16 of Mr. McCullum as Prosecution Exhibit P25.

17 Actually, it's the Prosecution Exhibit 26.

18 Actually, it's in two versions, Your Honour.

19 So I request the French version be marked as

20 Prosecution Exhibit 26A and the English

21 version be marked as Prosecution

22 Exhibit 26B, if it pleases Your Lordships.

23 MR. PRESIDENT:

24 That's noted. Thank you.

25

1 MR. KAPAYA:

2 Thank you, very much.

3 EXAMINATION-IN-CHIEF (continued)

4 BY MR. KAPAYA:

5 Q. Mr. McCullum, yesterday we broke off where
6 we had got into taking about the ecumenical
7 conferences that were held in Rwanda in
8 1986. Can you just state briefly what role
9 you played in that conference?

10 A. In the conference in Kigali in 1984, I was a
11 participant along with Rwandese and about 20
12 international delegates.

13 Q. Let's now move to late '93 and early '94.
14 Where and for which organisation were you
15 working in late '83 and early '94?

16 A. I was working for the All Africa Conference
17 of Churches.

18 Q. And where was this based?

19 A. In Nairobi. I was the chief information
20 officer.

21 Q. Now, did you have occasion to attend any
22 workshops in Rwanda during that period?

23 A. Yes, I did.

24 Q. And who convened that workshop?

25 A. The workshops were convened by All Africa

1 Conference of Churches, by the Conference of
2 Protestant Churches in Rwanda and an
3 ecumenical group of church persons from
4 Rwanda who were concerned about the
5 deteriorating situation in the country.

6 Q. Can you tell us briefly the issues, the
7 burning issues that were discussed at that
8 conference at that particular period of
9 time?

10 A. There were four or five conferences held in
11 that period of time in various parts,
12 various areas, sometimes in Burundi,
13 sometimes in Rwanda, sometimes in Nairobi.
14 The gist of all of them was the
15 deteriorating situation in Rwanda and
16 particularly the deteriorating situation,
17 apparently, of the Arusha Accords.

18
19 The church, speaking as a continental church
20 and as a national church in Rwanda, was
21 trying to offer mediation services, if
22 possible, to deal with conflict and
23 resolution, conflict -- and conflict
24 resolution concerns and to somehow bring the
25 churches more closely into the process for

1 peace and democratisation.

2 Q. And may we know, Mr. McCullum, what role you
3 played in these conferences?

4 A. I was a staff person of the AACC and, as
5 such, I made sure that the communications
6 were under way, that statements, press
7 releases, resolutions and so on were
8 transmitted to the various parties that
9 needed them and to the government or
10 governments concerned.

11 Q. Where were you during the fatal plane crash
12 that killed two presidents on the
13 6th of April '94?

14 A. I was in Nairobi.

15 Q. Could you tell us your reflections on that
16 in light of the meetings that you previously
17 held?

18 A. As I recall, the general secretary of the
19 AACC, José Chipenda, an Angolan, called a
20 meeting with senior staff, about midnight,
21 after the word had got out that the plane
22 crash had occurred. He was very concerned.
23 The staff were deeply concerned. They were
24 concerned about the situation in Burundi
25 because of that president's death and also

1 the -- even more so -- in the situation in
2 Rwanda.

3
4 And Dr. Chipenda expressed both horror and
5 fear for Rwanda. He said that it was worse
6 than anything he had expected, and after
7 prayers he said that the -- his analysis was
8 that this was a plot by Hutu extremists to
9 kill the president because he was being too
10 soft on the Arusha Accords, and that we must
11 immediately try to get in touch with the
12 Rwanda churches and see what the All Africa
13 Conference of Churches should do, or could
14 do.

15
16 It was decided that the chaos was quite
17 severe already from reports we had heard,
18 and that I should be the one to go to
19 Rwanda, for two reasons. One, because I was
20 white and might be saved more easily, and,
21 secondly, because I had press credentials
22 with UNAMIR.

23 Q. Now, did you have occasion to make that
24 trip, and if so, when and for how long?

25 A. Yes, I did make that trip. I left the next

1 day, on April the 8th, the next day after
2 the discussions at AACC, and I was there for
3 approximately 10 to 12 days.

4 Q. Could you please tell us how you travelled
5 and what the occasion was on the way?

6 That's important.

7 MR. PRESIDENT:

8 Is that important, Mr. Kapaya; do you think
9 so? We are interested in the analysis of
10 the witness more than his itinerary; don't
11 you think so?

12 MR. KAPAYA:

13 Well, I think it's also important for the
14 Chamber to know what the witness encountered
15 as he travelled from Nairobi to Kigali,
16 whether there was any state of war, those
17 kinds of things.

18 MR. PRESIDENT:

19 We had factual witnesses about the situation
20 in Rwanda. Well, well, maybe you have had
21 some preparatory conversations, so you think
22 something will come out of this, but it's
23 the substance that matters, please.

24 THE WITNESS:

25 I'll try to be brief. I flew to Bujumbura

1 on an RCAF, Royal Canada Air Force, plane
2 that was being sent in to begin evacuating
3 people who were driving to Bujumbura from
4 Rwanda. We then joined an ICRC convoy in
5 Bujumbura and travelled across the border,
6 up through Butare to -- stopping to cache
7 some supplies near Butare -- and on into
8 Kigali. The trip was quite routine, or
9 quite ordinary, until we got -- until we
10 passed Butare. In Butare we saw few
11 soldiers, but there were no roadblocks or no
12 other signs of, even, of a war. But after
13 we passed Butare --

14 Q. Yes, could you tell to which army the
15 soldiers belonged to?

16 A. Yes. We assumed that they belonged to the
17 Rwanda government army.

18 Q. Okay. Proceed.

19 A. After Butare, there were more and more
20 roadblocks, there were more delays; the
21 roadblocks were -- seemed to be staffed or
22 manned by mostly drunken youth from the
23 Interahamwe, and we were delayed
24 significantly. We began to see roadblocks
25 where there were bodies that had been

1 killed, lying nearby. We saw the people
2 demanding the men at the -- or the boys and
3 men at the roadblocks demanding identity
4 cards from people, and we noticed that some
5 people got through right away and some
6 people were held and taken in behind
7 buildings or trees and didn't come back.

8 Q. Now, where did you stay in Kigali, on
9 arrival in Kigali?

10 A. We eventually went to the UNAMIR
11 headquarters at the Amahoro Hotel and stayed
12 overnight with the UNAMIR.

13 Q. Now, could you tell us now what places you
14 visited and what activities you carried out
15 during that period?

16 A. During that period, I -- the city was in
17 utter chaos. They were also trying to
18 evacuate expatriates, and it was very hard
19 to move around. We moved around with UNAMIR
20 patrols, mostly, and visited hospitals and
21 massacre sites. We visited -- at my
22 request, I was able to visit some churches
23 and where there were either massacre sites
24 or where there were refugees in hiding.

25 Q. Let's focus a little bit on the churches.

- 1 Which churches did you visit?
- 2 A. I visited Saint Etienne's Anglican
3 Cathedral; I visited Saint Michelle's Roman
4 Catholic Cathedral, the Presbyterian church,
5 the Holy Family church and a Methodist
6 church, the name which of I cannot remember.
- 7 Q. Did you find there bishops, priests, nuns,
8 and what did they tell you -- what did they
9 tell you what happened?
- 10 A. I found no church leaders in any -- in the
11 hierarchical sense -- no bishops, no
12 presidents, no moderators. There were
13 sometimes priests there and pastors,
14 sometimes not. They were very frightened.
15 They said their leadership had run away,
16 that they did not know what to do, and in
17 some cases they were saying that we will be
18 places of refuge. In other places they were
19 preparing to leave the city as rapidly as
20 they could.
- 21 Q. Did you find any victims there and were you
22 able to tell their ethnic groups, for
23 instance?
- 24 A. In the Holy Family church the --
25

1 MR. CLARK:

2 Your Honour, I understood this was an expert
3 witness, and we are hearing factual
4 summaries, and I don't understand the
5 relevance of his testimony. The thing is in
6 Kibuye, and we suggest that we get to the
7 substance of his testimony, which is
8 supposed to be the role of religion in
9 Rwanda during this period.

10 MR. PRESIDENT:

11 Mr. Kapaya, please lead this witness in an
12 active and targeted way, all right?

13 MR. KAPAYA:

14 Your Honour, I'm trying to lay the
15 background for the witness' report, because
16 he didn't write this out of the air. It's
17 from, you know, the travels he made, the
18 interviews he made with various people.
19 That's how he came to write about this
20 report.

21 MR. PRESIDENT:

22 Of course, but there's been no objection to
23 his expert status and we realise that he
24 knows a lot about the situation in Rwanda.
25 That's obvious. So go on, but bear in mind

1 the general tendency.

2 MR. KAPAYA:

3 Thank you, Your Honour.

4 BY MR. KAPAYA:

5 Q. Now, Mr. Witness, maybe let's try to make a
6 summary. Did you make other trips to Rwanda
7 between April '94 to June '94? Just tell us
8 generally what you went there for, what you
9 saw, the people you interviewed,
10 particularly the church people, their views
11 on the massacres, their relationship with
12 the government, then we'll get to the
13 report.

14 A. Altogether I made six trips to Rwanda in the
15 ten weeks or so that the genocide was under
16 way. I made several trips in by air; I made
17 three trips in by land. While there was
18 fighting going on in some areas, I was not
19 able to see the entire country, but I think
20 I saw and travelled through about more than
21 half the country and almost every trip
22 included Kigali.

23

24 I saw the church for which the title of my
25 book was named, The Angels Have Left Us,

1 which is in Gitarama, and where a young
2 woman told us that she had survived by lying
3 under bodies for several hours, that her
4 bourgmestre and her priest had organised the
5 massacre, and her words were, "I shall never
6 enter this church again; the angles have
7 left us", which is the title of my book.

8
9 I saw corpses in that church piled about a
10 metre deep and, having some knowledge of the
11 church, I noticed the amount of desecration
12 of what are normally considered to be sacred
13 symbols. So there seemed to be in place a
14 kind of, not only attack on people, but also
15 attack on institutions, such as the church,
16 which I think is the most powerful civic
17 institution in Rwanda.

18 Q. Now --

19 A. I --

20 MR. PRESIDENT:

21 In these six trips, did any of them lead you
22 to Kibuye?

23 THE WITNESS:

24 No.

25

1 BY MR. KAPAYA:

2 Q. Now, during these six trips, Mr. Witness,
3 did you have occasion to talk to members of
4 the interim government anywhere within the
5 Great Lakes region?

6 A. I met -- I had an interview with the
7 Minister of Transport in Cyangugu when the
8 interim government had moved its base to
9 that city, and the préfet, who was also
10 there. I also met a number of people of --
11 from the local administrative level, préfets
12 and so on, yes.

13 Q. Now, do you recall the names of the minister
14 and the préfet and the --

15 A. Can I just consult my notes?

16 MR. KAPAYA:

17 With leave of the -- whether the witness can
18 consult his notes.

19 THE WITNESS:

20 My problem is more of pronunciation than not
21 knowing -- Intera Bagway (sic), I think his
22 name was. And the préfet -- I'm sorry, I
23 can't find the names at the moment but I
24 can --

25

1 MR. PRESIDENT:

2 That's all right. We take note of the
3 position. Please proceed.

4 BY MR. KAPAYA:

5 Q. Yes. Now, what were their views about what
6 was taking place in the country at that
7 time?

8 A. Their views were the same as I had heard
9 from almost every supporter of the genocide,
10 which was that the RPF had shot the plane
11 out of the sky and thereby
12 started -- resumed the civil war, and that
13 Hutus had simply risen up in a spontaneous
14 way expressing extreme sorrow over the death
15 of their president. That was a summary of
16 the line that they took.

17 Q. Did you have occasion to visit any of the
18 refugee camps? Were there any refugee camps
19 in that place?

20 A. Yes, there where. In Cyangugu?

21 Q. During your visit.

22 A. Yes. There were many refugee camps.

23 Q. Now, when you got to those refugee camps,
24 could you tell the ethnic composition of the
25 people there?

1 A. Well, the refugee camps were almost entirely
2 Tutsi.

3 Q. And what was the state of the refugees?

4 A. Well, the refugee camps were unorganised;
5 they were not under any UN agency. The
6 state of the camps was extremely grim, and
7 the state of the people was very poor. They
8 were not getting any kind of food. Many of
9 them were wounded. Many more -- many were
10 sick. They were -- they were in terrible
11 shape.

12 MR. PRESIDENT:

13 Remember, Mr. Kapaya, remember, this is an
14 expert witness. We are interested in his
15 analysis.

16 MR. KAPAYA:

17 Yes, Your Honour, that's where I'm going to
18 immediately.

19 BY MR. KAPAYA:

20 Q. In mid-October, Mr. McCullum, were you asked
21 by the OTP to prepare an expert report as
22 regards this case?

23 A. Yes, I was.

24 Q. Would you state in a nutshell what your
25 terms of reference were?

1 A. My terms of reference were to prepare a
2 report that would analyse from my
3 perspective, or from my expertise, I guess,
4 the role of the church in the genocide in
5 Rwanda.

6 Q. Now, did you --

7 THE ENGLISH INTERPRETER:

8 Mr. President.

9 MR. PRESIDENT:

10 There is a need -- I am sure this is what
11 the interpreter is going to say now. It is
12 very important when you are both talking
13 English -- and I think the sinner now was
14 Mr. Kapaya. It is very important to allow
15 for translation.

16 MR. KAPAYA:

17 Yes, Your Honour. I am trying to -- between
18 these two competing forces: speed and to
19 get the, you know, the expert to give his
20 testimony.

21 MR. PRESIDENT:

22 I'm sure you will be able to succeed in that
23 process. But slow down, with a little
24 break.

25

1 MR. KAPAYA:

2 Thank you, Your Honour.

3 MR. PRESIDENT:

4 Thank you.

5 BY MR. KAPAYA:

6 Q. Now, Mr. McCullum, did you prepare that
7 report?

8 A. Yes.

9 Q. Now, is that report titled Role of the
10 Church in the Rwanda Genocide and is dated
11 October 2001?

12 A. Yes, it is.

13 Q. Do you have a copy of that report before
14 you?

15 A. Yes, I do.

16 Q. Now, Mr. McCullum, would you describe to the
17 Chamber in detail the methodology you used
18 in preparing that report?

19 A. The methodology I used was to --

20 JUDGE PILLAY:

21 One second, Mr. McCullum. I'm looking at
22 the cover page of your report. Now, you
23 just told us that you prepared this report
24 at the request of the Prosecutor?

25

1 THE WITNESS:

2 Yes.

3 JUDGE PILLAY:

4 Okay. This cover says you prepared it at
5 the request of the International Criminal
6 Tribunal for Rwanda. Now, the Tribunal
7 consists of judges, defence counsel,
8 registry and prosecutor.

9

10 So at the time that you are handing this,
11 will you have this sentence corrected, then,
12 on this page?

13 MR. KAPAYA:

14 Yes, Your Honour, I will make the necessary
15 correction. And, actually, my question was
16 whether he was asked by the OTP to make the
17 report. We'll make the necessary
18 corrections, Your Honour.

19 BY MR. KAPAYA:

20 Q. Yes, Mr. McCullum. I had just asked you the
21 methodology you used in preparing the
22 report.

23 A. I had kept copious notes of my trips to
24 Rwanda, of the trips that I made to the
25 Benaco and Goma refugee camps and of trips

1 that I made to Rwanda after the genocide. I
2 read the opinions of a number of authors on
3 the subject. I have maintained a deep
4 interest in the situation in Rwanda ever
5 since I was involved in that crisis.

6
7 I am a professional writer and editor and
8 researcher, and I used those skills and the
9 skills acquired in covering about
10 32 conflicts. I have written a number of
11 papers, 11 books, and I followed a
12 methodology that I think is acceptable to
13 prepare a report, such as this.

14 Q. Now, did you take any precaution, say,
15 against misrepresentations, bias and things
16 like that?

17 A. Yes, I believe I took the normal
18 precautions.

19 Q. Now, is the summary of your findings
20 contained in the introductory part of your
21 report, and six bullet heads, and runs from
22 the middle of page four to the first two
23 paragraphs on page five of that report?

24 A. That was the -- those were the main points
25 that I was trying to stress in the paper.

1 MR. KAPAYA:

2 Your Honour, I pray to introduce
3 Mr. McCullum's report as Prosecution
4 Exhibit P27, the English, P27A, the English
5 version, and P27B, the French version, which
6 I believe will come out in due course.

7 MR. PRESIDENT:

8 Let's hope that it will come out in due
9 course and it should have come out in due
10 course.

11 MR. KAPAYA:

12 Thank you, Your Honour.

13 MR. PRESIDENT:

14 Admitted.
15 (Exhibit Nos P27A and P27B admitted)

16 MR. KAPAYA:

17 Thank you, Your Honour.

18 BY MR. KAPAYA:

19 Q. Now, I would like you now, sir, to highlight
20 certain aspects of your report. Could you
21 very briefly tell us what you mean by the
22 concept of ethnogenesis, as it is stated in
23 your report?

24 A. Ethnogenesis is a word that I did not hear
25 during the genocide but I understand it to

1 mean the institutionalisation of rigid
2 ethnic identities for political purposes, a
3 proposition that it was legitimate to
4 politicise society through ethnic cleavages
5 to play the ethnic card to political
6 advantages. And I believe that the church
7 practised -- the church, I use that in the
8 overall sense of all churches -- practised
9 ethnogenesis both implicitly through its
10 racial treatment, first of the Hutu and then
11 the Tutsi, in order to maintain its
12 extremely close ties with various
13 administrations and governments of Rwanda at
14 all levels.

15 MR. PRESIDENT:

16 Thank you, Mr. McCullum. And if you just
17 compare what you now just said with your two
18 definitions of ethnogenesis, partly on
19 page 2, the third last paragraph.

20 THE WITNESS:

21 Yes.

22 MR. PRESIDENT:

23 And partly on page 8, the second last
24 paragraph; page 8 the second last paragraph.

25

1 THE WITNESS:

2 Yes.

3 MR. PRESIDENT:

4 Then I take it that the words after the
5 comma, in the last line, "for political
6 purposes", comma, and then you have, "and
7 ultimately of the final solution". That is
8 an element you didn't repeat orally now.

9 THE WITNESS:

10 I read the first definition. I can read the
11 second one if you wish.

12 MR. PRESIDENT:

13 Yes. So you are maintaining the words
14 "church support for ethnogenesis and
15 ultimately of the final solution". Is it
16 also your definition that it is the purpose
17 to reach the final solution?

18 THE WITNESS:

19 I believe that the purpose of the genocide
20 was to reach the final solution, which was
21 the elimination of all the Tutsis from
22 Rwanda, and the word "final solution" was
23 used by many people.

24 MR. PRESIDENT:

25 Is that -- was that an aim already before

1 the genocide, in your view?

2 THE WITNESS:

3 I believe that the genocide was planned
4 before April the 6th and organised and
5 implemented immediately after April the 6th.

6 MR. PRESIDENT:

7 Including church leaders?

8 THE WITNESS:

9 Very much including church leaders. I
10 believe the church leaders were very much at
11 the apex, next only to the government in the
12 organisation and implementation and
13 participation in the genocide.

14 MR. PRESIDENT:

15 Yes, that is clear. But what about the
16 planning?

17 THE WITNESS:

18 I believe they were part of the planning.

19 MR. PRESIDENT:

20 Well in advance of this beginning of April?

21 THE WITNESS:

22 Very well in advance in the beginning -- of
23 the beginning of this April 6th date.

24 MR. PRESIDENT:

25 Thank you, very much for that clarification.

1 BY MR. KAPAYA:

2 Q. Now, Mr. McCullum, during the 1930s it is an
3 historical fact that the Belgians carried
4 out a census of all Rwandans. Do you think
5 -- and ID cards were issued. Do you think
6 that this exercise has any impact on
7 ethnogenesis and how would you relate it to
8 the reaction of the churches?

9 A. Well, I think it certainly was a part of
10 the -- of ethnogenesis in the sense of
11 institutionalising ethnicity into the
12 administrative system of the colony at that
13 time, and I believe that the introduction of
14 the ID card was not opposed by anyone in the
15 churches.

16 Q. Now, in the 1950s there was a wind of change
17 whereby many African countries got
18 independence from their colonisers. Do you
19 think that this was a factor, the
20 relationship between the ethnic groups in
21 Rwanda and the relationship with the
22 churches?

23 MR. PRESIDENT:

24 Is that question clear, Mr. Kapaya? The
25 wind of change, do you think the wind --

1 MR. KAPAYA:

2 It's in the report, Your Honour. I think
3 the witness will understand what it means.

4 THE WITNESS:

5 It's a statement made by Harold Wilson in
6 Britain, that the winds of change was
7 sweeping across Africa.

8 MR. PRESIDENT:

9 I am aware of that statement, but now we are
10 in a legal context.

11 THE WITNESS:

12 Sorry.

13 MR. PRESIDENT:

14 Try to answer the question, Witness, in your
15 way.

16 THE WITNESS:

17 It is my opinion that the winds -- so-called
18 winds of change did not sweep across Rwanda
19 in the same way that they did in, say,
20 southern Africa, that Rwanda remained a
21 rather isolated country in a political
22 sense, and that it had been under the
23 control of Belgium and the churches for a
24 very long time, so that there was no --
25 there was nothing like a liberation

1 struggle, such as there was in Zimbabwe or
2 Mozambique or many of those -- the other
3 countries in Africa. There was no real
4 independence movement, if you like.

5
6 It appears to me that it was more a desire
7 to shift power from the Tutsis, who had held
8 administrative power under the indirect rule
9 -- rubric of the most colonial powers, and
10 that they wanted to shift that power from
11 the Tutsis to the Hutus. I believe the
12 church, for some -- for a number of reasons,
13 participated in that desire -- excuse
14 me -- desire to switch power from the Tutsis
15 to the Hutus, but I don't think it was
16 actually part of the winds of change that
17 were sweeping Africa.

18 Q. And --

19 A. Is that an --

20 Q. And was there actually a shift of alliances
21 after that period in the Rwandan
22 church-state relationship vis-à-vis the
23 ethnic groups?

24 A. Well, up until the 1950s, the church and the
25 colonial government and the Tutsi elite had

1 been hand in hand in running the country. I
2 believe that there were some -- it began to
3 come clear to the church leaders, at any
4 rate, and probably the colonisers that this
5 could not continue indefinitely. Some of
6 the younger priests who were coming out as
7 missionaries from Europe came from more
8 working-class backgrounds and, therefore,
9 had a greater, an easier affinity to the
10 Hutu majority. And the leader of the
11 Catholic Church at the time is quoted in my
12 paper as having said that perhaps there
13 should be a shift but it might cause
14 violence, and in the end it didn't happen.

15
16 But, of course, the leader of the PARMEHUTU
17 was a staunch Catholic, secretary at one
18 time to the archbishop, editor of the
19 Catholic newspaper. And I think the switch
20 -- the rather rapid switch, when you think
21 about it in historical terms, about three
22 years, from Tutsis holding power and being
23 the elite to Hutu power -- sorry, Hutus
24 holding power -- happened with the direct
25 assistance and, indeed, pressure from the

1 Roman Catholic Church in particular.

2 Q. How would you describe the role of the

3 Protestant churches and the relationship

4 with the state? How influential were

5 the -- or the other way around. How

6 influential was the state to the Protestant

7 churches? You've talked mainly about the

8 Catholic Church.

9 A. Well, the Protestant churches arrived in

10 Rwanda much later than the Catholic Church;

11 the Catholic Church celebrated its

12 centennial during the genocide, and the

13 Protestant churches arrived later, some

14 probably in the '30s and during that

15 evangelical period.

16

17 But the Protestant churches, it seems to me,

18 quickly made their presence known and were

19 part of the church-state relationship. The

20 Roman Catholic Church, as you undoubtedly

21 know, had a very close relationship with the

22 church from the very beginning. I think the

23 Protestants were, while they were not,

24 probably, very welcome by the Catholic

25 Church, quickly realised that if they wanted

1 to be close to the secular seats of power,
2 that they must make their peace and their
3 arrangements with the -- with the
4 government.

5 Q. Now, Mr. McCullum, let's move quickly to the
6 period covering the first and second
7 republics in Rwanda. How would you
8 characterise the relationship between
9 church, state and the various ethnic groups,
10 first during the Kayibanda regime and then
11 the Habyarimana regime, just quickly, just
12 an outline.

13 MR. PRESIDENT:

14 This is dealt with extensively in the
15 report, Mr. Kapaya, in the original report,
16 which we have read.

17 MR. KAPAYA:

18 Yes, Your Honour. I don't think it will do
19 any harm to mention, say, in ten minutes or
20 so, and then to proceed to other matters.

21 MR. PRESIDENT:

22 When you respond to that question,
23 Mr. McCullum, do it in the way, on the basis
24 that we have read your report, so just
25 highlight the main points, please, because

1 the point, hand in hand and hand in glove,
2 has transpired from reading it.

3 THE WITNESS:

4 Okay. Well, my understanding and reading of
5 history of that period is that the Catholic
6 Church made a fairly rapid transition from
7 having a Tutsi elite in the church to a Hutu
8 elite as the Kayibanda government came into
9 power, and that it had some considerable
10 input into the Hutu manifesto that was the
11 basis for Kayibanda's regime, and that they
12 were able to replace rather quickly a small
13 Tutsi elite which ran the country for the
14 government, with a small, an equal elite,
15 group of Hutus.

16
17 I guess I would describe the Catholic Church
18 as being quite able to make these switches
19 and was very malleable in its desire to
20 maintain its strong relationships with
21 whichever elite was running the country. It
22 was one of the institutions that spoke out
23 first, or very early, when the Kayibanda
24 regime began to collapse and to have
25 significant problems, and it was clear that

1 Archbishop Peraudin, who was the Belgian
2 archbishop of the Roman Catholic Church at
3 that time, supported the need for a change
4 in government. I'm not sure that he
5 supported a military coup, but he certainly
6 was concerned about the chaos of the country
7 under the latter years of the Kayibanda
8 regime.

9
10 And, as always in Rwandan history, when
11 things began to go very bad, there was --
12 the Tutsis were blamed, both by the church
13 and the state, and a number of pogroms and
14 refugee situations were created.

15
16 When Major General Habyarimana staged his
17 coup in 1973, it may not have had any active
18 support from the church, but it certainly
19 had a good deal of, if you can call it,
20 moral support. And by 1975 when the MRND
21 was formed, the church was very much a part
22 of the new moral revolution.

23
24 I think, Your Honour, if I may, this ability
25 of the church to be on the right side of

1 whatever elite was running the country can
2 be traced from the very first days of the
3 colonial period, without exception and
4 without interruption, from that 100 or more
5 years in which the church -- and the various
6 colonial governments, and the first republic
7 and the second republic. In increasing
8 ways, the church's relationship with the
9 government grew experientially all through
10 the 100 or more years in which the church
11 and the state had a relationship. I think
12 it's very important to analyse it that way
13 and I think I hope I have done so in the
14 paper, but I want to emphasise that this was
15 not something that happened after General
16 Habyarimana took power.

17 BY MR. KAPAYA:

18 Q. And did that relationship extend to the
19 interim government during the three -- from
20 April 8th to July 17th?

21 A. Absolutely. Absolutely. The church was the
22 one number apologist for the genocide and
23 the number one apologist for the interim
24 government, in my opinion.

25 Q. And what is --

1 MR. PRESIDENT:

2 Just a moment, Mr. Kapaya. Judge Pillay,
3 please.

4 JUDGE PILLAY:

5 Mr. McCullum, so in terms of what you have
6 just said, that historically the churches
7 held this relationship with the
8 government --

9 THE WITNESS:

10 Whichever government.

11 JUDGE PILLAY:

12 Whichever government. On what evidence do
13 you reach this conclusion? Are there any
14 overt acts that you can draw our attention
15 to? That's the first part of my question,
16 and, secondly, I'm interested in what kind
17 of role the church played in influencing the
18 individuals whom you say formed the Hutu
19 elite and then took over leadership. So
20 those are my two questions.

21 THE WITNESS:

22 The first question, if I understand it
23 correctly, the church -- this is dealt with
24 to some extent in the section of the paper
25 under Pre-colonial and Colonial, pages 6,

1 7 and following. The churches where staffed
2 by Europeans, the colonisers were also
3 Europeans, and they both subscribe to the
4 so-called Hamitic theory, the racist theory,
5 that Europeans were at the top of the ethnic
6 pile and that people like the Tutsis, who
7 were sort of at the lower part of the
8 ethnic -- or the white ethnic pile --

9 JUDGE PILLAY:

10 Mr. McCullum, are you saying that the
11 churches articulated this Hamitic philosophy
12 and/or practised this philosophy?

13 THE WITNESS:

14 I'm saying that they did both. I am saying
15 -- I think, since everybody is in a hurry
16 today, this morning, it seems -- that the
17 church provided the ideological and
18 theological basis for ethnogenesis and for
19 the raising up of the Tutsi as an elite
20 during the colonial period.

21
22 I'm sorry, I've forgotten the second part of
23 your question, now.

24 JUDGE PILLAY:

25 I was interested in what you said, that from

1 the Kayibanda regime onwards there was this
2 replacement of this Tutsi elite with the
3 small Hutu elite, and I wanted to know
4 whether the church influenced that position
5 in any overt way. For instance, did it have
6 any influence over this emerging Hutu
7 leadership?

8 THE WITNESS:

9 That's the first republic?

10 MR. PRESIDENT:

11 Yes, and further on, this whole process that
12 you first traced up to the interim
13 government.

14 THE WITNESS:

15 Yes, I think that's correct to say that.
16 There was a -- there is historic evidence
17 that Archbishop Peraudin was becoming
18 concerned that the Tutsi elite was resisting
19 Christianity and that the only people they
20 were able to convert in any large numbers
21 were the Hutu who were, at that time, were
22 the hewers of wood and drawers of water.
23 And he was also influenced by the influx of
24 young priests from Europe who came from
25 working class backgrounds and identified

1 more with the Hutu than the Tutsi, and, I
2 suppose, they were also aware of the winds
3 of change in Africa, but they expressed
4 that, even as far back as Monsignor Classé,
5 who was retired by then but was still in the
6 country.

7
8 Monsignor Classé toyed with the idea of
9 placing Hutus in position of authority in
10 the church, quote, changing the ethnic
11 division of labour, unquote. But in the end
12 he feared a revolution, quote, something the
13 government and the church wanted to avoid at
14 all costs. So there was a feeling in the
15 Catholic Church for several years before the
16 first republic was formed that the tide was
17 changing, both in the church and in society
18 and that they had to try and deal with that.
19 Does that help you at all?

20 JUDGE PILLAY:

21 Well, I was going to comment that that's
22 laudable, isn't it? They came, they found
23 the majority of the people disadvantaged,
24 and taught them their rights.

25

1 THE WITNESS:

2 I don't think the leadership of the church
3 did that. If they were taught any rights, I
4 think it would have been by young
5 missionaries who had very little
6 ecclesiastical power. I don't think it was
7 a -- I don't think it was done to raise the
8 level of the masses, rather than to assure
9 that the Roman Catholic Church would be on
10 the right side when there was a change in
11 governments, as there appeared there was
12 going to be.

13 JUDGE PILLAY:

14 Do you have anything to say about the role
15 played by the churches in the education of
16 people? I notice you do say something about
17 that in your report.

18 THE WITNESS:

19 Well, the churches ran the schools and the
20 clinics in the country for most of the --
21 for all of the colonial period and for much
22 of the first republic. There were quota
23 systems whereby the children of the elites,
24 whether they were Tutsi elites in the
25 beginning or Hutu elites later on, were

1 eligible for higher education and eligible
2 for scholarships abroad, sometimes, and
3 could get into higher levels of education,
4 secondary school and perhaps even beyond.
5 But the church had the sole prerogative on
6 education until after the first republic.

7 JUDGE PILLAY:

8 Thank you.

9 MR. PRESIDENT:

10 On page 16, first sentence under the church
11 of Habyarimana -- that's the section where
12 Mr. Kapaya is now leading us -- the church
13 had eight Hutu bishops, an archbishop and
14 three Tutsi auxiliary bishops. That's the
15 Catholic Church, is it?

16 THE WITNESS:

17 That's right, sorry.

18 MR. PRESIDENT:

19 Thank you.

20 BY MR. KAPAYA:

21 Q. Now, Mr. McCullum, you state in your report
22 that during the genocide, most Tutsi sought
23 refuge in churches as compared to other
24 places. Could you tell us the reasons
25 behind this? Could the doctrines have had

1 sanctuary, and other factors -- did they
2 play anything in this?

3 A. Well, the church has had a, probably, a
4 couple of thousand years of history about
5 sanctuary. The church buildings are places
6 for refugees, and people who are in trouble
7 can come and receive sanctuary. And
8 historically and traditionally and, as far
9 as the church is concerned, they were safe
10 there from the authority -- secular
11 authorities.

12
13 It's a doctrine that's been used right up
14 until the present time. It was used
15 extensively in the United States when
16 Guatemalan and El Salvadorean and Nicaraguan
17 people were trying to flee and they were
18 given sanctuary in the churches, and the
19 police could not come in. That doctrine of
20 sanctuary is not peculiar to United States
21 or Europe. It is a doctrine that exists all
22 over the world and, as far as I know, it has
23 not been repealed. So it is a normal thing
24 to do if there is a crisis or if your life
25 is in danger, or some sufficient thing, to

1 seek sanctuary in a church or in a
2 church-related building or compound.

3
4 That's one reason I think that Tutsis fled
5 so often to churches. The second reason is
6 not quite so noble. I think that many
7 Tutsis were lured into churches by their
8 pastors and by their priests and we
9 have -- I have and other people I'm sure
10 have -- evidence of that, anecdotal evidence
11 and actual evidence, of Tutsis being told by
12 their pastors and even many by their
13 bishops, "Come to the church, you will be
14 safe". And they came to the church and then
15 they were divided into ethnic groups by the
16 identity cards and surrounded by the
17 Interahamwe and killed.

18
19 That is not an exception in this particular
20 trial, but it happened many, many times in
21 Rwanda. So the two go hand in hand. The
22 idea of sanctuary -- and it's my
23 understanding that there were not people
24 killed in the earlier massacres that took
25 place in Rwanda before the genocide, that

1 those churches were relatively free of
2 killings, but it took place in this
3 genocide, and I think it was part of the
4 planning that we referred to earlier by
5 church leaders to encourage the churches to
6 be used as a place of refuge, and in fact it
7 was a trap.

8 Q. Mr. McCullum, you say in your report again
9 that the church took place -- took part in
10 the planning of the genocide or it was
11 complicit. Now, what is the basis for these
12 findings, for these conclusions in your
13 report?

14 MR. PRESIDENT:

15 We have to define the notion "church", here,
16 Mr. Kapaya. Is it now used in the general
17 sense concerning all denominations?

18 MR. KAPAYA:

19 Yes, Your Honour, because in his thesis when
20 he talks of church, he talks of the
21 ecumenical church; the church that
22 transcends -- I mean, all the churches, the
23 Protestant churches and the Catholic
24 churches.

25

1 MR. PRESIDENT:

2 We've read the report and we see there are
3 nuances there. I am only now concerned that
4 the communication between you and the
5 witness is as efficient as possible. So you
6 are now talking of the churches as a whole?

7 THE WITNESS:

8 All denominations without exceptions.

9 MR. KAPAYA:

10 That's my question, Your Honour.

11 THE WITNESS:

12 I'm sorry. I lost the question in that
13 interchange.

14 BY MR. KAPAYA:

15 Q. The question is, you state as part of your
16 thesis that the church was either complicit
17 in the genocide or it actively planned it in
18 conjunction with the state and so on. Could
19 you tell us the evidence for that? What is
20 your basis for that finding?

21 A. There is evidence -- I'm not sure if I
22 should use the word "evidence", but there is
23 information, at least, that senior church
24 leaders were involved in the -- with the
25 members of the interim government and with,

1 indeed, with some of the extreme members of
2 the Habyarimana government in planning the
3 genocide. I can -- the archbishop, the
4 Roman Catholic archbishop, the Anglican
5 archbishop, the president of the
6 Presbyterian Church, the president -- sorry,
7 the legal representative of the council of
8 Protestant churches and a number of other
9 Anglican, Roman Catholic and Protestant
10 church leaders were -- how do I put it? --
11 had both close, personal and institutional
12 ties with the leadership of the Habyarimana
13 government and the interim government. And
14 I was told personally, to my face, by the
15 Anglican archbishop that he had regular
16 contact with the interim government both
17 during the -- he wouldn't call it genocide,
18 but during the genocide and afterwards in
19 Zaire.

20 Q. Mr. McCullum, did you have reason to believe
21 that SDA Church either condemned the
22 massacres or was not a party, like the other
23 churches, to the genocide?

24 MR. PRESIDENT:

25 Let's start with the beginning. Now, you

1 referred to some denominations here where
2 there was information. Do you have any
3 information about the Seventh-Day Adventists
4 about their role?

5 THE WITNESS:

6 I do not have evidence other than anecdotal
7 evidence from other church leaders.

8 BY MR. KAPAYA:

9 Q. Finally, Mister --

10 THE WITNESS:

11 But it seems to me that this close
12 relationship with government at all levels
13 -- perhaps I've not made that clear, that
14 the national leaders met with the national
15 leaders of the government and at all levels,
16 from the préfectures on down to the communes
17 and so on, the churches had that same kind
18 of government-church relationship, pastors
19 and bourgmestres, pastors and préfets,
20 pastors and mayors and so on, all were the
21 local kind of elite who met together and
22 discussed the affairs of their particular
23 areas.

24 MR. PRESIDENT:

25 On page 20 of your report, please. If you

1 look at the last paragraph on that page,
2 there you state that, "Mainline Protestant,
3 Anglican and Seventh-Day Adventist churches
4 were perceived as being the hard-lined
5 extremist Hutu ideology". So I'm -- could
6 you, please, be a bit more specific in
7 relation to that element in the sentence
8 which relates to the Seventh-Day Adventist
9 churches, please?

10 THE WITNESS:

11 I believe the Seventh-Day Adventist Church
12 is considered a Protestant church or it is
13 certainly non-Roman Catholic Church. My
14 information comes from the leadership of the
15 Protestant Council of Rwanda, PCR, and its
16 then general-secretary who told me that the
17 mainline -- he listed all of the mainline
18 Protestant churches, the Anglicans and the
19 Seventh -- and even the Seventh-Day
20 Adventists, he said, had genocides committed
21 in their areas.

22
23 So thought I would modify that, since I did
24 not have first -- by saying "perceived".
25 They were perceived by the All Africa

1 Conference of Churches by the international
2 church community and were mentioned in a
3 report made by the World Council of
4 Churches, Eighth Assembly, in Harare in
5 1998.

6 BY MR. KAPAYA:

7 Q. Mr. McCullum, the church is not on trial
8 here, but the title of your thesis reads,
9 The Role of the Church in the Genocide. Do
10 you have any comments on that?

11 A. Yes, I do. I realise the church as an
12 institution is not on trial here, but the
13 church is a body which is made up of
14 individuals. That is classic theology that
15 the church is the body of Christ, the body
16 of Christ are individuals, and so I think
17 you can say church or church leadership,
18 quite properly, interchangeably.

19
20 In my view, the church was the, probably,
21 the second most powerful institution in
22 Rwanda for many, many years. It was
23 probably the most powerful -- not probably,
24 it was the most powerful civic institution
25 in Rwanda over many, many years. It

1 had -- it was a pacifier, its people were
2 taught to be obedient. Much of the problems
3 of the church historically have been this
4 sense of blind obedience to authority, to
5 bishops, to pastors, to priests to nuns and
6 so on. So I think the church, perhaps only
7 second to the government and its agencies,
8 was the most responsible institution for the
9 genocide that there was. And I use the word
10 "church" in its collective or universal
11 sense.

12
13 The church was extremely close to the
14 Habyarimana government and to the extremist
15 interim government. The church, as I have
16 said, planned and organised and instituted
17 the genocide at many levels. Church
18 leaders, without exception, ran away from
19 their people. "The shepherd tends his
20 flock" is a favourite simile that the
21 preachers use, but the shepherds ran away
22 from their flocks, to Zaire, to Burundi, to
23 Nairobi, and to Europe and to North America.
24 They did not stay with their people. There
25 were a few very heroic priests and pastors

1 who did stay with their people, and, for
2 example, 16 Presbyterian pastors paid for
3 that with their lives.

4
5 Some church leaders refused to participate
6 in the genocide, but they were in a very,
7 very small majority. Church leaders have --
8 and when I use the word "leaders", that goes
9 for pastors and on up. Church leaders have,
10 since the genocide and even during the
11 genocide, when asked, have known no
12 repentance, no remorse; they have not asked
13 for forgiveness, and they have, in many
14 cases, justified -- and there is plenty of
15 evidence to that effect -- they have
16 justified the genocide. I have quotations
17 in the paper from the Anglican Archbishop of
18 Kigali, who said, "It was God's will that
19 Tutsis should be killed, that Tutsis are
20 wicked people and should be eliminated".
21 These are direct quotes.

22
23 I think the churches also are considered to
24 be universal churches; that is, that the
25 churches in Rwanda have all been what are

1 called "missionary churches". They were
2 supported by -- massively supported
3 financially by missionary societies in
4 London, in New York, in wherever, and the
5 Vatican. And those international churches,
6 while they expressed a certain horror at the
7 situation here, have not made any effort
8 that I am aware of to discipline or to
9 punish or to set up commissions of inquiry
10 into the activities of these pastors, many
11 of whom were able to send their children
12 away to university, many of whom were able
13 to live in advanced lifestyles. There was a
14 corrupt relationship between the government
15 and the church, materially corrupt
16 relationship. The Vatican has been asked
17 twice formally by African Rights to hold a
18 commission of inquiry into its role in the
19 genocide, and it has steadfastly, to my
20 knowledge, refused to do this.

21
22 I think that the attitude of the
23 international community would like to be to
24 forgive and forget. And I have quotes in my
25 paper, from the senior levels of the

1 Seventh-Day Adventist Church, saying
2 precisely that. I can give you the pages if
3 you wish; pages 26 and 27. The official
4 publication of the Seventh-Day Adventist
5 Church, when asked by -- if there was
6 anything done about the people involved in
7 this case said:

8
9 "He" -- meaning the pastor -- "did not act
10 officially if he acted at all. There was no
11 committee meeting about the genocide" -- my
12 brackets -- "as we know of which he called
13 and which passed any action, so the church
14 cannot defend him officially because there
15 was no official action. If he acted at all,
16 he acted on his own". And so on, "to his
17 supervisors who say our approach is to
18 forget the past and begin afresh. It is not
19 easy to preach to the deeply aggrieved
20 people of Rwanda, after hearing of such
21 atrocities, but we must forgive those who
22 hurt us. We must forgive anyway".

23
24 That's very bad theology. Justice comes
25 before reconciliation. Truth comes before

1 reconciliation, as the South African Truth
2 and Reconciliation Commission has -- under
3 Archbishop Tutu -- has proven, I think.

4
5 But I think, if I may have one more minute,
6 that you cannot dismiss the power that the
7 church had in pacifying people. If a pastor
8 or a bishop or a priest said, "Come into
9 this compound, come into this hospital, come
10 into this church", people felt that that is
11 where they would be safe, because that was
12 the church telling them what to do.

13 Q. Now, Mr. McCullum, could you say that the
14 church was overpowered, overwhelmed by the
15 genocide, so much so that it could not
16 prevent or at least minimise it? What's
17 your opinion on that?

18 A. I think every institution in the country
19 was, to some extent, overpowered or
20 overwhelmed by the genocide. I know that
21 any of us who were trying to move around the
22 countryside were overwhelmed. But there are
23 -- there are many examples, all,
24 unfortunately, not a majority of examples,
25 of pastors and priests who did stay, who did

1 stay with their people, who hid their
2 people, who helped their people escape, who
3 tried to keep their congregations together,
4 who preached against the genocide, who
5 supplied whatever little food they could
6 offer or relief that they could, and that
7 they -- that many of them paid for that with
8 their lives.

9
10 There are, as I mentioned, 16 Presbyterian
11 pastors who stayed with their people and
12 paid for it with their lives. The Dean of
13 the Anglican Cathedral in Kigali was hiding
14 people in the steeples of his cathedral and
15 saved several hundred lives until he was
16 turned in by a fellow Hutu priest and was
17 killed himself. There are examples of many
18 people who stayed with their people and
19 protected them and did everything they could
20 to help them to escape the genocide.

21 MR. KAPAYA:

22 That's all I have from this witness,

23 Your Honour.

24 MR. PRESIDENT:

25 Thank you, very much, Mr. Kapaya.

1 Will both Defence counsel examine this
2 witness or one Defence counsel?

3 MR. CLARK:

4 Probably just one, Your Honour.

5 MR. PRESIDENT:

6 Just one, because it relates to the role of
7 the church, specifically. Thank you.

8

9 Please, Mr. Clark.

10 MR. CLARK:

11 It may not be very long, Your Honour. It
12 may be less than we indicated last night,
13 and I say that so Witness OO can be
14 available if this does go as quickly as I
15 hope.

16 CROSS-EXAMINATION

17 BY MR. CLARK:

18 Q. Good morning, Mr. McCullum.

19 A. Good morning.

20 Q. My name is Ramsay Clark and I am the lawyer
21 for Pastor Elizaphan Ntakirutimana.

22

23 The Tribunal asked the first question that I
24 had, which relates to the statement you put
25 on the cover of your report: Expert Report

- 1 Prepared at the Request of the International
2 Criminal Tribunal for Rwanda. Why did you
3 want to tell people that it was the
4 International Criminal Tribunal for Rwanda
5 that asked you to prepare this report?
- 6 A. I was in touch with the Office of the
7 Prosecutor and asked if there was a
8 particular format for these reports. The
9 report that I was sent as a model, which I
10 don't have on my desk, used these very
11 words. So I just simply thought that was
12 the proper format and used it. I have no --
13 I am not wedded to it in any way.
- 14 Q. Are you able to tell us what that report
15 was?
- 16 A. It was a report on -- no, I don't. I have
17 it some place. Do you want me to take the
18 time to look for it?
- 19 Q. It was an expert report, is that your --
- 20 A. It was an expert report, I think, on local
21 government.
- 22 Q. On local government?
- 23 A. That's what he had used -- or that the
24 author of that had used, so I used it too.
- 25

1 MR. PRESIDENT:

2 Could be Guichaoua's report then.

3 MR. CLARK:

4 Could be what?

5 MR. PRESIDENT:

6 Could be Professor Guichaoua's report.

7 THE WITNESS:

8 That's right, it was.

9 BY MR. CLARK:

10 Q. But you couldn't see the difference between
11 being requested by the Office of the
12 Prosecutor and implying that the Tribunal
13 was putting its imprimatur on your
14 testimony?

15 A. There was no intention to imply that the
16 Tribunal was putting its imprimatur on my
17 report.

18 Q. Now, I only received your professional
19 history last Thursday afternoon. We have
20 been in trial, and I haven't had the
21 opportunity to check it out. But I did want
22 to ask you a few questions about it. I
23 can't tell from reading it whether you have
24 any earned degrees from university or
25 college, do you?

- 1 A. I have an honorary degree, that's all.
- 2 Q. I said "earned". Do you know the difference
- 3 between --
- 4 A. No, I have no earned degree.
- 5 Q. But you understand the --
- 6 A. I quite understand the difference.
- 7 Q. You don't have an undergraduate degree or
- 8 any other degree?
- 9 A. I do not.
- 10 Q. Okay. But you didn't say that in here. Do
- 11 you think it implies to say "undergraduate
- 12 study and graduate study" that you had
- 13 degrees?
- 14 A. Not in Canada, it doesn't.
- 15 Q. Now, you told us that, yesterday, that you
- 16 testified for more than eight hours in a
- 17 trial in France involving prosecution of a
- 18 priest, Wenceslas Munyeshyaka; do you recall
- 19 that?
- 20 A. I did not say I testified at a trial.
- 21 Q. A hearing or whatever it was?
- 22 A. It was an investigation by a magistrate.
- 23 Q. And in your résumé -- but you did say you
- 24 appeared and testified, didn't you?
- 25 A. Yes.

- 1 Q. Okay. In your resume, on page K529, you
2 say, "prepared evidence in
3 cross-examination". Does that mean you
4 participated in -- this is for the
5 prosecutor's investigation, as you put it
6 here. Is it a fair reading of that that you
7 were preparing evidence in cross-examination
8 for the prosecutor's investigation; is that
9 what you did?
- 10 A. I don't think I understand the question.
- 11 Q. You see the reference in your --
- 12 A. Yes, I do.
- 13 Q. It says, "prepared evidence in
14 cross-examination, prosecutor's
15 investigation of Father Wenceslas
16 Munyeshyaka".
- 17 A. Yes.
- 18 Q. Does that convey the impression that you
19 were preparing evidence and
20 cross-examination for the prosecutor?
- 21 A. I may not understand the French system
22 completely. This magistrate was
23 investigating charges against Father
24 Wenceslas for genocide laid by the French
25 government. I was requested to come to

- 1 France to be examined by the magistrate and
2 to prepare myself to do that. I went to
3 France and we spent parts of two days going
4 through my notes, asking me questions about
5 what I had said, and I -- it may not have
6 been a cross-examination in the sense that
7 this court means a cross-examination, but he
8 was examining me. He was asking me
9 questions; he was asking me if I meant what
10 I said; he was asking for explanations and
11 expansions of what I had said.
- 12 Q. So you presented evidence, is that what you
13 are saying; you presented evidence and
14 underwent cross-examination?
- 15 A. I believe it was an investigation. I don't
16 know whether the term is evidence or not.
17 There is a different system in France, as
18 I'm sure you know.
- 19 Q. Yes, but I don't think you are answering the
20 question. Did you prepare evidence or did
21 you present evidence to the magistrate?
- 22 A. I did both. I prepared evidence --
- 23 Q. You prepared it yourself and then you
24 presented the evidence?
- 25 A. I prepared evidence before I went to France.

1 I took it with me. I sat in the
2 magistrate's chamber, and he looked at my
3 evidence. He asked me questions about it.
4 I gave oral evidence as well -- or oral
5 information as well, and he asked me
6 questions about that. Whether that's
7 cross-examination or not, I don't know. I'm
8 not a lawyer.

9 Q. And do you know whether Father Wenceslas was
10 acquitted and remains a priest and active in
11 his religion?

12 A. Father Wenceslas -- the charges were
13 withdrawn by the French government and, as
14 far as I know, Father Wenceslas is still a
15 priest in that village in France, and there
16 are efforts to have the charges laid again.
17 He was not acquitted.

18 Q. No. The charges weren't even prosecuted,
19 were they; they were withdrawn.

20 A. That's right.

21 Q. Now, you list on the first page of your
22 professional history and have talked
23 primarily about it. Your activities,
24 director of information and communications
25 for the All Africa Conference of Churches in

- 1 Nairobi from 1993 to 1995, did you engage in
2 a number of other activities during that
3 same period?
- 4 A. Yes.
- 5 Q. So it wasn't full time?
- 6 A. Yes, the job was full time.
- 7 Q. And your time as a correspondent for the
8 Globe and Mail in Toronto, from 1989 to
9 1985, was moonlighting, or what?
- 10 A. It was freelance. You could call it
11 moonlighting if you like.
- 12 Q. But it was freelance, not a correspondent?
13 You were a stringer, is that it, or?
- 14 A. I was called a correspondent. They didn't
15 go to other journalists for coverage.
- 16 Q. It wasn't freelance.
- 17 A. It was freelance in the sense that I was not
18 a staff person of the Globe and Mail.
- 19 Q. And did you submit articles to the Globe and
20 Mail during that time?
- 21 A. From time to time, yes.
- 22 Q. Did you submit any on your period in Rwanda?
- 23 A. Yes.
- 24 Q. How many?
- 25 A. I really don't know; probably a dozen.

- 1 Q. How many people were under your direction in
2 the All Africa Conference of Churches? How
3 many people worked in the office of
4 information and communications?
- 5 A. About four.
- 6 Q. And how many were non-clerical?
- 7 A. They were all non-clerical.
- 8 Q. And what did the others do?
- 9 A. One was a Portuguese journalist who covered
10 the Portuguese areas of Africa --
11 Portuguese-speaking areas of Africa. One
12 was a graphic artist, one was a secretary.
- 13 Q. And graphic artist and secretaries are
14 non-clerical?
- 15 A. Yes.
- 16 Q. Okay. You have told the Tribunal this
17 morning that -- and you mentioned yesterday
18 -- that you were an author, when reference
19 was made to the journalist, and nothing
20 else, that you had written 11 books.
- 21 A. Something like that.
- 22 Q. Did you list all your books in your
23 publishing history here?
- 24 A. I don't believe I listed all the books
25 edited.

- 1 Q. And do you consider editing a book to be
2 authoring a book?
- 3 A. No, sir.
- 4 Q. I find three that you say you authored here,
5 but you can't tell what two of them are.
6 And you do say there are 228 pages in The
7 Angels Have Left Us, is that correct, or is
8 it 115?
- 9 A. Hundred and fifteen.
- 10 Q. Okay. Now, do you want to tell us what the
11 book you authored called The Least of These:
12 The Global Refugee Crisis, paren (sic) The
13 Observer. Was that a book or was that a
14 pamphlet or was that something that appeared
15 in a publication called the Observer? What
16 was it?
- 17 A. It was published by a publishing house
18 called The Observer Publications.
- 19 Q. And how many pages was it?
- 20 A. Off hand, I don't know. Somewhat the size
21 of this.
- 22 Q. You think it was that large, 115 pages?
- 23 A. I think so. It was written 15 years ago, I
24 believe.
- 25 Q. It's 19 years ago, isn't it? You were asked

- 1 about some awards. Is there an organisation
2 called The Canadian Press Journalism Awards,
3 or is that a generic phrase that you've
4 used?
- 5 A. It's a generic phrase.
- 6 Q. Okay. So you are not trying to tell us
7 there is something called -- it's prominent,
8 The Canadian Press Journalism Awards, all
9 caps; it's a generic phrase?
- 10 A. There are the Canadian Church Press
11 Journalism Awards. I think when the CV was
12 typed the word "church" was left out.
- 13 Q. So this refers to the Canadian Church Press
14 Journalism Awards?
- 15 A. Yes.
- 16 Q. That's different, isn't it?
- 17 A. Yes.
- 18 Q. And what church does that refer to?
- 19 A. It's a body of all the church publications
20 in Canada.
- 21 Q. Of all denominations?
- 22 A. Of all denominations.
- 23 Q. Do you know whether it includes the
24 Seventh-Day Adventists?
- 25 A. Off-hand, no.

- 1 Q. Now, on page 2 of your report, you say that
2 your paper traces the role of the Christian
3 church in all of its Rwandan denominational
4 manifestations.
- 5 A. On page 2, yes.
- 6 Q. Yeah, first paragraph?
- 7 A. Yes.
- 8 Q. You've been reading from it; now I'll read
9 from it. The paper traces -- "This paper
10 traces the role of the Christian church and
11 all of its Rwanda denominational
12 manifestations". It's overwhelmingly
13 directed at the Catholic Church, isn't it,
14 just in terms of its substance?
- 15 A. The Catholic Church was the largest church
16 in Rwanda, in terms of numbers.
- 17 Q. And the paper is overwhelmingly directed at
18 the Catholic Church; is that correct?
- 19 A. I wouldn't say "overwhelmingly".
- 20 Q. You wouldn't. Do you know anything, really,
21 about the Seventh-Day Adventist Church?
- 22 A. Yes, I know some.
- 23 Q. Have you ever written on it other than
24 your -- not your comments, the things you
25 quote in this paper?

1 A. No, I have not.

2 Q. Now, you write on that same first page of
3 text, which is the summary, "The church and
4 its leaders and all denominations were both
5 aware of and assisted in the organisation in
6 carrying out the genocide". That's a pretty
7 big statement, isn't it?

8 A. Yes.

9 MR. PRESIDENT:

10 Well, Mr. McCullum, shouldn't you defend
11 yourself a little bit there? You have an
12 "even though" at the last part of that
13 sentence, haven't you?

14 THE WITNESS:

15 I'm trying to find the paragraph that he
16 read.

17 MR. PRESIDENT:

18 Page 2, last paragraph.

19 THE WITNESS:

20 The information and observations that I have
21 made, before, during and after the genocide
22 led me to make that statement. It refers to
23 -- both to people who assisted and
24 participated in the genocide and those who
25 tried to remain with their flocks, remain

1 with their congregations and be true pastors
2 to them, and it also refers that this is
3 opposed -- this kind of activity is opposed
4 to the teachings of Christ and that pastors
5 and church leaders and priests and so on are
6 enjoined by scripture to remain with their
7 flock and to be concerned with even one lost
8 sheep that is -- that there is.

9 BY MR. CLARK:

10 Q. You've testified earlier that in very
11 inclusive terms, all the leaders of the
12 church abandoned and fled their flocks. Do
13 you have any idea how many church leaders
14 were killed in Rwanda during this bloody
15 period?

16 A. I testified that most church leaders
17 abandoned their flocks. The leadership did
18 leave. I know that three church leaders
19 were shot by a soldier in Kabgayi during the
20 genocide.

21 Q. Three?

22 A. Three --

23 Q. The archbishop and four bishops --

24 A. It was the archbishop --

25 Q. -- and ten priests on the 5th of June '94?

1 A. That's right. I didn't say that they were
2 priests, I said leaders of the church.
3 Q. And --
4 A. One of whom --
5 Q. And that archbishop you've criticised pretty
6 severely in this paper, haven't you?
7 A. That's right.
8 Q. And you say he was killed by a soldier, but
9 you didn't say by RPF soldiers, did you?
10 A. Yes, he was killed by an RPF soldier.
11 Q. But you didn't say that.
12 MR. PRESIDENT:
13 It's going too quick now for the
14 interpreters. Slow down, both of you,
15 please.
16 MR. CLARK:
17 It's hard to resist when you can go English
18 to English and even call a witness by his
19 name rather than letters. We'll try to rein
20 in.
21 BY MR. CLARK:
22 Q. Is that the only example you know?
23 A. I'm not clear whether you are talking about
24 church leaders in the archbishop sense or
25 whether you are talking about leaders as

- 1 pastors and priests.
- 2 Q. Well, to me pastors and priests are church
- 3 leaders, but --
- 4 A. Okay. There were several hundred killed, as
- 5 best I know. I don't have an exact figure.
- 6 Q. And many died in their own churches; isn't
- 7 that correct?
- 8 A. Some, yes.
- 9 Q. You've testified that some church leaders
- 10 lured the flock into the church and it was a
- 11 trap. You have no personal knowledge of
- 12 that whatsoever, do you?
- 13 A. Yes, I do.
- 14 Q. Okay. Tell us it then.
- 15 A. There are extensive examples given --
- 16 Q. Personal knowledge, please.
- 17 A. I interviewed people who had been lured, as
- 18 you put it, into their churches and had been
- 19 told that they would be safe.
- 20 Q. Is it possible that the person who told them
- 21 that believed they would be safe?
- 22 A. The evidence seems to be that once they were
- 23 in the church, the leaders who had suggested
- 24 they come in or ordered them to come in or
- 25 encouraged them to come in were not sincere,

1 and as soon as they were in, the Hutus were
2 released and the Interahamwe or militias
3 were called and the massacres took place.

4 Q. And you have no personal knowledge of that,
5 do you?

6 A. I have personal knowledge in the sense that
7 I saw the results, and I talked to people
8 who had --

9 Q. Can you tell from the results if people were
10 lured in?

11 A. I said I saw the results and I talked to
12 people who had survived the massacres. And
13 I talked to church pastors who had remained
14 and stayed with their people and saved their
15 people, and what, they described to me, what
16 some of their fellow clergy had done.

17 Q. And you have no knowledge of what happened
18 in Kibuye, do you?

19 A. I have no personal knowledge, no.

20 Q. Do you consider yourself a scholar in terms
21 of church history in Rwanda?

22 A. I don't consider myself a scholar in any
23 way, but I am a trained journalist. I have
24 worked for many, many years for the
25 institutional churches, and I have spent a

- 1 great deal of time studying the church
2 history of Rwanda. I consider myself to be
3 expert in this area.
- 4 Q. Haven't you taken much of your text directly
5 from other treatises?
- 6 A. Not without attribution, I don't think, any
7 more than some treatises have taken
8 information from my work.
- 9 Q. You tried to weigh the two to see if they
10 were of equal weight?
- 11 A. The two what?
- 12 Q. People taking materials from your writings
13 and not giving attribution and your taking
14 writings from other people and not giving
15 attribution. You seem to compare the two.
- 16 A. No, I didn't say I didn't take them without
17 attribution. I said other people took --
18 have used work -- material from my work in
19 their treatises, as you call them.
- 20 Q. I thought you said you hadn't done that any
21 more than they had. I thought you said it
22 was equal, but it's not a real point.
- 23 Page 18 --
- 24 A. Sorry?
- 25 Q. I want to turn to page 18 just as an

- 1 illustration. You have used the work of
2 African Rights and of Rakiya Omaar
3 extensively in your paper, haven't you?
4 A. Yes, I've used some of it.
5 Q. This awkward word, "ethnogenesis", it is
6 attributed by you to Omaar and Alex de Waal;
7 is that correct?
8 A. On the summary on page 2.
9 Q. That's correct. But you use ethnogenesis
10 more than a dozen times during the text,
11 don't you?
12 A. I haven't counted the number. Yes, I would
13 assume that many.
14 Q. Now, page 18, there is a quote at the top in
15 which you refer to it as "group of Catholic
16 priests writing to all Catholic bishops".
17 Do you see that?
18 A. Yes.
19 Q. Does that quote appear verbatim on page 870
20 of Rwanda: Death, Despair and Defiance, to
21 your knowledge?
22 A. It could. I don't know; I don't have the
23 book in front of me.
24 Q. Do you have it with you?
25 A. No, it's in my hotel room.

1 Q. In the next paragraph you say, "The
2 hierarchy did not respond". The paragraph,
3 I will tell you, on page 870, following that
4 same quote was, "Monsignor Nsengiyumva did
5 not respond".
6
7 You speak of privileged report (sic). He
8 maintained privileged report. The next
9 sentence in that paragraph, "But his
10 privileged report". The only difference is
11 African Rights had privileged -- rapport,
12 I'm sorry -- and you have only "rapport",
13 end quotes, with the president.
14
15 The next sentence is virtually the same.
16 You have no citation to Death, Despair and
17 Defiance. And your text just uses one page.
18 You go on the next page: "Tragically, but
19 perhaps not surprisingly, four of the five
20 priests who signed this letter were murdered
21 in 1994". That's from Death and Despair.
22 You write in your third or fourth paragraph,
23 whatever it is, the last sentence:
24 "Tragically, but not unexpectedly, four of
25 the five priests were murdered in the 1994

1 genocide".

2

3 And two paragraphs down you quote Monsignor
4 Thadeé -- who has the last name as the
5 archbishop, but not related -- "The church
6 is sick". African Rights quotes him: "The
7 church is sick".

8

9 With Prunier's book you have many sentences
10 which are virtually the same as his and some
11 that are the same as his. Are you aware of
12 that? We can go through the whole thing.

13 We won't now, of course, but you rely very
14 heavily on a couple of books; is that right?

15 A. The document that "the church is sick" was a
16 public document. Most of the material that
17 you've quoted on page 18 were public
18 documents. During the meetings that the
19 prosecution raised, that I had in late 1993
20 and '94, Monsignor Thadeé was at all of
21 those meetings; he led the Rwanda delegation
22 that came to those meetings -- those church
23 meetings. I had an opportunity to speak
24 with him and to observe and listen to him in
25 these meetings. I do not think that if he

1 writes that the church is sick and I write
2 that the church is sick and Rakiya Omaar
3 writes that the church is sick, that that is
4 necessarily plagiarism, as you are
5 inferring.

6 Q. Even if in the text and the context for four
7 or five paragraphs you run virtually the
8 same order, begin with the same quote and
9 end with the same quote, by chance. And
10 some of the sentences are virtually
11 identical -- some of them are identical.
12 But that's -- you are conceding that you
13 rely very heavily on this document; is that
14 correct?

15 A. I relied on that document. I didn't rely on
16 it more heavily than I did on some others.
17 There is a bibliography at the back of the
18 book.

19 Q. There is, and there wasn't until yesterday
20 at midday. We waited a long time for that.
21 In your earlier drafts you had bibliography,
22 paren (sic) -- or, I'm sorry, bibliography,
23 colon, and then you dropped that and then
24 yesterday we finally got a bibliography; is
25 that correct?

- 1 A. I don't know.
- 2 Q. And there are just a handful of books there,
3 aren't there? And they are the popular
4 books being sold on the subject of the
5 genocide in Rwanda; isn't that correct?
- 6 A. I don't know how popular they are. Some of
7 the ones that I --
- 8 Q. They are the best known, aren't they?
- 9 A. Is the International Panel of Eminent
10 Personalities to investigate the 1994
11 genocide in Rwanda by the OAU a popular
12 book? I can't find it on the bookshelves.
- 13 Q. No. It's about a 20-page document that --
- 14 A. No. It's about an 80 --
- 15 Q. Everyone in this Tribunal --
- 16 A. It's a huge-page book.
- 17 MR. PRESIDENT:
- 18 Gentlemen, you must not interrupt each
19 other, please.
- 20 BY MR. CLARK:
- 21 Q. You refer three or four times to the
22 horrendous massacres of 1959, 1963, 1973 and
23 1991. There is an illustration on page 7.
24 You say it's not possible to write about the
25 events leading up to the genocide of 1994,

- 1 to say nothing of the horrendous massacres
2 of 1959, 1963, 1973 and 1991, without
3 writing about the role of the Catholic
4 Church. Now, what was happening politically
5 in 1959; anything in Rwanda?
- 6 A. It was the time of the beginning of the
7 Kayibanda and the Hutu revolution or
8 PARMEHUTU.
- 9 Q. And it was a major struggle for the end of
10 colonisation; is that correct?
- 11 A. It was a major struggle for the end of the
12 Tutsi domination, I believe.
- 13 Q. And had nothing to do with the presence of
14 Belgium?
- 15 A. It may have.
- 16 Q. But you don't choose to mention that any
17 place in this paper, do you?
- 18 A. I understood that the general thrust of the
19 paper was to deal with the church in that
20 context.
- 21 Q. But you would have to place the church in
22 the context of what was happening in Rwanda,
23 don't you?
- 24 A. Yes, I think I tried to.
- 25 Q. Do you know whether there were more than ten

1 invasions of Rwanda by predominantly Tutsi
2 exiles between 1959 and 1967?
3 A. I know that a number of Tutsi refugees were
4 trying to come back to their home country.
5 I'm not sure they were invasions.
6 Q. You don't know anything about invasions or
7 armed entries?
8 A. They were citizens of this country.
9 Q. Did you read that document that I say was
10 20 pages, the eminent group we were
11 discussing just a moment ago, and did you
12 see in there there were ten invasions?
13 A. The OAU book -- document?
14 Q. Um-hum.
15 A. I may have, yes.
16 Q. But you don't think they are right when they
17 say invasions?
18 A. I think that my understanding is that people
19 had fled Rwanda during these various
20 massacres and that they tried from time to
21 time to come back. They may have tried
22 to -- they may have been armed or not.
23 Q. You are not sure?
24 A. No. I was not asked -- I was not writing
25 about the invasions by the Tutsis, as you

- 1 call them.
- 2 Q. And in all your studies of this history
3 you've never encountered any information
4 about that?
- 5 A. I've acknowledged that citizens of this
6 country who were Tutsi tried to come back
7 from the surrounding countries of Rwanda on
8 a number of occasions. I don't --
- 9 Q. But not in an organised way, like the racist
10 churches tried to divide Tutsis and Hutus,
11 is that correct, they just tried to drift
12 back in and come home again?
- 13 A. I believe they were Tutsis, not divided
14 between Hutus and Tutsis. They were Tutsis
15 had who had felt they had to leave the
16 country and they are Tutsis who wanted to
17 come back to the country. Some of them were
18 more organised than others, I imagine.
- 19 Q. But you don't have any knowledge?
- 20 A. I do have knowledge.
- 21 Q. But you are just imagining them?
- 22 A. Imagining what?
- 23 Q. You said you imagine.
- 24 A. I wasn't there. I wasn't there. I doubt if
25 you were.

- 1 Q. If you weren't there, then you can only
2 imagine?
- 3 MR. PRESIDENT:
4 Let's take the next point.
- 5 BY MR. CLARK:
- 6 Q. What happened in 1973? You talk about
7 massacres. Was there any political activity
8 that year?
- 9 A. The massacres were all, I believe, political
10 in nature.
- 11 Q. And they were all related to a struggle that
12 involved forces outside of Rwanda; isn't
13 that correct?
- 14 A. If you mean forces from surrounding
15 countries outside of Rwanda, no, I don't
16 think that's correct.
- 17 Q. Was there an invasion on October of 1990
18 from Uganda of Rwanda by a powerful military
19 force?
- 20 A. My understanding was that was a Tutsi force,
21 not a Uganda force.
- 22 Q. Did I imply otherwise?
- 23 A. You said a powerful force from Uganda.
- 24 Q. Military force in Uganda -- it included many
25 veterans of the Ugandan army, didn't it?

- 1 A. Yes, but they were, as I understand it, they
2 were Tutsis. There may have been some
3 Ugandans there; I have no information on
4 that.
- 5 Q. Do you know whether hundreds of thousands of
6 internal refugees resulted from that
7 invasion?
- 8 A. Internal refugees?
- 9 Q. Yes.
- 10 A. Displaced people?
- 11 Q. Yes.
- 12 A. No, I have no knowledge that there were
13 hundreds of thousands. I know there were
14 displaced people.
- 15 Q. Um-hum. In February of 1993 was there a
16 powerful military invasion of Rwanda from
17 Uganda?
- 18 A. I understand that the Rwanda Patriotic Front
19 crossed the border and headed towards Kigali
20 and that the Hutu government got the French
21 to come and save their lives, or their skin,
22 or whatever.
- 23 Q. So your interpretation of that history is
24 that the RPF would have prevailed but France
25 interceded and saved the MRND government?

1 A. That's my understanding.

2 Q. Um-hum. And do you know whether the
3 document by Eminent Group say that there
4 were more than 900,000 internal refugees
5 within Rwanda as a result of the two
6 invasions of 1990 and 1993 that created
7 great unrest and enormous strains on the
8 government and the population?

9 MR. KAPAYA:

10 Your Honour, I have a small observation.
11 The report of this witness is based on the
12 role of the church in the, you know, in the
13 massacres of 1994 and the background behind
14 it. He's not talking about the military
15 invasions or the role of the army and
16 whatnot. So I tend to think that
17 Mr. Clark's line of questioning is
18 misplaced, and I think he should focus on
19 the relevant issues, that the expert is
20 coming to testify on.

21 MR. PRESIDENT:

22 Comment, Mr. Clark?

23 MR. CLARK:

24 Yes, the suggestion of the questions is that
25 there may have been matters other than

1 religion that caused the massacres, the
2 horrendous massacres that the witness has
3 referred to, and he hasn't identified them
4 at all, preferring to attribute everything
5 to religion.

6 MR. PRESIDENT:

7 What is your comment to Mr. Clark's comment,
8 Mr. McCullum?

9 THE WITNESS:

10 I don't think that in any place I have said
11 that there were no other problems in Rwanda
12 in the Rwanda genocide other than the
13 churches. I've tried to say that the
14 churches played a major role and failed in
15 their gospel values in the genocide.

16
17 Insofar as his question about 900,000 people
18 coming back to Rwanda and destabilising the
19 country, these were citizens of Rwanda, who,
20 I believe, have the right of citizenship in
21 the country, and it was being denied to
22 them. So that, too, could have something to
23 do with the destabilisation of the country.

24 BY MR. CLARK:

25 Q. Mr. McCullum, the 900,000 figure was

- 1 internal refugees, not immigrant population.
2 You should know that there were about
3 400,000 Rwandan Tutsi exiles seeking
4 re-entry. With the 900,000 figure that was
5 referred to, and it was specifically stated
6 in a question to you, were people within
7 Rwanda, overwhelmingly farmers and poor
8 people who fled internally. You are not
9 aware of that?
- 10 A. Yes, I am aware. I'm not aware of the
11 900,000 figure.
- 12 Q. Well, it comes from that document. Read it
13 again, you'll see it there.
- 14 A. I'll do that.
- 15 Q. Now, you state that all of the
16 denominations, the Catholic Church and all
17 the Protestant Christians, single mass of
18 religious (sic) were closely related to
19 political leadership at all levels; is that
20 correct?
- 21 A. I believe so.
- 22 Q. And what evidence do you have of any such
23 relationship between leadership of the
24 Seventh-Day Adventist Church and government
25 leadership at the national level or

1 préfectural level or commune level or
2 cellule level? What evidence do you have of
3 that?

4 A. The evidence that I -- I have evidence of
5 the close relationship between national
6 church leaders and the national government
7 and the MRND, and I have stated that, I
8 think, clearly in my report.

9 Q. Of the Catholic Church and the Anglican
10 Church?

11 A. And the Presbyterian Church and the Anglican
12 Church.

13 Q. And I just asked you about the Seventh-Day
14 Adventist Church.

15 A. May I continue? I was -- and the ties with
16 the churches at the local levels or the
17 préfectural and local levels was also
18 equally close. That was my observation. I
19 have no personal knowledge, but I have read
20 of the relationship between the Seventh-Day
21 Adventist Church and the various authorities
22 in that commune -- sorry, in that
23 préfecture.

24 Q. You didn't cite any in your paper, did you?

25 A. No, I did not.

1 Q. In fact, you only cited one little
2 publication in which two people made a
3 comment; is that correct?
4 A. I understood that that little publication
5 was their official publication of the
6 worldwide church.
7 Q. Have you ever seen it?
8 A. Yes.
9 Q. It's a periodical --
10 MR. PRESIDENT:
11 Too quick, too quick. While you are slowing
12 down, what was the reference to the
13 préfecture there, Mr. McCullum; which
14 préfecture?
15 THE WITNESS:
16 Kibuye.
17
18 Have I seen it?
19 BY MR. CLARK:
20 Q. That was my last question -- no, the last
21 question was, it's a little pamphlet, isn't
22 it, a publication?
23 A. I would call it a periodical. I don't know
24 whether -- how often it comes out. I can
25 find out. I didn't think that was

1 important. I gave the volume number and the
2 date.
3 Q. Yes, and includes a large number of these
4 periodical publications; is that correct?
5 A. Volume 25 would have been 25th volume.
6 Q. And is the 25th volume -- have you ever held
7 the 25th volume in your hand?
8 A. Yes.
9 Q. The whole volume or just a pamphlet of it?
10 A. No. I have seen the publication.
11 Q. The volume?
12 A. Volume is 25, No. 4, June 1996.
13 Q. It's No. 4 and that implies they were
14 separate publications in a single
15 publication, doesn't it?
16 A. No. It implies to me and, if it is proper
17 journalism, it is the 4th volume, 4th number
18 of the 25th volume. So they come out
19 periodically.
20 Q. That's what I was asking you, I thought. Do
21 you know how many numbers there were in
22 volume 25?
23 A. No, I do not.
24 Q. Do you know how many pastors there were in
25 Kibuye in the Seventh-Day Adventist Church?

- 1 A. Not precisely, no; I don't.
- 2 Q. Do you know how many churches there were in
3 Kibuye and Cyangugu?
- 4 A. No, I don't.
- 5 Q. Do you know whether a majority of the
6 pastors in the West Rwanda Association in
7 the beginning of April 1994 were Tutsi?
- 8 A. Not precisely, no.
- 9 Q. Not at all, do you?
- 10 A. I know that there were a lot.
- 11 Q. Excluding present company, can you name one?
- 12 A. No, I cannot, but I can name the ones who
13 wrote the letters. I can --
- 14 Q. If you have the letter you can read it,
15 yeah. You never met any of them, did you?
- 16 A. No.
- 17 Q. At any time?
- 18 A. No.
- 19 Q. And you don't know whether any of them had
20 any relationship with officials in local
21 government, do you?
- 22 A. No, I don't know that personally, but that
23 is the pattern throughout the churches at
24 the local and regional level throughout
25 Rwanda, and I see no reason to believe that

1 it would not be the same relationship in
2 Kibuye and with the Seventh-Day Adventist
3 church. And information that I have read
4 indicates that there was a close
5 relationship with the authorities.

6 Q. Mr. McCullum, do you believe that there is a
7 pattern within the body of the Christian
8 church in all of its manifestations and
9 denominations that applies precisely to
10 every constituent group?

11 A. Yes, I think there are basic beliefs and
12 tenants and theological positions that are
13 common to all Christian churches.

14 Q. We're talking about patterns of --

15 A. And that in -- okay. And that in Rwanda
16 there were patterns that precisely followed
17 one another in the Protestant churches and
18 the Catholic Church.

19 Q. You really believe that?

20 A. Yes, I do, and I think there's evidence to
21 that fact.

22 Q. So all the denominations were equal and all
23 did exactly the same thing; is that your
24 testimony?

25 A. No, the denominations were not equal, some

1 were larger than others, some were more
2 powerful than others in terms of the
3 external money that came to them from the
4 various mission boards and outside sources.
5 But the patterns of behaviour within the
6 country vis-à-vis the church and the state
7 or authorities, I believe, was similar, very
8 similar. There may have been individual
9 ecclesiastical differences in their church
10 structures, but the patterns of behaviour,
11 with the heroic exceptions that I have
12 mentioned, that were the same.

13 Q. Can you believe that the Catholic Church
14 itself is actually unified in that respect?

15 A. No. I said there were heroic examples --

16 Q. We are not talking about heroic examples.
17 Those were priests and individuals. We are
18 talking about the hierarchy of the church.
19 It's your testimony that the Catholic Church
20 is absolutely unified in terms of its
21 relationships with national, préfecture and
22 cellule leadership?

23 A. You are asking me to answer in absolutist
24 terms.

25 Q. Well, you've testified in absolutist terms.

1 A. I said the hierarchy, the leadership of the
2 Catholic Church.

3 Q. You said time and time again "without
4 exception" in your paper, haven't you?

5 A. I have said without exception, churches
6 followed a pattern of leadership, of
7 organisation, of participation in the
8 genocide, and had a very close relationship
9 with both the interim governments and the
10 Habyarimana governments, which is
11 characterised in my paper with a quote by
12 the special envoy of the Archbishop of
13 Canterbury who talked about an unusually
14 close relationship between the churches and
15 the government.

16
17 That is not in Rakiya Omaar's book.

18 Q. Are you sure?

19 A. Pretty sure.

20 Q. I'm not. One way or the other, I haven't
21 looked for it. You don't recognise
22 cleavages within the church from long before
23 Martin Luther; you don't see tensions
24 between church movements in every country in
25 the world -- Christian church movements in

- 1 every country in the world, between the
2 mainline churches, the evangelicals and the
3 Pentecostals -- they are all the same, they
4 all do exactly the same thing, they all have
5 the same relationship; is that your
6 testimony?
- 7 A. That would be absurd.
- 8 Q. I agree, and I think that's exactly what
9 you've been saying.
- 10 A. No, that is not exactly what I have been
11 saying.
- 12 Q. Then tell us what you have been saying.
- 13 A. I have been saying there are patterns, which
14 is not the same as cleavages, and
15 differences in doctrine and differences in
16 ecclesiastical practice.
- 17 Q. You say they all fit the same pattern, don't
18 you?
- 19 A. Patterns, I said. There are cleavages
20 within the Roman Catholic Church; I suspect
21 there are cleavages within the Seventh-Day
22 Adventist church -- in fact, I know there
23 are.
- 24 Q. Of course there are in every church. And a
25 cleavage leads a pattern, doesn't it?

- 1 A. But it doesn't lead to a genocide.
- 2 Q. That's not the question at all. I would
3 hope not. And I don't believe the church
4 led the genocide. I think you have a
5 terrible hatred for the church. I can't
6 understand your testimony.
7
- 8 Every page, more than every page, you refer
9 to ethnic divisions created by the church,
10 racist theories of the church, uniform
11 racism and acts of the church, concocting
12 absurd racist theories, every page,
13 sometimes three or four or five times on a
14 page, as if repetition made it so. The
15 thesis of your paper is that the church was
16 hopelessly racist and divided the Hutus and
17 Tutsis and caused the genocide, isn't it?
- 18 A. I think that's absolutely correct. I think
19 it's no more absurd than the theory that
20 some of the early missionaries brought to
21 Rwanda, that the Tutsis had come from the
22 Garden of Eden, which is patently absurd,
23 that the Tutsis, as one Hutu leader said,
24 should be thrown back into the river and
25 float back down to Ethiopia and Egypt from

1 whence they came.

2

3 Those were theses developed by the church.
4 They reflected the racism of Europe of the
5 18th and 19th Century and they were imposed
6 on the people of Rwanda by calling them
7 Tutsi and Hutu and Twa, but particularly,
8 the other two, the Tutsis being the closest
9 to being white, the closest to being "like
10 us". And I think that the church -- you are
11 correct -- I think the church in that
12 particular era was not following the
13 precepts of the gospel, which is about love
14 and trust and justice and equality. The
15 church did not preach that in Rwanda.

16 Q. And you state that with reference to the
17 church in Rwanda, the manifestation of all
18 of these denominations?

19 A. Yes, I do.

20 Q. And you believe you know that?

21 A. I believe I have sufficient evidence that I
22 believe that, and would you like me to quote
23 some of these --

24 Q. No. You've quoted about everything in
25 there. I haven't seen any evidence yet. I

1 see quotes, but, you know, those who go to
2 church hear about the Garden of Eden even
3 now.

4 A. And the Tutsis came from there?

5 Q. You take things out of context. You are
6 really saying that the church was
7 incorrigibly racist throughout this period,
8 and you even say 1994 and beyond.

9 A. Which period are you talking about?

10 Q. Pre-colonial, colonial --

11 A. I'm saying that the church --

12 Q. -- post-genocide; all of your headings.

13 MR. PRESIDENT:

14 We must not interrupt. We must not
15 interrupt. So what is your answer,
16 Mr. McCullum?

17 THE WITNESS:

18 I'm saying that the church, in the colonial
19 period in particular, espoused now
20 discredited racist and ethnicicist (sic)
21 ideology and theology and that it was
22 particularly disastrous for Rwanda because
23 it came down on the side of one or the other
24 of the major ethnic groups. I'm saying that
25 the relationship with the church and the

1 government was extraordinarily and unusually
2 close, leaving the church unable to make a
3 moral and ethical critique of the
4 government, which is the church's
5 responsibility in society.

6
7 And you made some reference to
8 post-genocide, I didn't get that.

9 BY MR. CLARK:

10 Q. Yes. I said that you said that the church
11 had engaged in ethnogenesis and created a
12 cleavage based upon racism from pre-colonial
13 through colonial, through all the periods
14 that you state, including the church of
15 Habyarimana, which you have some clever
16 phrases, and genocide -- the church of the
17 genocide and beyond, to this day. That's
18 what you write in your paper, isn't it?

19 A. Yes. That's not a very fair summary, but
20 that's moderately accurate.

21 Q. Well, I left some things out, I realise
22 that. Now, you say that on page 17, "None
23 of the churches or levels of government
24 could by any stretch of the imagination be
25 considered democratic".

1 A. I'm sorry, what?

2 Q. Page 17. But I read it to you. You'll find

3 it there on the last sentence of the third

4 full paragraph on the page.

5 A. Yes, that's correct.

6 Q. Do you know how all of the positions of the

7 Seventh-Day Adventist Church are filled?

8 A. I would imagine there is some form of

9 election.

10 Q. Do you know whether there is an election of

11 the congregations at every level for the

12 positions of the church?

13 A. Yes, I assume there are.

14 Q. And you call that undemocratic?

15 A. There are elections in most of the other

16 churches also. There are elections in --

17 there were elections in Rwanda where the

18 president got 99 per cent of the vote,

19 twice. I do not call those democratic

20 elections. I have --

21 (Pages 1 to 96 by S. Fleming)

22

23

24

25

1 1113H

2 Q. Do you have any basis for calling the
3 elections --

4 MR. PRESIDENT:

5 Just a moment. You were in the middle of
6 something there, Mr. McCullum. Please
7 proceed.

8 THE WITNESS:

9 Well, I think elections do not necessarily
10 constitute a democracy, and the example I
11 was giving was that the late President
12 Habyarimana was elected twice with
13 99 per cent of the vote. That is hardly a
14 democratic election. I have information
15 from the Council of Protestant Churches'
16 officials and many other priests and pastors
17 that I have talked to that it was impossible
18 for a Tutsi to reach a leadership position
19 in any of the churches in Rwanda at that
20 time.

21 MR. PRESIDENT:

22 At what time?

23 THE WITNESS:

24 At that --

25

1 MR. PRESIDENT:

2 At what time?

3 THE WITNESS:

4 At -- in the period that -- leading up to
5 the genocide, the five or six-year, ten-year
6 period leading up to the genocide. At most
7 -- the most they could expect in the
8 Anglican/Catholic churches was to give the
9 odd assistant Tutsi bishop. Presidents and
10 moderators, and so on, of other churches
11 were Hutu.

12 MR. PRESIDENT:

13 But, Mr. McCullum, on page 16 of your
14 report, in answering my question you
15 mentioned that -- the first sentence, where
16 reference is made to eight Hutu bishops, an
17 archbishop and three Tutsi auxiliary
18 bishops, that that was the Catholic Church.
19 Isn't that an exception from what you are
20 just stating?

21 THE WITNESS:

22 Auxiliary bishops are assistant bishops who
23 have no dioceses, no area responsibilities.
24 They are sometimes referred to as confirming
25 machines who go around holding

1 confirmations, but they are not -- they are
2 not the key leaders of a diocese. They are
3 not the leaders of a diocese at all.

4 MR. PRESIDENT:

5 But, generally, you have been criticising
6 leadership as a whole and that, according to
7 the definition previously, covers from
8 pastors and upwards; wasn't that so?

9 THE WITNESS:

10 I don't follow you. I'm sorry. I'm saying
11 that out of the Catholic Church, at its
12 best, it managed to get three Tutsi
13 assistant or auxiliary, as they're called,
14 bishops, but they are bishops without
15 dioceses, without power to appoint priests,
16 without any other power than sacramental
17 power.

18 MR. PRESIDENT:

19 Mr. Clark.

20 BY MR. CLARK:

21 Q. Have you heard of Bishop Jean-Baptist
22 Gahamanyi?

23 A. I don't believe so.

24 Q. Do you know whether he was the Bishop of
25 Butare from 1962 to 1997 in the Roman

1 Catholic Church?

2 A. I do not know that.

3 Q. Did you agree with me earlier that a
4 majority of the pastors in the Seventh-Day
5 Adventist Church in Kibuye were Tutsi?

6 A. I don't think I agreed with you that the
7 majority were. I said I understood there
8 were quite a number.

9 Q. Do you --

10 MR. PRESIDENT:

11 Slow down again, please, both of you.

12 BY MR. CLARK:

13 Q. Do you deny that a majority were Tutsi?

14 A. I don't have numbers, specific numbers, so I
15 can't deny it or affirm it.

16 Q. Do you know whether the second highest
17 official in the Seventh-Day Adventist Church
18 in the West Rwanda Association was a Tutsi?

19 A. No, I don't know; I don't know if he's still
20 alive.

21 Q. Do you know whether the Seventh-Day
22 Adventist Church conducted fair, open, full
23 participation elections for all officials
24 within the church, as a matter of important
25 church doctrine?

- 1 A. I don't have that information, no. But I do
2 know, according to the general secretary of
3 the Council of Protestant Churches, has said
4 to me that it was impossible for a Tutsi to
5 be elected the head of a church in Rwanda.
- 6 Q. And his saying made it so?
- 7 A. Well, he was the general secretary of the
8 organisation that kept -- to which the
9 Protestant churches belonged, and, yes, I
10 think he would be considered to be
11 knowledgeable about the situation.
- 12 Q. And do you think --
- 13 A. And he was a Hutu.
- 14 Q. Do you think he meant that seriously or was
15 he talking --
- 16 A. He was talking very seriously.
- 17 Q. I see. On page 16, you say, "the leadership
18 of all the churches remained a firm,
19 reliable and generally unapologetic bulwark
20 of Habyarimana's specifically Hutu republic
21 right to the end of the genocide". All
22 churches were the same?
- 23 A. Page 16 and --
- 24 Q. Yeah.
- 25 A. Which paragraph?

- 1 Q. It's the third paragraph down.
- 2 A. Yes.
- 3 Q. Do you really think in the nature of things
4 that that's possible?
- 5 A. Very possible. I think it's possible even
6 today that many of those church leaders,
7 especially the ones in exile, would still
8 subscribe to that, that the work is not yet
9 finished.
- 10 Q. You state on page 33, second paragraph from
11 the bottom: "the genocide shows by its very
12 existence the moral and spiritual bankruptcy
13 of the hierarchies and leadership of all the
14 Christian churches".
- 15 A. Yes.
- 16 Q. And you believe you know that?
- 17 A. Yes; with the heroic exceptions, if you
18 don't mind me interjecting that again.
- 19 Q. Do you consider that an extreme position?
- 20 A. No, I do not consider it an extreme
21 position. I consider it to be the position
22 that many leaders of the African church and
23 the worldwide church have also affirmed.
- 24 Q. And would you say that that same moral and
25 spiritual bankruptcy of the hierarchies and

1 leadership of all the Christian churches
2 applied from the earliest days of the
3 missionaries through the genocide and
4 beyond?

5 A. I think that it applied in the sense of the
6 context, the social and historical context,
7 in which those people came and who brought
8 their European obsession with skin colour
9 and racial features, and imposed it on the
10 people of Africa and in this instance on the
11 people of Rwanda. I think that is something
12 for which all of the churches, including the
13 Roman Catholic Church, have at one time or
14 another apologised to the people of Africa
15 for, formally.

16 Q. And do you think that the church was more
17 racist than other social institutions in the
18 population generally?

19 A. Then or in modern times?

20 Q. Throughout the period, from colonial times
21 until today.

22 A. Well, in most of Africa and in Rwanda there
23 were not any other social institutions in
24 the colonial period except the
25 administration, the colonial administration,

1 and the church, which went hand in hand, and
2 which -- the church was the theological and
3 ideological underpinning for colonialism.

4
5 Archbishop Tutu has a marvellous statement
6 in which he says, "When the Christians came,
7 we had the land and they had the bible. Now
8 we have the bible and they have the land".

9 I think that is -- it is true that
10 throughout the history of the church in
11 Rwanda and in many parts of Africa, most
12 parts of Africa, the church undergirded the
13 racist ideologies of that area.

14
15 I think in Rwanda the ethnic card, as it's
16 sometimes called, was played by the church
17 right through the genocide, from the
18 beginning of the colonial period right
19 through to the end of the genocide, yes, and
20 perhaps even now, indicated that the church
21 and the state were, if you don't mind me
22 repeating, hand in hand in developing these
23 ideologies, these ethnic ideologies and
24 theologies, and practised them.

25 Q. And I asked you whether you felt the church

1 was more racist than the population
2 generally.
3 A. You asked me if it was more racist than the
4 institutions of society.
5 Q. And I added at the end; but I ask you now
6 anyway, the population generally.
7 A. I think the church found a population that
8 was not particularly racist, or ethnicist,
9 as you -- and that by the imposition of
10 these severely discredited European theories
11 that the population was polarised and began
12 to, quite naturally I think, to fight each
13 other and to mistrust each other and
14 eventually to lead to a genocide, because
15 one ethnic group was favoured over another
16 ethnic group, and then that changed, and
17 another ethnic group was favoured over the
18 other.
19 Q. And that's because, as you put it, the
20 church was consistently playing the ethnic
21 card; is that correct?
22 A. That is correct.
23 MR. CLARK:
24 That's all. Thank you.
25 MR. PRESIDENT:

1 We will then take a short break. What will
2 be your approximate redirect, if any,
3 Mr. Kapaya? The time estimate, please?

4 MR. KAPAYA:

5 It won't take ten minutes, Your Honour.

6 MR. PRESIDENT:

7 Ten minutes, yes, and then the Judges may
8 have some questions. That implies that in
9 about half an hour, or around 12:15,
10 Witness OO should be available.

11 MR. KAPAYA:

12 I will endeavour to find out from our
13 colleague what the position of OO is.

14 MR. PRESIDENT:

15 Thank you very much. Fifteen minutes' break
16 then.

17 (Court recessed from 1124H to 1155H)

18 MR. PRESIDENT:

19 Mr. Kapaya, please.

20 MR. KAPAYA:

21 Thank you, Your Honour.

22 RE-EXAMINATION

23 BY MR. KAPAYA:

24 Q. Mr. McCullum, for how long you have been
25 involved with the church, or church affairs,

1 in your life?

2 A. In my life, I was born into a clergy
3 person's family. My brother is a
4 theological professor and I have worked full
5 time in a professional capacity for various
6 churches for about 22 years.

7 Q. In the course of cross-examination you sort
8 of implied that there were problems of
9 ethnicity in the precolonial period. Now,
10 could you clarify this issue? What was the
11 ethnic relationship in the precolonial
12 period and in the colonial period in Africa,
13 just very briefly?

14 A. I do not think I implied there was an ethnic
15 problem in the precolonial period. As I
16 understand from reading history that, the
17 relationship between the various peoples of
18 Rwanda was relatively harmonious, and that
19 it was only after these European theories of
20 race that were introduced that the
21 relationships became more tense and various
22 elites were raised up by the colonial
23 administration and the church.

24 Q. You say, on page 4 of your report, the last
25 sentence, that the church spiritually

1 prepared the people for the genocide. Can
2 you clarify that, please?

3 A. Well, I don't think you can take it out of
4 the context of emotionally and
5 psychologically either -- they are all in
6 the realm of feelings. But I think that the
7 church, in an all-encompassing sense, had
8 stressed obedience and passivity from the
9 very beginning of its arrival in Rwanda
10 until at least the time of the genocide, to
11 the point that people were prepared
12 emotionally and psychologically and
13 spiritually to do what their leaders told
14 them to do, or suggested they do.

15 Q. Mr. McCullum, it was suggested that the
16 major source of your report is human rights;
17 how do you explain that? Is it true that
18 the major part of your report is based on
19 human rights reports, or there are some
20 other sources?

21 A. African Rights?

22 Q. Yes.

23 A. It is not true that the majority of my
24 report is based on African Rights. African
25 Rights was one source that I used and the

1 others are cited in the bibliography. Much
2 of the material that I used came from
3 interviews with people in Rwanda and
4 connected with Rwanda, from the
5 international and continental churches, from
6 my own professional observations as a
7 journalist and author, and from information
8 that I was given either orally or in
9 writing.

10

11 I believe it was the first African Rights
12 book came out roughly the same time as my
13 book came out, and there were a number of
14 incidents and other events in them that were
15 similar. And, undoubtedly, there were
16 people that I interviewed and that Ms. Omaar
17 interviewed who could well have been the
18 same people. I do not think that
19 constitutes plagiarism, as was inferred.

20 Q. And, finally, Mr. McCullum, are you aware of
21 any church or church denomination that did
22 not side with the Interim Government during
23 the genocide?

24 A. No, I am not aware of any church that did
25 not support the Interim Government during

1 the genocide.

2 MR. KAPAYA:

3 That's all, Your Honour.

4 JUDGE PILLAY:

5 Mr. McCullum, based on your expertise and
6 research, you've informed us about general
7 patterns of behaviour that you highlighted
8 in respect of all churches in Rwanda prior
9 to and during the massacres. Now, counsel
10 Mr. Clark's cross-examination highlighted
11 some of the inadequacies in the methodology
12 you adopted, specifically that you were not
13 familiar with the Seventh-Day Adventist
14 Church, that did you not speak to any of
15 their members, and you did not, in fact,
16 visit western Rwanda, Kibuye, in particular,
17 where this church is predominant. So these,
18 then, have been pointed to us as
19 inadequacies in the way you conducted your
20 study.

21
22 This Chamber is trying a pastor of the
23 Seventh-Day Adventist Church and this
24 Chamber may well be invited by the
25 Prosecutor to read your general conclusions

1 of the behaviour of Rwanda churches with
2 regard to the way ethnicity was practised in
3 the churches, and with regard to the way the
4 churches identified closely with the
5 political authorities. The Prosecutor may
6 ask us to apply your general comments in
7 that regard to the Seventh-Day Adventist
8 Church.

9

10 Now, why should the Chamber do so?

11 THE WITNESS:

12 When I was -- when I was travelling in
13 Rwanda we tried -- we had been told of
14 massacres in Kibuye by UNAMIR and by some
15 church officials. We tried -- I tried to
16 get there and it was not possible.

17

18 I tried to -- I understood that there had
19 also been Seventh-Day Adventist churches in
20 Cyangugu. I was there during Operation
21 Turquoise for several days, and I was not
22 able to find any Seventh-Day Adventist in
23 Cyangugu.

24

25 I made some effort and I read a number of

1 books and so on about the massacres in this
2 case, and decided that since they were not
3 my own personal observations that I should
4 not include them in the paper.

5
6 However, I did discuss with the individual
7 who told me -- the church individual who had
8 told me about the massacres in Kibuye and we
9 discussed -- that is, his name is Emmanuel
10 Nkusi and he was the general secretary then
11 of the Protestant Counsel of Rwanda, and he
12 was saying it in the context he was a Hutu,
13 a church person. He was saying it in the
14 context that every church had massacres
15 during the genocide period, even the
16 Seventh-Day Adventists -- it's in my book --
17 who are one of the worst -- had one of the
18 worst there was. And we talked a little bit
19 about that, but that was the only
20 information I could get.

21
22 However, in regard to your question, I find
23 it very difficult to think that there would
24 be one out of the 11 or 12, or whatever,
25 denominations of Christianity in Rwanda that

1 would break the pattern of the others so
2 completely as has been inferred, and --
3 because the pattern had been there for so
4 long, even probably -- even before the
5 Seventh-Day Adventist Church came into
6 Rwanda. And even though their polity, their
7 ecclesiastical structure is different, it is
8 not completely different from other
9 Protestant churches who also have elections
10 and who also have leadership contests, and
11 so on.

12
13 So I think that the information that I heard
14 and the patterns that I have tried to
15 describe should not exclude the Seventh-Day
16 Adventist Church simply because they have
17 elections. The Presbyterians have
18 elections, the Methodists have elections,
19 the counsel of Protestant churches have
20 elections, the Anglicans have elections, the
21 Catholics don't usually. And so I believe
22 that that pattern -- you can extrapolate
23 that pattern to the Seventh-Day Adventists.

24 JUDGE PILLAY:

25 Was the Seventh-Day Adventists members of

1 the WCC and/or the AACC?

2 THE WITNESS:

3 No, they were not. I believe the
4 Seventh-Day Adventist Church, according to,
5 I think the second last page of my document,
6 maintains a kind of observer or fraternal
7 relationships with the ecumenical movement.

8 JUDGE PILLAY:

9 And was this an official statement of the
10 conference on the moral bankruptcy of the
11 churches?

12 THE WITNESS:

13 I'm sorry, which conference?

14 JUDGE PILLAY:

15 Your statement about the moral bankruptcy of
16 the churches in Rwanda at the time, and you
17 said that was referred to at one of the
18 conferences you attended.

19 THE WITNESS:

20 Yes, there's -- excuse me. There's a quote
21 on page 27, I believe it is, by the
22 Protestant Council of Churches following a
23 three-day ecumenical seminar, which calls
24 the genocide a failure on the part of the
25 local and universal church: "the church

1 should now acknowledge its responsibility in
2 the genocide, repent, humbly ask for
3 forgiveness and make amends...Church leaders
4 pointed out that the Church should not
5 thwart human justice but should encourage
6 people to repent and forgive".

7 JUDGE PILLAY:

8 And do you know of any such similar
9 statement or a statement in similar vein
10 issued by the WCC or the AACC?

11 THE WITNESS:

12 Yes, Your Honour, there are quite a number,
13 beginning with Dr. Chipenda, the general
14 secretary of the All Africa Conference of
15 Churches, who spoke to the synod of African
16 bishops in Rome as a Protestant speaking to
17 Catholics, on page 20. He says: "The eyes
18 of Africa are filled with tears. One the
19 hand, we weep with joy at the wonderful
20 display of democracy and peace in South
21 Africa. But, on the other hand, my dear
22 African brothers, we are overwhelmed with
23 anguish at the massacres and senseless
24 violence in Rwanda, where we believe
25 suffering on such a magnitude the world has

1 seldom seen, is taking place in a situation
2 where African countries, the international
3 community and the worldwide church appears
4 both uncaring and impotent".

5
6 And the church issued endless statements,
7 from the African church and the
8 international church, from the beginning
9 until long afterwards, and sometimes it
10 seemed it couldn't do anything else but
11 issue statements, but it did. There are
12 statements from Archbishop Tutu, who was
13 President of the AACC. There are even
14 statements from the Seventh-Day Adventist
15 world body and states.

16 JUDGE PILLAY:

17 Yes, thank you.

18 JUDGE VAZ:

19 Good afternoon, Witness. I would -- I
20 should tell you first of all that I did not
21 read the entire report because I am
22 French-speaking. I am going to ask you a
23 question relating to what you have told us
24 here; namely, that, in your opinion, the
25 genocide was planned with church leaders.

1 Could you give us a few more details as far
2 as that assertion is concerned and also tell
3 us if you attach or if you include the
4 Seventh-Day Adventist Church among those
5 churches?

6 THE WITNESS:

7 Your Honour, the relationship of the leaders
8 of the church at a national level was
9 extremely close to the Habyarimana
10 government, and they were in almost daily
11 contact with him. That includes the Roman
12 Catholic Archbishop, the Anglican
13 Archbishop, the Anglican Bishop of Kigali,
14 the President of the Presbyterian Church,
15 the legal representative of the Council of
16 Protestant Churches of Rwanda, and others.

17
18 They participated in discussions about
19 policy, and that leads one to believe that a
20 genocide could not have been planned without
21 their knowledge and participation.

22
23 I think that the evidence of the numbers of
24 massacres that were -- that occurred in the
25 country within churches which had not

1 happened in previous times, the desecration
2 of churches by the people perpetrating the
3 massacres -- and they were quite horrendous
4 desecrations of what to normal Rwandese
5 Christians would have been very sacred
6 symbols, like crucifixes and baptismal fonts
7 and church vestments, and so on -- leads me
8 to believe that the churches were involved
9 in planning and organising and carrying out
10 massacres.

11
12 It also -- I have also talked to church
13 leaders who admitted that the church was
14 very close to the Interim Government. The
15 Anglican Archbishop told me personally in
16 one of the camps outside Goma that he met
17 with the Interim Government in Bukavu on an
18 almost daily basis.

19
20 I also believe from what interviews I had
21 with victims that both pastors and leaders
22 higher up organised specific massacres
23 within churches or church compounds, or
24 church property, by enticing or by telling
25 the Tutsis to come there, telling the

1 refugees to come there because they would be
2 safe, and then when they were in the church
3 or in the church property the militias, the
4 Interahamwe were called in and the Hutus
5 were let go and the Tutsis were killed.

6
7 There are examples of that in -- of those
8 interviews and those statements by three or
9 four bishops and other pastors, in my paper.

10 JUDGE VAZ:

11 I thank you. I would like to ask you: On
12 account of what you saw and read, do you --
13 conceded I would not say officials as such,
14 but the priests and the pastors, those who
15 were at an average or an intermediate level
16 of the church hierarchy, do you consider
17 that they took a very active part in the
18 events, and would you say that was a general
19 situation or that was an exception? I am
20 referring to the participation of the
21 clergy, the priests and the pastors.

22 THE WITNESS:

23 My observation, observations, would be that
24 I don't think I know of any -- no, that's
25 not correct. Most priests and pastors did

1 not actively participate in the killing of
2 human beings, although some did and some
3 have been investigated. But I think a great
4 many pastors and priests either did nothing
5 to assist their congregations, or they ran
6 away from their congregations, or they
7 actively participated in organising the
8 people so that there could be a massacre. A
9 few, of course, stayed and helped to save
10 their parishioners, the members of their
11 congregation and the members of other
12 congregations for that matter. But the
13 majority, I would say, either did nothing,
14 ran away, or actively participated in the
15 organisation of the particular massacre in
16 that particular church property.

17 MR. PRESIDENT:

18 Mr. McCullum, on page 28 of your report,
19 first paragraph, it is stated that there has
20 been a general view that because Rwanda was
21 more than 60 per cent Roman Catholic that
22 the much smaller non-Catholic and Protestant
23 churches had less involvement in the
24 genocide, even though, as in the case of the
25 Adventists, many of their members were

1 Tutsi. Then in the following paragraphs on
2 that page, and also 29, I understand that
3 you are arguing against that view, that one
4 can make the distinction between, on the one
5 hand, the main responsibility falls on the
6 Roman Catholic or, to be more precise in the
7 context of this case, that, for instance,
8 the Adventists were less involved. Could
9 you assist us a bit more with the basis for
10 that?

11
12 You say yourself that many of their members
13 were Tutsi, and if it is correct, as stated
14 by Mr. Clark, that number one and number two
15 -- at least number two -- of the leaders
16 were Tutsi, of the Seventh-Day Adventists,
17 how would you then explain that also that
18 denomination was part of the planning, or
19 even at the central level of the
20 implementation?

21 THE WITNESS:

22 I think what I am trying to say is that the
23 general popular, public view was that most
24 of this -- of the massacres and the genocide
25 were perpetrated within the churches by the

1 Catholics, because they were by far and away
2 the largest denomination and had the longest
3 history in the Rwanda. But I believe that
4 many other churches also had many Hutu --
5 had many Tutsi members, partly because the
6 Catholic Church was seen as a Hutu church.
7
8 But the church that I had some regular --
9 some greater contact with was the
10 Presbyterian Church, a staunchly Protestant
11 church, with an elected leadership, had many
12 of its pastors were Tutsi, many of its --
13 some of its -- some of the teachers at the
14 university were Presbyterian pastors. They
15 were, as Presbyterians often are, a rather
16 strong Protestant church, and they had, as I
17 mentioned in my earlier testimony, 16 of
18 their pastors, who were Tutsis, killed.
19
20 Their president, who was a Hutu, and that
21 coincidentally was a vice president of the
22 World Counsel of Churches during the
23 genocide, an elected position, participated
24 in, or is alleged to have participated in
25 one specific church massacre in a church

1 compound; then is charged by his colleagues,
2 or alleged by his colleagues to have
3 stripped the church treasury and left for
4 Bukavu with nine Mercedes, which for some
5 reason belonged to the church as well, and
6 it was alleged by his -- the survivors, the
7 pastors who had survived the genocide, to
8 have turned some of them in to the
9 Interahamwe and fingered them -- had
10 identified them as Tutsis.

11 MR. PRESIDENT:

12 Now, this person was a Hutu, was he?

13 THE WITNESS:

14 Yes.

15 MR. PRESIDENT:

16 The fellow with the seven (sic) Mercedes.

17 Now, my question is: If we presume or
18 assume, just for the benefit of the
19 discussion now, that you have a church
20 society whose leadership, top leadership is
21 Tutsi, how does that fit into the picture?

22 THE WITNESS:

23 But I'm not sure there was a church whose
24 top leadership was Tutsi.

25

1 MR. PRESIDENT:

2 So you are disputing that?

3 THE WITNESS:

4 Well, he said number two.

5 MR. PRESIDENT:

6 Yes.

7 THE WITNESS:

8 And I don't know whether that person
9 survived or not.

10 MR. PRESIDENT:

11 No.

12 THE WITNESS:

13 But there were -- the Catholics had a few
14 assistant bishops who were Tutsi. The
15 Anglicans had one assistant bishop who was
16 Tutsi. But collectively the church
17 leadership was almost entirely at the top
18 level Hutu, and it was said many times that
19 a Tutsi could not get elected in those
20 churches which held elections.

21 MR. PRESIDENT:

22 Does this also comprise the Adventist group,
23 your statement now? Also there was a Hutu
24 domination at the top level.

25

1 THE WITNESS:

2 That's my assumption from what Emmanuel
3 Nkusi told me, from the Counsel of
4 Protestant Churches.

5 MR. PRESIDENT:

6 Page 26, please. There we find in italics a
7 quotation by Roy Branson, "Never Again",
8 "The Journal of the Association of Adventist
9 Forum". Do you know who Roy Branson was, by
10 the way?

11 THE WITNESS:

12 He was the editor, I understand.

13 MR. PRESIDENT:

14 The editor. So he was an Adventist, was he?

15 THE WITNESS:

16 Yes.

17 MR. PRESIDENT:

18 All right. If you look just at the
19 quotation in italics, do you think there is
20 anything to criticise in what is stated
21 there?

22 THE WITNESS:

23 No, I don't think so.

24 MR. PRESIDENT:

25 So your criticism starts more at the last

1 paragraph on 26, where a reference is made
2 to the present case, and the president of
3 the Africa-Indian Ocean Division, on the one
4 hand, and then his further remarks on the
5 following page, the first three paragraphs,
6 followed by Mr. Nortey, of course?

7 THE WITNESS:

8 Yes.

9 MR. PRESIDENT:

10 So it's more that position which shows some
11 kind of lack of speaking out?

12 THE WITNESS:

13 Yes. I have tried to find out if
14 Roy Branson ever again wrote or commented or
15 had articles written for Spectrum about this
16 case or any other case, and as far as I can
17 find out it was never discussed in that
18 periodical again.

19 MR. PRESIDENT:

20 Thank you very much, Mr. McCullum. We
21 thank you for having come this long way to
22 testify before this Tribunal. Your report
23 is certainly now an important element of the
24 case as an exhibit, and we wish you a safe
25 journey home. Thank you very much.

1 THE WITNESS:

2 Thank you, Your Honour. I have that paper
3 that I used as a model.

4 MR. PRESIDENT:

5 The Guichaoua report, or isn't it?

6 THE WITNESS:

7 Yes, the one where I copied the expert --

8 MR. PRESIDENT:

9 And could you just read what is on the front
10 page, please?

11 THE WITNESS:

12 It says "Expert Report Prepared at the
13 Request of the International Criminal
14 Tribunal for Rwanda".

15 MR. PRESIDENT:

16 By whom?

17 THE WITNESS:

18 By André Guichaoua.

19 MR. PRESIDENT:

20 Okay. So that's --

21 THE WITNESS:

22 That was the model that I used.

23 MR. PRESIDENT:

24 I see. Thank you very much indeed.

25

1 Mr. Matemanga could you please accompany
2 Mr. McCullum.
3 (Witness withdrew at 1230H)

4 MR. PRESIDENT:
5 Then, Mr. Matemanga, is Mr. OO on his way
6 in, please?

7
8 Well, there seems to be a slight problem
9 with the Court video system, but at least
10 the microphones are working so I think we
11 should just go on.

12
13 Good morning, Witness OO.

14 THE WITNESS:
15 Good morning.

16 MR. PRESIDENT:
17 You are a protected witness and will be
18 referred to as Witness OO in this case. You
19 are under the obligation to tell the truth,
20 and the Registry will now take the
21 declaration from you.

22 (Declaration made by Witness OO in
23 Kinyarwanda)

24 MR. PRESIDENT:
25 Now, please listen carefully to the

1 questions then, Mr. Witness, and try to
2 answer them as briefly and concisely as
3 possible. You will first be asked questions
4 by the Prosecution, then by the Defence.
5 Mr. Phillips, please.

6 MR. ADEOGUN-PHILLIPS:

7 I'm grateful, Your Honour.

8 MR. MEDVENE:

9 If the Court please. I apologise for
10 interrupting. I wasn't sure if the witness
11 brought up a notebook, and if there was a
12 notebook, if it was open or closed, or at
13 least that everyone would know if there was
14 a notebook, if it was being used.

15 MR. PRESIDENT:

16 Thank you, Mr. Medvene. Mr. Witness, do you
17 have anything in front of you now?

18 THE WITNESS:

19 I have no notebook.

20 MR. PRESIDENT:

21 Mr. Interpreter, you can't see anything?

22 THE KINYARWANDA INTERPRETER:

23 He has the papers that he just showed.

24 MR. PRESIDENT:

25 That paper, is that a blank sheet or a

1 written paper?

2 THE KINYARWANDA INTERPRETER:

3 The paper is folded. I don't know if it
4 contains anything.

5 MR. PRESIDENT:

6 So maybe you could open it then.

7 THE KINYARWANDA INTERPRETER:

8 These are notes.

9 MR. PRESIDENT:

10 Yes. Now, Mr. Witness, do you have some
11 notes in front of you?

12 THE WITNESS:

13 Now there is nothing before me, except the
14 document that has been given to me.

15 MR. PRESIDENT:

16 Yes. All right. We will start your
17 testimony now and there will be no need for
18 you to refer to notes. If suddenly you want
19 to refresh your memory, please come back to
20 us and then explain whether you need to have
21 recourse to any kind of auxiliary
22 statements.

23 THE WITNESS:

24 I do not think I will need notes. I'm going
25 to talk about things that I knew and that I

1 saw.

2 MR. PRESIDENT:

3 That's very good, Mr. Witness. So,
4 Mr. Interpreter, there are no notes in front
5 of the witness now, are there?

6 THE KINYARWANDA INTERPRETER:

7 No.

8 MR. PRESIDENT:

9 Thank you very much. Mr. Phillips.

10 MR. ADEOGUN-PHILLIPS:

11 Your Honour, I'm going to ask that we make
12 an application under Rule 79 to go into a
13 closed session, Rule 79(a)(ii), for the
14 safety and security or nondisclosure of the
15 identity of this witness. I'm not able to
16 examine this witness without risking
17 revealing his identity, based on the nature
18 of his anticipated testimony today.

19 MR. PRESIDENT:

20 Does this request relate to his entire
21 testimony --

22 MR. ADEOGUN-PHILLIPS:

23 Yes.

24 MR. PRESIDENT:

25 -- or parts of it?

1 MR. ADEOGUN-PHILLIPS:

2 His entire testimony. I wouldn't want to
3 run the risk. The very essence of his
4 testimony concerns the occupation that he
5 held at the requisite time, and his entire
6 testimony is based on what he did in his
7 professional capacity. The risk is too
8 high, Your Honour.

9 MR. PRESIDENT:

10 Is that the occupation referred to on
11 Prosecution Exhibit 28, as it is being
12 tabled in front of us now?

13 MR. ADEOGUN-PHILLIPS:

14 What will be Prosecution Exhibit 28, yes.

15 MR. PRESIDENT:

16 And there are a limited number -- there is a
17 limited number of persons belonging to that
18 profession?

19 MR. ADEOGUN-PHILLIPS:

20 Not necessarily, but the events that he will
21 testify about took place at his place of
22 employment, took place where he actually
23 resided and worked. And it would -- the
24 risks are very high.

25

1 MR. PRESIDENT:

2 Any comments from the other side.

3 MR. MEDVENE:

4 We don't know of any jeopardy, Your Honour.
5 The witness is -- there's an indication
6 where he is now, he's certainly secure where
7 he is. He's been there since I believe
8 1994, so we don't -- but we defer obviously
9 to the Tribunal.

10 MR. PRESIDENT:

11 Mr. Phillips, I understand that you intend
12 to lead this witness not through his entire
13 witness statement, but through some portions
14 of it; is that so?

15 MR. ADEOGUN-PHILLIPS:

16 Through two-thirds of his witness statement.

17 MR. PRESIDENT:

18 Yes. Would you kindly now indicate the
19 portions of the statement where you will
20 focus and then draw our attention, just by
21 reference to paragraphs, to the information
22 where you feel that there is a need to go
23 into a closed session.

24 (The court video and amplification sound
25 system lost electrical power)

1 MR. PRESIDENT:

2 We note that the power system is now out of
3 use. It will therefore not be possible to
4 continue immediately. We have deliberated
5 and decided that this testimony will take
6 place in closed session in its entirety in
7 order to facilitate the questions and the
8 answers and avoid practical difficulties
9 with the borderlines here.

10

11 We will then continue in a closed session
12 and in view of the power cut, the practical
13 solution will be that we break for lunch now
14 at 12:45 and that we resume again in one and
15 a half hours. And Mr. Phillips will then
16 lead the witness in one and a half hours,
17 and it will be a closed session from the
18 start. Thank you very much. This session
19 is adjourned.

20

(Court recessed at 1245H)

21

(At this point in the proceedings, a portion
22 of the transcript [pages 134 to 193] was
23 extracted and sealed under separate cover,
24 as the session was heard in camera)

25

(Pages 97 to 134 by Geraldine O'Loughlin)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

We, Shannon Fleming, Geraldine O'Loughlin and Verna Butler, 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.

_____ (pages 1 to 96, open)

Shannon Fleming

_____ (pages 95 to 134, open)

Geraldine O'Loughlin (pages 175 to 93, closed)

_____ (pages 135 to 174, closed)

Verna Butler