

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO. : ICTR-01-66-T
CHAMBER III

THE PROSECUTOR
OF THE TRIBUNAL
v.
ATHANASE SEROMBA

THURSDAY, 20 JANUARY 2005
0904H
CONTINUED TRIAL

D35
(w/nde feat)

Before the Judges:

Andrésia Vaz, Presiding
Karin Hökberg
Gberdao Gustave Kam

For the Registry:

Mr. Christopher Fry
Mr. Ramadhani Juma

For the Prosecution:

Mr. Jonathan Moses
Mr. Gregory Townsend
Ms. Althea Alexis

For the Accused Athanase Seromba:

Mr. Alfred Pognon
Mr. Patrice Monthé

Court Reporters:

Ms. Shannon Eboe-Osuji
Mr. Rex Lear
Ms. Roxane Lane
Ms. Verna Butler

CASE NO. ICTR-01-68-T
EXHIBIT NO. D35
DATE ADMITTED 02.11.2010
TENDERED BY Defence
NAME OF WITNESS PWT (CBR)

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1
2 MADAM PRESIDENT:

3 Trial Chamber III is now in session. Good morning, ladies and gentlemen. We shall continue with the
4 cross-examination of Witness CDL, if there are no outstanding issues. Very well. We give the floor to
5 Mr. Monthé.

6
7 The witness has had a problem? Yes, Witness, we can hear you.

8 THE WITNESS:

9 I had a problem last night. I was listening to the news on the radio, an international radio station.
10 Reference was made to my testimony, and I think that what I said was distorted, at least for the part of
11 the broadcast that I listened to. On that programme, it was said that as regards my testimony, that the
12 *bulldozers came to destroy the church pursuant to a decision by the préfectoral authorities*. Now, to
13 my knowledge, I did not give such information.

14
15 Another error regarded the number of victims who perished at the church when it was destroyed on
16 that Saturday. I believe that I explained that the number of victims was approximately 1,500.

17 However, that programme said that the number of victims who perished at that place was 1,500. I
18 believe that I said that on the 15th of April people were killed in the courtyard of the church and that
19 they were buried. Consequently, the figure of 15 hundred that I gave regards the number of people
20 who were killed the day the church was destroyed by the bulldozers, only that day, on that specific
21 place. But of course there are other victims who perished in the surrounding areas of the church.

22
23 As such, I believe that that information that was broadcast was not correct, and I don't know if the
24 Tribunal has a problem with that. I'm simply pointing this out and giving you what I think about the
25 situation. Thank you.

26 MADAM PRESIDENT:

27 Witness, we will reassure you that what is said in the media is not at all that which would be
28 considered by this Tribunal. Furthermore, we did not listen to that broadcast. What is important for us
29 is what is said here, in the courtroom. Everything is written down in the court transcript. If you have a
30 particular problem yourself, you can deal with that problem with the media. But as regards us, what is
31 said in the media will not bear on any decision that this Tribunal makes.

32 THE WITNESS:

33 Thank you, Madam President. I was simply saying this because when such information is broadcast
34 by an international station such as the BBC, I don't think that is a good thing. Look at Rwandans, for
35 example. They listen to that radio station. Perhaps they're going to base their opinions on that
36 information. And it's all the more interesting since the journalist said that he was based here in
37 Arusha. They need to report their information as accurately as possible. That is all I wanted to say,

1 Madam President.

2 MADAM PRESIDENT:

3 Thank you, Mr. Witness.

4
5 Mr. Monthé, you have the floor.

6 MR. MONTHÉ:

7 Thank you, Madam President. Madam President, Your Honours, good morning. Good morning.

8 WITNESS CDL

9 CROSS-EXAMINATION (continued)

10 BY MR. MONTHÉ:

11 Q. Good morning, Mr. Witness.

12 A. Good morning, Counsel.

13 Q. Mr. Witness, yesterday when we adjourned we were having a conversation. I would like to pick up
14 *where we left off*. My first question is the following. You said in this courtroom before this Chamber
15 yesterday that in 1994 at Nyange parish the priest at that location was Athanase Seromba. Is that
16 correct, sir?

17 A. That is correct. When Father Seromba arrived at Nyange parish, his superior was Father Stratton.
18 He was transferred to Nyundo. After that, the priest in charge was Father Seromba, so, I don't believe
19 I am mistaken when I tell you that he was the ranking priest there.

20 Q. Must I understand, Witness, according to you, that Father Stratton was replaced by Father Seromba,
21 or was Father Seromba already there when Father Stratton was transferred and left?

22 A. Father Seromba lived at the parish when Father Stratton was still there, but Father Stratton was still in
23 charge.

24 Q. Did you know Father Gasake?

25 A. Yes, I know him.

26 Q. What his responsibility at the parish?

27 A. Father Gasake had just arrived, so during that period you didn't see him very often. The person you
28 did see was Father Seromba.

29 Q. We are speaking about the priest. Whether or not you see the person -- the priest is a position. Was
30 Father Gasake the priest who replaced Father Stratton? That's my question.

31 A. I'm telling you what we were able to see. As regards representation within the parish at the time, the
32 person who represented the parish at that time was Father Seromba.

33 Q. Thank you, Witness. Witness, yesterday in your testimony you also stated to Madam Prosecutor the
34 following.

35 MR. MONTHÉ:

36 Madam President, I am referring to yesterday's transcripts, page 9, and this was testimony given in
37 closed session. Of course, I am referring to the draft French transcript.

- 1 MADAM PRESIDENT:
 2 Trial Chamber is now in session. Prosecutor, I see the witness is here.
 3
 4 Good morning, Witness.
 5 THE WITNESS:
 6 Good morning, Madam President.
 7 MADAM PRESIDENT:
 8 You are protected witness for the Prosecution and your pseudonym is CBR. You will be questioned
 9 by the Prosecutor. After that, you will be cross-examined by the Defence. If necessary, the Judges
 10 may also put questions to you. Before we begin with your examination-in-chief, we should like to ask
 11 you to take a solemn declaration.
 12 *(Declaration made by Witness CBR in Kinyarwanda)*
 13 MADAM PRESIDENT:
 14 Very well, thank you, Witness. Witness, we ask you that you attentively listen to the questions that are
 15 put to you and that you answer them specifically and concisely.
 16
 17 Prosecutor, you have the floor for the examination-in-chief of this witness.
 18 MR. MOSES:
 19 Thank you, Your Honour. Just for the record, counsel's name is Moses.
 20 WITNESS CBR,
 21 first having been duly sworn,
 22 testified as follows:
 23 EXAMINATION-IN-CHIEF
 24 BY MR. MOSES:
 25 Q. Good morning, Witness CBR.
 26 A. Good morning, Mr. Prosecutor.
 27 Q. You should have in front of you a document --
 28 MR. MOSES:
 29 Apparently he does not.
 30
 31 I'll just ask the registry to show a document to the Judges and the Defence and have it shown to you.
 32 BY MR. MOSES:
 33 Q. Witness CBR, do you see the document that has been placed in front of you?
 34 A. Yes.
 35 Q. And does that document contain your personal particulars, and did you sign it earlier today as those
 36 details being true and correct?
 37 A. Yes.

- 1 Q. Thank you.
 2 MR. MOSES:
 3 Your Honours, I would ask now that that document be produced as Prosecution P. 23.
 4 MADAM PRESIDENT:
 5 Any objection from the Defence? Very well. Identification sheet for Witness CBR is tendered as a
 6 Prosecution exhibit. It shall be marked P. 23. Said document shall be placed under seal. You may
 7 proceed, Mr. Prosecutor.
 8 *(Exhibit No. P. 23 admitted, under seal)*
 9 MR. MOSES:
 10 Thank you, Madam President.
 11 BY MR. MOSES:
 12 Q. Witness CBR, how did you hear about the death of President Habyarimana?
 13 A. Téléphone Ndugutse spoke to me about that; also the news was broadcast over the radio.
 14 Q. And do you remember the date you found out about the death of President Habyarimana?
 15 A. Yes, it was on the 7th of April, 1994.
 16 Q. Who was Ndugutse?
 17 A. He was a teacher, my neighbour in fact.
 18 Q. And what did he tell you?
 19 A. He was leading us during the attacks.
 20 Q. What did he tell you about the death of the president?
 21 A. He told me that the head of state had died, and that we had to avenge that death. He told us that the
 22 head of state had been killed by the *Inyenzi*, and he told us that the *Inyenzi* were the Tutsis, in fact.
 23 Q. And in terms of avenging of the death of the president, did he give you any instructions on that day,
 24 the 7th of April?
 25 A. Yes, he gave us instructions. He was clear in saying that we had to attack our neighbours -- our
 26 neighbour, rather, who was called Ndakubana.
 27 Q. Thank you. Now, do you know where the Nyange Catholic Church is or was in 1994?
 28 A. Yes.
 29 Q. And approximately how long would it take to walk from where you live to the Nyange Catholic
 30 Church?
 31 A. If you walked quickly, you could get there in a half an hour. If you walked at a normal pace, you
 32 could make it in 45 minutes.
 33 Q. Now, did you ever go to the Nyange Catholic Church in the period in the weeks after the death of
 34 President Habyarimana?
 35 A. I didn't entirely understand your question.
 36 Q. I'll rephrase it. Did you ever go to the Nyange church during April 1994?
 37 A. Yes, I went there.

- 1 Q. And why did you go there?
- 2 A. During that period there was an IPJ called Kayishema who came into our *cellule* in a vehicle. He
3 spoke on a megaphone asking us to come to the rescue of the parish. That is why I went to the
4 parish.
- 5 Q. Do you remember the date that you saw Kayishema in the vehicle?
- 6 A. Yes, I remember the date. The first time it was on the 14th of April 1994.
- 7 Q. Do you remember what day of the week that was?
- 8 A. Yes, I remember. It was a Thursday.
- 9 Q. Did you recognise the vehicle that Kayishema was travelling in?
- 10 A. Yes, the vehicle belonged to a businessman called Rinamasirabo, it was commandeered from
11 Rinamasirabo. Rinamasirabo, in fact, was a Tutsi.
- 12 Q. All right, and briefly, can you describe what the vehicle looked like?
- 13 A. It was a white Toyota.
- 14 Q. Thank you. Now prior to Kayishema coming around on the 14th of April, had you been given any
15 earlier indication that there may be a decision to attack the Tutsi at – attack the parish, sorry?
- 16 A. Yes, we were given instructions, and Ndugutse, Téléphone, gave the orders to us.
- 17 Q. What did he tell you?
- 18 A. On the 7th he told us to go and attack Gregoire Ndakubana and to kill the members of his family and
19 that we should do so to avenge the death of the president who had died. So, we went to
20 Ndakubana's house on the night of the 7th. We killed two people there, and we wounded others. In
21 the morning the authorities from the *commune* came to bury the dead, because we left them on-site.
22 Those who had been wounded were brought to the hospital by Rinamasirabo.
- 23 Q. I'll go back to my question because it may not have been easily understood. Before you saw
24 Kayishema on the 14th of April, had you been told by anyone of any plan to attack those people who
25 were at the Nyange church?
- 26 A. Before Kayishema arrived, Téléphone Ndugutse came on the 13th of April. There was a meeting at
27 the *commune* office. After that, he told us that the decision was made that we had to attack the
28 people at Nyange church and kill the *Inyenzi*'s there, in other words the Tutsis who were there. This
29 was on the 13th of April in the afternoon. He told us that he had come from a meeting of *communal*
30 authorities, and at that meeting they had decided that the only choice was to kill those *Inyenzi* who
31 were there.
- 32 Q. Did he tell you of any other decisions made at that meeting?
- 33 A. Besides what I've just told you, in other words the decision was made to kill the Tutsis, he did not tell
34 us about any other decisions made. However, he did say that it was said, if it was impossible to kill
35 those enemies, the Astaldi company was going to assist in doing the job.
- 36 Q. Did he indicate whether the authorities were concerned about the people at the parish who had taken
37 refuge there being armed?

- 1 A. He said that during that meeting a decision had been made to identify, amongst the authorities, some
2 of them who would go to ensure or to find out whether the refugees were armed or not, and it was
3 decided that Kananye, who – Kananye Ruhogogongage (*phonetic*), who was an assistant, should go,
4 together with Father Seromba, in order to find out whether the refugees were armed or not.
- 5 Q. All right, if I can now take you back to the 14th of April. You've told us how Kayishema came and
6 visited your area where you were living. What happened after Kayishema had left?
- 7 A. After Kayishema's departure, Ndugutse gathered together the inhabitants of our *cellule* and convinced
8 them that we must all go to Nyange, and that's what we did, we went to Nyange. When I refer to
9 Nyange, what I mean is the church.
- 10 Q. And did the people who went to Nyange carry anything with them?
- 11 A. We were carrying traditional weapons, in other words machetes, clubs and spears.
- 12 Q. And did you go with that group to Nyange parish on the 14th?
- 13 THE ENGLISH INTERPRETER:
14 Can the Prosecutor please repeat the question for the benefit of the interpreter?
- 15 BY MR. MOSES:
16 Q. Did you go with the group of people to attack at Nyange on the 14th?
- 17 A. Yes, I left together with the group.
- 18 Q. When you arrived at Nyange church, were there any other people there to join in an attack?
- 19 A. Yes. Our *cellule* made up a small group, and we had to wait for other people who were coming from
20 other *secteurs*, especially that of Kigali. I'm referring to Kigali *secteur*. Please do not confuse that
21 with the City of Kigali.
- 22 Q. Thank you. Approximately how many attackers were there at Nyange on the 14th of April?
- 23 A. Actually, on the 14th we were relatively few because we had just arrived.
24
25 I would suggest that there would be about 500 to 1,000 people, so in relation to the refugees we were
26 relatively few.
- 27 Q. And did you attack the people who had taken refuge at the church on that day?
- 28 A. Yes, we did launch an attack, but the gendarmes stopped us because they said we were few in
29 number. So Ndugutse tried to convince them to let us go ahead, even if thereby it would be seen that
30 we were few. I must say, however, that the attack did not succeed. The gendarmes left the place
31 where they were. We threw stones at the refugees and the refugees also threw stones at us, and
32 since they were more in number than we were, we fell back and we went home.
- 33 Q. And on your way home did you see anyone that you recognised?
- 34 A. Are you referring to those who I was with? I don't quite understand to whom you are referring to. Are
35 you referring to the group in which I was or are you speaking about any other persons I may have
36 seen who were in the location? Can you be a bit clearer for me?
- 37 Q. Certainly. Did you see any officials on the way home?

- 1 A. When we were going back home on the 14th I didn't see any persons of authority except those who
2 were together with us. However, a businessman who normally lived in Kigali, one Gaspard
3 Kanyarukiga came across our path; he spoke to Ndugutse as we went by, and he told him that he had
4 *just come back home but that he had seen some Inyenzi at Mushubati who were coming toward us,*
5 *so that they could release the Inyenzis, and he was referring obviously to the Tutsis in the parish.*
6 *Consequently, he was saying that we need to look for reinforcements, so that we can come back and*
7 *fight these people who had just repelled us. After that conversation, Kanyarukiga continued on his*
8 *way, and Ndugutse tried to explain to us what he had discussed with Kanyarukiga. And that's how*
9 *the day came to an end.*
- 10 Q. I now ask you to focus your attention on the following day, the 15th of April. Did anything happen on
11 the 15th of April; that you can recall?
- 12 A. Yes, I remember something that happened on that date. On the 15th of April 1994 Kayishema came
13 back on the same vehicle I referred to earlier. He went through our *cellule*, which has many roads,
14 and he said, *similarly that we needed to do something at Nyange church and get rid of the enemy; in*
15 *other words the refugees who were there. He continued on to other places, and the leader of our*
16 *group, in other words Ndugutse, once again gathered the people together but, in fact, we weren't very*
17 *far away. We were well aware of the plan from the day before. Vehicles belonging to the Astaldi*
18 *Company came and we got onto them. We were transported right up to the church, and I reached*
19 *there at about nine in the morning. I realised that there were already several people who had got*
20 *there from all parts of the commune.*
- 21 Q. Thank you. In terms of the number of people who were gathering there to attack, how did they
22 compare to the previous day, which you've spoken about, the same number, less, more?
- 23 A. The attackers on that day were more in number than those who had come the earlier day and even
24 those who came on the first day. The attackers on that day would have been five to six times more in
25 number than those who had arrived the day before. They had encircled the location.
- 26 Q. Thank you. Now, after you arrived there at the Nyange parish on the 15th, did you see any lead -- was
27 there anyone who was taking a lead, leaders in the community? Did you see anyone there?
- 28 A. The officials were there, for instance Ndahimana, the *bourgmestre*; was present; Kayishema, the IPJ
29 was also there; Habiyambere, the judge; *Elias Sheba Rutese (phonetic) also was there; Vedaste*
30 *Muragwabugabo, assistant bourgmestre also was there; as well as Kanyarukiga. These individuals*
31 *were there in a building. Subsequently, they left that building and they went to where the priests lived,*
32 *then they came back to Codekoki, but I wouldn't be able to know what they talked, because I wasn't*
33 *close by them.*
- 34
35 Later on, when they left the Codekoki building they said, "We need to launch the attack." And we did
36 so. We attacked the refugees. That's how we started throwing stones at the refugees and they did
37 *likewise. At a given point in time, we withdrew and the refugees thought that they had the upper hand*

- 1 so they came out to the centre at a place known as Ishoshu. There was one Rukara, who was a
2 reservist. He went onto the roof of the shops and threw grenades at the refugees. Some refugees
3 were killed and others turned back. Rukara came down and continued to throw grenades at the mass
4 of refugees; at the same time there were some of them who died. We, ourselves, continued right up
5 to the church. Some of the refugees went into the church and had locked the doors. Other refugees
6 went into the presbytery courtyard; others still were killed on the courtyard, and others were able to
7 flee into the woods which were nearby.
- 8
9 Later on, when there were no more refugees left outside in the courtyard, we attacked those who had
10 managed to enter the presbytery courtyard, but since the door leading to that courtyard was locked.
11 We had to break it down. And that is when the priests and the gendarmes came and they stopped us
12 from entering the presbytery courtyard. During this time the authorities were asking us to stop the
13 killings, and the priests asked that the killings be stopped, because there were many dead bodies and
14 piles of stones which we had been throwing. He asked us to remove the debris and the stones and
15 the dead bodies. Kayishema was there, together with others, and they asked us to stop the killings,
16 Kayishema and Ndugutse, I mean they went to procure vehicles to help us to get rid of the dead
17 bodies. They found one Anastase Rushema, who had been an assistant *bourgmestre*. It was, in fact,
18 that individual who was sent to go and contact the Astaldi officials so that the vehicles could be
19 brought.
- 20 Q. Witness CBR, if I can just go back a little bit, you've described how the attack took place on the 15th
21 and how, at one stage, you went towards the priests' compound and you say that there was a priest
22 with gendarmes there. Was anyone leading your group, the people that you were with that tried to go
23 to the priest's compound
- 24 A. Yes, I think I've mentioned the person who was leading us, it was Kayishema and Ndugutse. They
25 were the ones who were leading the group of attackers who were trying to enter the presbytery
26 courtyard to the extent that when the gendarmes and the priests came to the door or to the gate they
27 came face to face with the leaders and they had a conversation. Consequently other leaders, the
28 officials, informed us of what had just been said and that's how things happened.
- 29 Q. Was the name of the priest who was there with the gendarmes mentioned by your leaders?
- 30 A. Yes, they mentioned the name of the priest, Ndugutse. They didn't say father or priest, they said,
31 "Seromba did not allow us to enter the presbytery court unless we removed the filth." In fact, that's
32 what was said, they didn't even talk about dead bodies. And Kayishema and Ndugutse tried to
33 convince the inhabitants who were there. Furthermore, we weren't even arguing about what they
34 were saying. We couldn't contradict them because we were obeying their orders. They spoke to the
35 priest, and they told us what we needed to do.
- 36 Q. And how far away were you from the priest that they called Seromba? How far away were you when
37 the priest was talking with those authorities?

- 1 A. Let me apologise, but I believe I already -- I don't think I mentioned any conversation between a priest
2 and others. No, the priest was discussing with the officials and I was a few metres away, about ten
3 metres away from those people. I was in the courtyard of the parish, and I was some ten metres
4 away from the priest and officials in question.
- 5 Q. Thank you. Now, were there many bodies in that vicinity at the time the instructions were given to
6 remove them?
- 7 A. Yes, there were many corpses. If somebody knows of the size of the courtyard and the disposition of
8 the compound, that person would understand there were many dead bodies in the courtyard and even
9 alongside the road passing by the church.
- 10 Q. Were you present -- well, were the bodies removed?
- 11 A. Yes, I spoke of Rushema, who went to speak to those responsible for the vehicles in order to obtain
12 them, but I didn't see Rushema come back. The vehicles were brought and they were handed to
13 Kayishema. The vehicles were two bulldozers and two lorries. The bulldozers began to pick up the
14 dead bodies and load them onto the lorries. One of the bulldozers dug up a pit into which the bodies
15 were to be placed, and the bodies were collected and dropped into the pit which had been dug close
16 to the centre known as Ishoshu centre.
- 17 MADAM PRESIDENT:
- 18 Mr. Prosecutor, maybe we should take our lunch break now and return at 2:30.
- 19
- 20 Mr. Witness, we are going to resume a little bit later. Let me remind you that you are still under oath
21 and you should not communicate with anyone. The session stands adjourned.
22 *(Court recessed from 1233H to 1434H)*
- 23 MADAM PRESIDENT:
- 24 Proceedings are called to order. Good afternoon, ladies and gentlemen.
- 25
- 26 Mr. Moses, you have the floor to continue with your examination-in-chief of this witness.
- 27 MR. MOSES:
- 28 Madam President.
- 29 BY MR. MOSES:
- 30 Q. Witness CBR, prior to lunch we had been talking about the events at Nyange parish and, in particular,
31 the events on Friday, the 15th of April. You had told Their Honours how bodies of those who had
32 been killed during an attack had been buried in a pit. That's where we were up to prior to the lunch
33 break.
- 34
- 35 My first question for you is, were there any further attacks on the church and the refugees in the
36 church on that day, namely the 15th of April 1994?
- 37 A. On the 15th, after those bodies were buried, the attacks continued. The *communal* police officers

- 1 began to fire their weapons. There were also reservists who were shooting inside the church. They
2 were shooting through the windows of the church. This is near the bell tower and near the door,
3 which was right near the tower. And so some of the refugees, who were inside the church, tried to
4 move away from that part of the church and gathered in a different part of it. And later on the
5 assailants brought a pump and they started to spray that part of the church with gasoline. I'm talking
6 about the main facade of the church. Someone went onto a ladder and attempted to spray gasoline
7 inside the church as well, and then they started the fire. They used dried banana leaves to start the
8 fire, and they tried to burn the main door, the front of the church, as well as the windows.
- 9
- 10 Now, regarding the refugees inside the church, they were trying to protect themselves. They used
11 dust to try to put out the flames. There were also blankets that they used to try to put out those
12 flames, but sometimes the blankets themselves caught on fire. It was a confusing situation. They
13 shot again at the refugees and the fire had opened a hole in the door. After that, they brought in
14 dynamite to try to destroy the church. But, in the end, they were unsuccessful. They tried to blow up
15 the church with dynamite and they put sticks of dynamite into the church, but they were unable to
16 destroy it. And so, after that, they decided to delay the attack until the next morning. In fact, they had
17 run out of ammunition. Among the attackers, there were people who came from Kibilira *commune*.
18 They had just arrived on site. Regarding those persons who had just arrived, a decision was made
19 that they should stay on-site to make sure that the refugees couldn't run away. They said that the
20 *bourgmestre* wasn't there, and he was in charge of the ammunition. He had gone to a burial of an
21 important person, a doctor who had died, and he was related to that doctor. So he went to that burial
22 ceremony for that person who it was said was killed by the *Inyenzis*.
- 23
- 24 So we withdrew and the people from Kibilira remained on-site. When I left I heard Ndugutse and
25 Kayishema say that they were going to look for some kind of reward to give to those assailants who
26 were going to stay on-site.
- 27 Q. Thank you. Can I now focus your attention on the following day, that is Saturday the 16th of April?
28 Did you return to Nyange church on that day?
- 29 A. Yes, I returned on the 16th.
- 30 Q. If I can just interrupt you there, please, approximately what time did you go to the church on that day?
31 A. Do you mean on the 16th?
- 32 Q. That's correct.
- 33 A. I arrived very early in the morning between 6 and 7, but of course, I wasn't wearing a watch. I'm only
34 making an estimate. Once again, other people were already there when I arrived, and those present
35 on that day were larger in number than those found there on the 15th, the previous day.
- 36 Q. Thank you. Did you see any people in authority who were present there on that day, namely Saturday
37 the 16th?

1 A. Yes, authorities were there. The *bourgmestre* was there, namely Ndahimana. Kayishema was also
 2 there, he was the IPJ or the police inspector; Joseph Habiyambere was there, a businessman;
 3 Kanyarukiga was there; Telesphore Ndugutse, the teacher; and the head of the MRND was there.
 4 Also the head of the Kivumu Popular Bank was present. Vedaste Murangwabugabo was also there
 5 and he was an assistant *bourgmestre*. Once again, those people went into the presbytery courtyard
 6 and then they came out. That is when the *bourgmestre*, Kayishema, went close to the church and
 7 opened fire on the church itself. But in the meantime, the priest stayed in the presbytery. I didn't see
 8 him. So they tried to shoot at those people, but they were unsuccessful. Then a decision was made
 9 to bring machines that had been used the previous day. They had been brought back. So
 10 Kayishema was in charge of getting the machines. There was another vehicle belonging to the
 11 Astaldi company and then another vehicle, but I don't know where that came from. They were
 12 transporting more attackers to launch more attacks on the church.

13

14 So the machinery arrived, and they began to destroy the church, but I should point out that I do not
 15 know who gave the order to begin to destroy the church. I saw the machines at work. They started to
 16 destroy the building at about ten o'clock in the morning. The walls started to come down on top of the
 17 refugees who were inside the building. At about 4 p.m. or perhaps 5 p.m., the tower came down. It
 18 was the last thing to come down.

19

20 When I left the area they were sorting through the bodies, sorting it from the debris that was there.
 21 They had to bury a newly dug pit, and that pit was just behind the church. So I was leaving, and at
 22 that point they were sorting out the bodies from the bricks and debris that had fallen onto the
 23 courtyard. A vehicle loaded the bodies and went to dump them into the pit that had been dug. This is
 24 what I know about that specific day.
 25 *(Pages 28 to 36 by R. Lear)*

1 1500H

2 BY MR. MOSES:

3 Q. Thank you, Witness. If I can just go back a little bit and ask you a couple of details regarding the
 4 evidence you've just given. On that day, namely, the 16th of April, did you see any priests?
 5 A. I haven't entirely understood your question. Could you please repeat it for me, thank you?
 6 Q. On the day that the church was bulldozed, did you see any priest, any of the priests -- priest or priests
 7 from Nyange parish?
 8 A. On the 16th, I saw Seromba in the morning, and only in the morning. I didn't see him after that during
 9 that day. Besides him, I didn't see any other priests. However, on the 15th when there were the dead
 10 bodies lying on the ground, there were priests I saw, but I don't know where they came from or who
 11 they were and I saw them arrive to that site. Their names were Father Nturiye, and Kayiranga. I saw
 12 both of them arrive, but I did not see them after that. I saw them when they arrived, not to ever see
 13 them again. That is what I have to say about the priests.

14 Q. You say that you saw Seromba on the morning and only on the morning of the 16th. Where did you
 15 see him and what, if anything, was he doing?
 16 A. When I saw him, when the authorities were coming out of the courtyard from the presbytery, he was
 17 with them. He was standing close to the door where he always stood and, in fact, I didn't see him do
 18 anything, nor did I hear anything about him. I did hear something for the first time on that Friday, and
 19 only on that Friday.

20 Q. All right. Now, you have spoken about a bulldozer being used to destroy the church. Did you know or
 21 recognise the driver or drivers of that bulldozer?
 22 A. With regard to the drivers of those bulldozers, there was one called Albert, he was Zairean; there was
 23 also one called Mitima who was also Zairean; there was a Maurice, also Zairean; and another person
 24 from Zaire whose name I do not recall; and another person from Kibilira, Nkinamubanzi, Anathase.
 25 Those were the people operating those machines. Now, regarding the truck drivers, I do not know
 26 who they were.

27 Q. Were there many attackers near the bulldozers as they carried out their work?
 28 A. On that day, the 16th, there were many people, more than on the 15th. There were so many people.
 29 The crowd was so dense that there was even a risk of suffocation.

30 Q. Now, you spoke about the tower of the church being the last part of the church to be destroyed. Were
 31 you able to see any people who were refugees in the tower?
 32 A. Yes, there were refugees in the tower. I don't know how they got there, but the fact remains that they
 33 went into the tower, and from the tower they were even throwing stones. I have no idea, however,
 34 how they got into the tower, how they gained access into it. I recognised one person in fact; Charles
 35 Kagenza was his name. However, I cannot tell you how he got in and how they were able to survive
 36 because I saw him after the war; he was alive. I have no idea how he survived.

37 Q. Thank you. Now, had you lived in the *commune* for all your life, the same *commune*?

- 1 A. Yes, that is correct. I've always lived in my *commune* and I only left it after I was arrested and
2 imprisoned.
- 3 Q. In your opinion, who were the most important people in the *commune*?
- 4 A. According to what I saw in the *commune* I lived in, the people who seemed the most influential and
5 important, those who had the respect of the population included the *bourgmestre*; the judge was also
6 an important person; the police inspector; the IPJ was an important person; the priest was also an
7 important person within the community; and then some rich businessmen who were important. These
8 people had the respect of the *commune*. Now, there are other categories of persons who were also
9 influential; otherwise, the persons that I have just listed were respected by the population and the
10 population listened to them.
- 11 Q. Thank you. Now, you have spoken about having seen a priest by the name of Seromba on the Friday
12 the 15th, and also on Saturday, the 16th of April 1994. Had you seen that person prior to the 15th of
13 April 1994?
- 14 A. Before the 15th of April I had never seen him. Even though I was a Christian and a Catholic, I didn't
15 normally go to mass. This is because we had been unable to have children and, in truth, I did not
16 attend mass. I was not a practising Christian; I, rather, went to witch doctors because, as I have told
17 you, we were unable as a couple to have children.
- 18 Q. Thank you. Now, you have told us, however, that you saw him, Seromba, on two separate occasions.
19 I know it has now been more than ten years, but do you think you could recognise Seromba if you
20 saw him today in Court?
- 21 A. As you rightly said, it was ten years ago, but I can try and see if I can recognise him if I were to be
22 given the opportunity to meet him even if it was a long time ago since I last saw him.
- 23 Q. Perhaps if you could stand up, and have a look around the courtroom and tell Their Honours if you
24 recognise anyone that resembles the priest who you saw on the 15th and 16th. Perhaps if you just
25 stand up.
- 26 A. Are you talking about this courtroom, Mr. Prosecutor?
- 27 Q. Yes. If you could stand up where you are in the witness box --
- 28 A. I have a problem with my sight. I shall try and look around. I do think it's that person over there, the
29 second person from the end, that is, the person to my left. So maybe this man occupying the first
30 position and -- I'm speaking about the one in the second place.
- 31 Q. Well, do you see there are, in fact, three people sitting in that row? Is the first one, the one in the
32 middle, or the one on the end that you're pointing to?
- 33 A. I'm speaking about the one who is in the middle; in other words, the second person. Whatever side
34 you begin from, it is the second person.
- 35 MR. MOSES:
- 36 Your Honours, I ask that the record reflect that he did point to the Accused, Seromba. Thank you.
- 37

- 1 BY MR. MOSES:
- 2 Q. Witness, finally, are you currently a prisoner in Rwanda?
- 3 A. Yes, I am in prison.
- 4 Q. And have you admitted any charges in Rwanda, and if so what have you admitted to doing?
- 5 A. Yes, I have made a guilty plea. I personally killed two people, but I also participated in other attacks
6 during which other people killed others -- attacks during which I didn't kill anyone. If someone was
7 killed at a location where I had been, I admitted to being there. This was a period of war. We would
8 leave our homes with the intent to kill; that was the only objective. We had been told that it was
9 important, indispensable even, to look for the enemy and that the enemy was none other than the
10 Tutsi, and that was the enemy who had to be killed; therefore, it had been necessary that I go along
11 with the others with that objective in mind. Consequently, I was obliged to kill. Even when the
12 attackers left before me, they would come and look for me because in my family there were Tutsis; we
13 had had intermarriage with Tutsi families. And so I was protecting them and, yet, I was supposed to
14 accompany the killers. I was ordered to kill and I did so. I obeyed the orders. At a given point in
15 time, we were placed in detention so that we could kill the people we had been protecting. I was told
16 that a document was found in the home of my brother-in-law who had been hiding in my home. In the
17 beginning I was involved in the attack. And since my younger brother was armed with a gun, I was
18 afraid that maybe he could attack us. And in order for us not to flee from our duties, we were placed
19 under detention and we had to kill these people whom we had been trying to protect. First of all, they
20 had to place us in detention. My younger brother who was a soldier and who had a gun was also
21 placed under detention, he was placed in custody. At the time when they came to arrest us, I was
22 able to escape; however, the following day there was an attack on our home and those people were
23 killed. So, in brief, if I participated in those killings, including those at Nyange, it was in order for me to
24 be able to protect people who were related to me by marriage. Even at the church there were people
25 whom I protected and to whom I tried to supply foodstuffs. So the allegations made against me exist,
26 and there are situations where I had wanted to kill, other people got there before me. I therefore have
27 to incline to any rulings made by the court.
- 28 Q. Thank you. Now, have you been sentenced in Rwanda for your -- the crimes that you have admitted?
- 29 A. No. No, I have not been tried; therefore, I have not come to any sentencing.
- 30 Q. Yes, thank you. Would you please answer any questions that my friends might have for you.
- 31 A. Thank you.
- 32 MADAM PRESIDENT:
- 33 (No interpretation)
- 34 CROSS-EXAMINATION
- 35 BY MR. POGNON:
- 36 Q. Good afternoon.
- 37 A. Good afternoon, Counsel.

1 Q. My name is Alfred Pognon and I am the lawyer for the person you've just recognised a moment ago,
2 in other words, Father Seromba. I just have a few questions to put to you in relation to the testimony
3 you have just given.

4
5 You made confessions which you have reiterated in your testimony here. Now, here before me, I
6 have a document which is your confession of guilt and this is a document we received from the
7 Prosecution just before we came here a few days ago.

8 MR. POGNON:

9 The reference on the document is K0335267. This was disclosed to us by the Office of the
10 Prosecutor quite recently. Now, this document is dated 25th January 2002. I do not know whether
11 the Bench has this document; 25th January 2002. The reference is K0335267.

12 MADAM PRESIDENT:

13 You may proceed, Counsel.

14 BY MR. POGNON:

15 Q. This document is entitled, "Shedding light on events that took place at the Nyange parish in the month
16 of April 1994". In that document you made a list. In a clear manner and in a chronological manner,
17 you listed the events that took place, that from the 14th of April -- the 15th of April and right up to the
18 16th of April. In that document, you only began to refer to Father Seromba from the 16th of April.
19 Only from the 16th of April do you mention Father Seromba; in other words, it was on that date, the
20 16th of April, that Muraginabugabo, Seromba and so on decided to destroy the church.

21 THE ENGLISH INTERPRETER:

22 Counsel was reading rather fast and this interpreter has not found where he is.

23 BY MR. POGNON:

24 Q. In the testimony you have given before the Court --

25 MADAM PRESIDENT:

26 *Counsel, for the interpreter, could you please repeat the question and speak slowly please?*

27 BY MR. POGNON:

28 Q. In the statement you have just said -- with the assistance of the Office of the Prosecutor, I realise that
29 you said that, at any rate, you did not know who decided on beginning to destroy the church. In any
30 case, you said that they went to the presbytery, the priest accompanied them there and remained
31 standing in front of the door. After that they came and they started to destroy the church. Is the
32 version in your testimony the version the Court is supposed to take into consideration? That is my
33 question. Which version are we supposed to take? Is it the one that you were unable to say here
34 before the Tribunal that the priest, Father Seromba, was involved in the destruction of the church?
35 That's my question.

36 A. I didn't quite understand the question. Could you kindly repeat it for me to be able to understand you?

37 Q. A moment ago you said that Father Seromba -- fortunately, you didn't speak much about him -- you

1 said that Father Seromba, on that Saturday morning, was seen in the presbytery, that he went away
2 with the -- he went back with the authorities and he remained at the door and that it was subsequent
3 to that that the presbytery was destroyed, but that you could not state categorically that it was the
4 father who was associated in any manner whatsoever with the destruction of the presbytery. Can you
5 clarify the situation for us?

6 MADAM PRESIDENT:

7 Counsel, there's a small problem regarding that question because he said he does not know who
8 gave the instructions for the church to be destroyed.

9 MR. POGNON:

10 Thank you very much, Madam President.

11 BY MR. POGNON:

12 Q. Do you stand by what you stated a moment ago which has been reminded me by the Presiding
13 Judge; in other words, that you did not know who gave the orders for the church to be destroyed?

14 A. Thank you. Actually, apart from those persons in authority, and I do not know exactly who they were,
15 I don't know that personally, what I was able to say is that it was those persons in authority who took
16 the decision, but I do not know by name who made the decision, but I do know that the vehicles came
17 in order to destroy the church, to demolish the church and the vehicles came about upon the request
18 of those persons in authority. What I'm trying to say is that I wouldn't be able to say that the father
19 was with them when they took that decision, but here and now, before the International Criminal
20 Tribunal for Rwanda, I can confirm that that decision was taken by the authorities, the decision to
21 destroy the church, but they were coming from the priests' house. Thank you very much,
22 Madam President and Your Honours.

23 Q. Thank you, Witness CDR. Let me take what you have said just a moment ago -- I'll come back to that
24 at the end. Coming back to what you said a moment ago, you spoke of a war. You said that you
25 were drawn into a war; is that what you were trying to say?

26 A. Truly speaking, I was drawn into participating in the war. The war began within the *cellule* within
27 which I was living. I was drawn into it. I went to kill, but that was against my own will. I was
28 calculating the risk that I would be running if I were to refuse to do as told. The order had been issued
29 by the authorities and I realised that those who were participating didn't run any risk, but those who
30 didn't participate had problems, so that is how I was drawn into the war, into the killings of 1994. I do,
31 therefore, admit that I participated.

32 Q. Thank you. According to you, the fact that from the 10th, the evening of the 10th, Tutsis against
33 whom the war had been declared were assembled at the church and at the *commune* office. Was
34 that something that you had ever heard of in the history of your country?

35 A. You have just said that they gathered at the church and at the *commune* office from the 10th. They
36 started to do so much earlier; they began to assemble as from the 8th until the 13th. And I was
37 young. I could hear the older people say that normally, even at the Nyange church, Tutsis had sought

1 refuge and their lives had been spared. I heard also that in 1973 Tutsis had hidden in Nyange church
 2 and their lives had been spared. In 1990 I was an adult. I was married. People sought refuge in the
 3 church and their lives, once again, were spared. At the time Tutsis had been attacked in their homes,
 4 they sought refuge in the churches and they escaped. Now, in 1994 they sought refuge similarly in
 5 churches, and they thought they would be saved. We even took some persons there thinking that
 6 they would be spared as we had been told by older persons.

7 Q. Thank you very much for this very interesting piece of information.

8 THE ENGLISH INTERPRETER:

9 Can counsel please light his microphone so we can hear what he is saying?

10 BY MR. POGNON:

11 Q. Now, according to you, is the fact that Tutsis assembled in the Nyange parish, given also the history
 12 of your country which you have recounted a moment ago – now, the fact that these Tutsis were
 13 assembling in the church, was that not adequate for them to have their lives spared, as had happened
 14 earlier in the history of your country?

15 A. Yes, that was adequate for them to have their lives spared, but the authorities had ill will. If they had
 16 not been of such ill will, the Tutsis would have remained alive. You, therefore, understand that it is
 17 truly shameful that we killed people, that we demolished houses. It's, therefore, quite clear that if we
 18 had killed without destroying any buildings, maybe there would have been a few more who would
 19 have survived, but we destroyed buildings and many, many persons lost their lives. You, yourself, are
 20 asking me a question, but I am sure you can understand quite well. You will understand yourself that
 21 there was a fallout on us because we killed the people of God and we also destroyed God's church.
 22 At least, there's a heavy weight on our hearts because of that. The Bible states that any sin can be
 23 forgiven if there is indeed the desire to ask for forgiveness.

24 Q. Thank you, Witness. According to you, Witness, during those days of the 14th, 15th and 16th, you
 25 believe that the Tutsis who were at the church saved those who were able to flee, had they not been
 26 killed. Would the assailants have remained there up until they exterminated all of them?

27 A. Given the situation at the time, the attackers were furious with the refugees; they could even relay one
 28 another to guard the refugees. I can say that among the refugees the young ones could flee. Even if
 29 they were under siege, they could flee. They could have, but the church was destroyed and if the
 30 church hadn't been destroyed, some of them would have survived. The attackers, those who led the
 31 war, the *Inyenzis* and the RPF – the RPF could have arrived on site and saved some of the refugees
 32 just as they did in Kabgaye. The people could have remained there and relieved one another. The
 33 authorities, perhaps, could have made other decisions. It was a fatal moment when the decision was
 34 made to demolish the church.

35 THE ENGLISH INTERPRETER:

36 Counsel's microphone, please.

37

1 BY MR. POGNON:

2 Q. Before we continue, do you know that in Rwanda -- or if in Rwanda there were other churches where
 3 killings took place, where there were people who took refuge and people who were exterminated?

4 MADAM PRESIDENT:

5 Witness, if you need a break, you're entitled to request one.

6 MR. MOSES:

7 I'm not sure if the witness realised Your Honour was addressing him with Your Honour's comment.

8 MADAM PRESIDENT:

9 Witness, did you hear the question put to you by Mr. Pognon, or do you want him to repeat it for you?

10 THE WITNESS:

11 Thank you, Madam President. I did understand the question. If you want me to answer, just tell me.

12 MADAM PRESIDENT:

13 You may respond, Witness.

14 THE WITNESS:

15 I heard about churches but I never went to visit them and, apparently, people took refuge in some
 16 churches and were killed, but those churches were not destroyed. I can give the example of Kabgaye
 17 church. I never went there, but I heard about it. I can also speak about Kibuye church, Saint Jean
 18 church. It is clear that people were killed. However, just as I heard, many people were killed and I
 19 even heard that in Kibuye church people were killed, but the church was not demolished, which is not
 20 the case for Nyange church. There were only a few survivors. I can't be sure 100 per cent. With
 21 regard to the number of people at Nyange, I can say that if the church had not been destroyed, many
 22 people would have survived. I was among the attackers. Those who tried to flee, we knew about
 23 them. We knew that the next day we would attack them because we gave them supplies. My
 24 brother-in-law and his brothers-in-law asked us, for example, to give them money for supplies. We
 25 gave them supplies. I have no idea if they were able to cook what we gave them. Sometimes they
 26 went to buy in the restaurants when in hiding. Crimes were committed. And we asked for
 27 forgiveness. If the guilty persons are punished that would make it easier to deal with.

28
 29 Madam President, Your Honours, Mr. Defence Counsel, I am telling you we did evil things; we killed
 30 people and we demolished God's church. If it was possible, those who were not threatened and who
 31 can testify should say what they know. Perhaps the state will not pardon us, but there's still hope that
 32 God does so.

33 *(Pages 37 to 43 by Roxane Lane)*

34

35

36

37

1 1545H
2 BY MR. POGNON:
3 Q. Thank you, Witness. Witness --
4 THE ENGLISH INTERPRETER:
5 Counsel's microphone, please.
6 MADAM PRESIDENT:
7 Pardon me. Counsel, do you have many remaining questions? It is almost time for the break and
8 since the witness is having difficulty --
9 MR. POGNON:
10 I have just begun, Madam President. We can adjourn now.
11 MADAM PRESIDENT:
12 Yes. Perhaps we will adjourn and this will enable the witness to regain his composure. Very well, we
13 shall adjourn for 15 minutes.
14 *(Court recessed from 1555H to 1615H)*
15 MADAM PRESIDENT:
16 The proceedings are resumed. Mr. Pognon, you have the floor.
17 MR. POGNON:
18 Thank you, Madam President.
19 BY MR. POGNON:
20 Q. Witness, I hope that you were able to regain your composure. We are now going to continue.
21 Witness, we were talking about the day of the 16th. I want to take your statement, beginning with the
22 end; in other words, the last things you said. You described, in detail, the demolition of the church.
23 As the church was being destroyed did you see any of the priests? While the church was being
24 destroyed did you notice that the priests at the parish at the presbytery came out to watch the
25 destruction?
26 A. I thought that I already explained myself on this matter. I said that except for Father Athanase
27 Seromba, who I saw early in the morning for a brief time -- let me repeat myself. I saw him briefly in
28 the morning and I did not see him after that and I did not see any other priests on that day of the 16th.
29 Q. At what time in the morning, Witness?
30 A. I didn't have a watch at that time, but I can give you an estimate. It was between 7:00 and 8:00 in the
31 morning.
32 Q. When did the demolition of the church begin; at what time?
33 A. I've already said that they began to destroy the church at around ten o'clock, but, once again, I was
34 not wearing a watch and so it must have been between nine o'clock and ten o'clock in the morning,
35 not before nine o'clock and not after ten o'clock; between 9:00 and ten o'clock. They first started to
36 shoot at the church, but they were not able to destroy it that way and so they went to look for
37 machinery so they could demolish the church. I don't want to go back to what I said. I said that they

1 went to look for equipment which was not there the day before, which was -- which did not stay there
2 overnight.
3 Q. Thank you, Witness. Witness, you said that -- as the church was being destroyed at around
4 nine o'clock and which finished at about 5 p.m., you said that there was an enormous crowd of
5 people, a suffocating crowd; isn't that correct?
6 A. Yes, I said that and I will repeat it. Here, I'm speaking about attackers, the attackers who were
7 attacking the refugees. There were many of them. There were so many that someone who wasn't in
8 good physical condition could have suffocated; let me repeat that.
9 Q. Witness, can you tell us approximately how many attackers were there, the many attackers that you
10 describe?
11 A. On that day there were many people. I could count them at 10,000. There were people who wanted
12 to watch how the machines could destroy the building. Pieces crumbled down, so much so that they
13 could come down and fall onto a driver, the equipment. There were other people who were watching
14 the show. Imagine a tall building -- perhaps you don't know the building or that church was a very
15 solid building. We couldn't imagine that that building could be destroyed but, in fact, all of those
16 pieces of the building crumbled down into the inside of the church, and I would say that there were
17 approximately 10,000 attackers. They had surrounded the entire church. I would ask, and pardon
18 me, that you not come back to that question, Counsel.
19 Q. I will not come back, but I am still moving through your testimony. You said that you remained there
20 and that you only left in the evening after the total destruction of the church. Now, while the church
21 was being destroyed, could you tell us where the *bourgmestre* was, where Ndugutse was, and where
22 IPJ, Kayishema, Kanyarukiga and the others were, where exactly were they standing whilst the
23 church was being destroyed? I wonder: were they there on the spot or had they left?
24 A. I cannot ascertain that they were at such-and-such a place, whether they were amongst the attackers
25 or whether they were elsewhere; I cannot state exactly where they were. The last time I had seen
26 them was in the morning when guns were being fired and when the earthmoving equipment came.
27 But, afterwards, I wouldn't be able to claim that they were at such-and-such a place because I would
28 be lying. I saw Ndugutse again at the time when we went back to our *cellule*, back to our homes. It's
29 at that point in time that I saw him again, when he was distributing beer. Normally, when we finished
30 with the killings he would give us beer. Please, don't ask me where he got the money from, the
31 money that he used; however, I do know that there was one case where he sold three cows belonging
32 to the Tutsi and he collected money with which he bought beer. Otherwise, he would offer to us cattle
33 taken from the Tutsi. We would slaughter them and eat the meat. So, in other words, I wouldn't be
34 able to tell you where those individuals were at that specific moment.
35 Q. Thank you, Witness CBR. You stated -- I'll take that again: can you tell us of the circumstances under
36 which you state you saw Father Seromba on the 15th?
37 A. I said, and I repeat, that on the 15th, when there were no more Tutsis alive in the courtyard, we

1 attacked the place where people were sheltered and at that time it's the authorities who were leaving.
 2 They made us break down the door, and at that point in time the father, the priest, came in the
 3 company of two gendarmes. He stopped us from going ahead. He asked them what they wanted
 4 and those in authority said that they wanted to kill the refugees who were in that part. He told them,
 5 first of all, "Take a look; remove that filth." There were dead bodies; there were bricks. You'll recall
 6 that there had been an exchange of stones thrown, so there was a pile of stones and bricks lying
 7 about. Maybe he, himself, was afraid of spending the night with the corpses there so he wanted us to
 8 remove the dead bodies. Those are the circumstances under which I saw him. But after he said what
 9 he said and after the earthmoving equipment was fetched, I didn't see him again. So that's how the
 10 events occurred.

11
 12 We were wondering how we were able to get out. These are things which you may hear of, but for us
 13 who experienced these events, it was horrible. We were wondering how the government was going to
 14 govern the country, but within the space of an hour we were able to remove the bodies. That was the
 15 situation, as far as I recall.

16 Q. Thank you. If I understand you correctly, the assailants that you were, had in your minds -- or you
 17 were being led by those in authority and you went off with the idea of killing the Tutsis who were at the
 18 presbytery. At that time the priests and the gendarmes stopped you from doing so. Is that what we
 19 should understand from what you've said?

20 A. Please remember that they didn't stop us from killing those people because of the pity they had; you
 21 should remember that this was a way of reaching the others. That's what I believe and, furthermore,
 22 once that was done we continued with the killings. If the father had not wanted to kill the people, if
 23 that were the case, he would have been able to say something and show that he wanted to do
 24 something, but that the people in authority refused. That was not the case. From that point in time he
 25 could have intervened in a visible manner so that we can see for ourselves that the people in authority
 26 refused to listen. Even today -- even today, one would have said that he intervened, that he did
 27 everything in his power. Really, I didn't see him kill with his own hand, but he didn't do anything. If he
 28 had done anything, maybe one or two people would have survived, had he had the will to do so.

29
 30 Now, let's imagine that the people in authority refused whatever he may have asked. He could have
 31 fled, himself, and then the refugees would have understood. There is, for instance, one white man
 32 who was working for the Astalé company. When he realised the situation was no longer tenable, he
 33 left. Judge Habiyambere, who was nicknamed Gatabucharbutarezi (*phonetic*) was someone from
 34 Rutsiro. Maybe he could have asked for assistance from him so that at least, later on, it could be said
 35 that he tried to intervene on behalf of the refugees. But he did nothing.

36 Q. Thank you. In your opinion, the parish that was invaded from the 10th -- from the evening of 10th by
 37 the refugees, from the 13th or even already as early as the 12th, who came in small groups and

1 whom eventually grew in their numbers -- now, this parish in which seven people -- four priests and
 2 three clergymen; that's from the 15th -- do you think that those seven priests, including
 3 Father Seromba whom we are speaking about -- were they not in a situation of people who were
 4 suffering under occupation? Outside, there were the assailants and inside there were the refugees.
 5 A. In truth, let's take that for granted; let's say that's how it was. Do you mean that that is why he left
 6 them like that? Usually he was a pastor, a shepherd who tends his sheep. These were sheep which
 7 had come to their shepherd, but which were waylaid by wolves; in other words, the assailants who
 8 were pursuing them. Do you think that is logical, in your question, that these attackers looted their
 9 property? I would be very grateful to you if I could have an explanation as to how you understand
 10 that, because you are claiming that these people occupied his space and that, possibly, the second
 11 group which came, came to take away the land or the belongings of those persons. You are more
 12 learned than I am. Maybe you can explain your thinking to me.

13 Q. Let's now remain with the hypothesis you have used in your response, that of the shepherd and the
 14 wolves. We are looking for clarification. Please remember that.

15 A. I didn't quite get you, Counsel. What were you up to?

16 Q. When you were answering you spoke of the shepherd, which in this case would be Father Seromba,
 17 who must defend and protect his flock against the wolves, and I want us to remain with that imagery.
 18 Now, do you think that it was better for Father Seromba and for the other priests, because, in fact, he
 19 wasn't the only one -- is it your suggestion that he should have fled and abandoned his church,
 20 leaving the refugees locked up in the church, leaving the attackers outside, and that he should flee in
 21 the face of such a situation? Is that your suggestion?

22 A. Yes, if he believes that he was not in collaboration with the killers, he should have intervened; he
 23 should have made some gesture which today would be engraved in the memory of people. He could
 24 have been able to tell those in authority to stop what they were doing and to not cause any harm to
 25 the refugees, instead of continuing to look at these people being killed whilst they were there. I
 26 believe it would have been preferable that they left the scene, instead of continuing to give them false
 27 hope that something was going to be done for them. The persons in authority had gone throughout
 28 all the *secteurs* of the *commune*, because when people were being killed, they were thrown to the hills
 29 and the authorities would come and have those bodies buried.

30
 31 You will recall that there had been meetings organised prior to this. There were decisions which had
 32 been made during those meetings and these decisions were implemented. People were
 33 exterminated. If during those meetings they had taken a positive resolution or decision, we would
 34 know that now and we would see what they had done. If at the time I was a politician, I would be able
 35 to give you the details today. But those who were there at the time are not doing so in order to help
 36 justice to be carried out. We were mere citizens. We took up our machetes and we killed peaceful
 37 citizens, but there was a *conseiller*, for instance, who tried and arrested the killers. This was on the

1 8th of April. He took them to the *commune* office, but these people here, they didn't even remain in
 2 the *commune* office until the night because they were released. There was a plan which was
 3 implemented by these people who were educated. I know that it's we, ourselves, who implemented
 4 the plan, but it was hatched by the learned and educated people. I thought that even if your client
 5 maintains that he is keeping his secret secret, we know that he was there at the meetings, and it's
 6 Ndugutse who told us that. He was there at those meetings and a decision was made that those
 7 people should go – should be killed, and they were Tutsi. These were not foreigners who had
 8 invaded our territory. This was what was said and they had started this from 1959. That's what was
 9 being said.

10
 11 Now, we were wondering how, once again, we were going to suffer under the feudal regime. Even at
 12 the time, let's say this was a modern time where we had vehicles, the leaders would be transported.
 13 There wouldn't be a problem. But I'm telling you, these people do not want to admit this, and if they
 14 were to admit it, it would be good for everyone, both for themselves and for ourselves. Unfortunately,
 15 they are still holding on to the past, the past which goes as far back as 1959 and I believe if that is the
 16 case, we will remain in that time. But, Madam President, Your Honours, we have had enough of this
 17 situation. We, as the ordinary citizens, we have had enough of this situation.

18 Q. Thank you for your lengthy intervention, your explanation.

19 A. I also wish to thank you.

20 Q. You have just said that Ndugutse informed you about the fact that the father attended the meeting.
 21 That's what you've just said, isn't it?

22 A. Yes, yes, that's what he told me. He said that on the 13th, he, himself.

23 Q. Now --

24 A. Yes, yes, he said that. I'm talking about Téléphore Ndugutse.

25 Q. Yes, I have understood you; I heard you. Apart from the fact that he told you that, did you actually
 26 check that the father went to those meetings, as it's often said in Rwanda?

27 A. Well, I didn't have the will or the heart to go and verify all this information. We just implemented or did
 28 what we were told.

29 Q. Thank you very much. If I understand your feelings correctly, you were a peasant and you are
 30 blaming the intellectuals for having dragged you into the war; in other words, they abused of your
 31 goodness. Is that correct?

32 A. Let's understand one another. If our good faith had been abused, we would accept that, but I believe
 33 that we did what we did because we were told to do so, but I'm not saying that we wouldn't have
 34 accepted what they said, because I do admit that these events occurred in those locations, and I
 35 repeat this and I will do so 'til the end of my days. We were given instructions to do what we did.

36 Q. In your opinion, in front of the parish which had been invaded by the refugees, and given also the
 37 presence of those who were threatening them from outside, what would the occupants of the parish --

1 in other words, Father Seromba and his colleagues -- what ought they to have done and they failed to
 2 do?

3 A. I'm sorry; the parish was not invaded. People had come there to seek refuge at the church. The
 4 church had not been invaded. I do beg your pardon. People came there to seek refuge, as was
 5 usual. I think the ancestors of those persons who had come to seek refuge there; their grandfathers,
 6 their fathers, and this time around, it was the grandchildren of those earlier people who had come to
 7 seek refuge at the same location. It was a habit. So, please, don't tell me that the priests' building
 8 had come under attack. People had come there to seek refuge. I'm repeating that he did nothing.
 9 He did nothing whatsoever, took no action, so that one can see that he made the effort, but that he
 10 failed. So it is up to the Chamber to determine what the rationale should be.

11 Q. It would seem that you are continuing in your extrapolations.

12 MADAM PRESIDENT:

13 The question had already been put in another form and, obviously, he came back to it. So if you wish,
 14 kindly put other questions to the witness.

15 MR. POGNON:

16 Madam President, I am putting this question to the witness so that I can put other questions to him.
 17 He hadn't understood when I said the parish had been invaded; in other words, there were many
 18 people. And he took this negatively, and that's not what I meant. I say the same thing as yourself:
 19 they came there to seek refuge.

20 BY MR. POGNON:

21 Q. Now, let me put to you another question, in order to shed light on events for the Court, because you
 22 are saying that it is here and now that light should be shed on events. At that point in time -- or in the
 23 past, when the parishes had been invaded and people had not been killed, their lives had been
 24 saved. Do you know what those priests had done?

25 A. Let me tell you, I don't know what measures they took. I'm not very old. But I was told stories that
 26 people sought refuge at different periods and that they survived. What I can say is that those priests
 27 did what they had to do, but I can't tell you exactly what action they took to spare the lives of those
 28 people. I thought ahead of time that we would be dealing with -- if I knew that we would be dealing
 29 with such things, I would have asked before I came here to find out what those priests did, but I didn't
 30 ask any such question because I didn't know what was going to come up.

31 Q. You were not told that at that time, for one, the attackers respected the church as a place of asylum
 32 and, secondly, the priests came to disperse the crowds? You do not know that? This is in the history
 33 books.

34 A. If that is the case, I would agree with you, but personally I'm not informed of this. But you said
 35 something very interesting; you said that the people respected the church. What is so horrible is that
 36 at the time of our events the authorities, themselves, did not respect the church. The authorities,
 37 themselves, had to lead by way of example. They certainly know history better than I do. They could

1 have been inspired by that history. You've just said it, Counsel.

2 Q. Since you were on scene, did you not learn that the priests called the authorities, who called the
3 police and brought in the police and who brought in the gendarmes? You didn't know that, you didn't
4 hear that, Witness?

5 A. Yes, the gendarmes were called, but were they called to come and do good things? We should show
6 the Tribunal what they did. The police officers showed up, but they fired into the crowd of refugees,
7 just as the gendarmes did. We should agree on one thing, Counsel: why do you think those
8 gendarmes and police officers were called? They fired at the refugees. They were expected to
9 protect them. What do you expect from an ordinary citizen if that citizen sees gendarmes firing at the
10 refugees, someone who is supposed to protect the refugees? At one point you see that the refugees
11 are no longer protected and so the attackers also start going after those refugees. We didn't have
12 modern weapons; the gendarmes did. If, at the very beginning, the gendarmes began to shoot at the
13 attackers, the attackers would have understood the gendarmes were going to kill them.

14
15 Let me tell you, in 1990 in our *cellule* Ndugutse launched an attack at the home of a Tutsi who was
16 later killed in 1994. But police officers were not sent to protect the refugee at the parish. We
17 immediately understood that the authorities could protect the population. We quickly understood that
18 the authorities could protect the population, and so people were killed in Kibilira, in Bugesera. The
19 Bagogwe were killed as well. But when those events began in our *commune* they brought the
20 *communal* police officers in, but in 1994 what happened? The police officers and gendarmes who
21 showed up, who were expected to protect the refugees, themselves, shot at the refugees. They
22 handed them over to the killers. So, why do you try to make me understand that they arrived to do
23 good deeds? Those gendarmes handed the refugees over to the killers.

24
25 That is why I'm saying today before this Tribunal that we did what we did in our *commune*, but if we
26 did it, it is because of our leaders, we were following orders. And among those leaders I include the
27 father, the priest himself. During the multiparty system the political parties confronted one another
28 from time to time and when we went to seek refuge we went to the priests' house. We were in peace
29 and nobody would attack us, but when we left that place, it would all start over again. What can the
30 authorities say that they tried to do but they were unsuccessful? What can they say?

31 MADAM PRESIDENT:

32 So we can move on, Counsel, please put questions to the witness that have not yet been asked.

33 And, Mr. Witness, please try to answer the questions specifically. Here, we are running into much
34 repetition in both the questions and answers.

35 MR. POGNON:

36 I have one more question in that line, Madam President.

1 BY MR. POGNON:

2 Q. Witness, you said that it was possible that the authorities and the priests -- and I say that in plural;
3 there were four of them -- as well as other persons called the authorities to come in to control the
4 situation. Are you saying they are at fault? Are you saying that Father Seromba is at fault, at fault
5 because the authorities, including the *bourgmestre* and the gendarmes, failed in their mission?

6 A. Pardon me, Counsel. You spoke of several priests. I gave you the names of the priests who were
7 there. I don't know where they came from. But the priest I knew who was in charge was
8 Father Seromba. Moreover, Counsel, this is something he is responsible for. He asked for people to
9 protect the refugees, but those people killed the refugees. He has no explanation for that. If he called
10 people to protect the refugees and those people, in turn, went to the presbytery to protect him, that
11 should be looked into and investigated.

12 Q. Thank you.

13 THE ENGLISH INTERPRETER:

14 Counsel's microphone, please.

15 BY MR. POGNON:

16 Q. Let's get back to the day of the 16th of April. Between seven o'clock and eight o'clock in the morning,
17 you saw Father Seromba. The authorities were there. He accompanied the authorities and he stayed
18 at the door -- rather, stood at the door and went inside, and after that you did not see him again. At
19 about ten o'clock a first attack began on that day, the last day. Were you able to think that that was a
20 frightful situation, that the people who lived at the presbytery just bunkered down at home? Did you
21 ever think that they simply became frightful (*sic*) and locked themselves inside?

22 MADAM PRESIDENT:

23 Counsel, I must interrupt you. You are trying to get the opinions from the witness. Avoid asking him
24 about his opinion on different things. He is here simply to ask your questions on factual matters and
25 about what he lived -- or experienced, but you are asking him to give answers to suggestions, or to
26 interpret matters.

27 MR. POGNON:

28 Madam President, I should like to read the statement made by this witness and point out that he
29 makes the suggestions and interprets matters. On page K0153613 of the document dated
30 29 August 2000, and in the middle of the second paragraph of the said document I should like to read
31 a passage.

32 BY MR. POGNON:

33 Q. Witness, you said the following: "When the *bourgmestre* opened fire Father Seromba was standing in
34 front of his presbytery dressed as he was the day before and he was not armed. After noticing that
35 the attacks launched by the *bourgmestre* were not sufficiently efficient, the group with the
36 *bourgmestre* went towards the presbytery to meet with Father Seromba." Then you list the people
37 who met with Father Seromba.

1 Earlier, Witness, you said that on the 16th the priest met with the authorities and he left the
 2 presbytery. This was between seven o'clock and eight o'clock. I have written down everything you
 3 said, Witness. You said that the attack began at around ten o'clock. You no longer saw Seromba
 4 after that. At which point in time, therefore, did you see him standing in front the presbytery? Isn't
 5 there a contradiction between what you said in your statement to the Prosecutor and your repeated
 6 testimony during this cross-examination? How do you explain that contradiction, Witness?

7 A. Thank you, Counsel. Madam President, Your Honours, I would like to say that counsel is distorting
 8 what I said. I said that the first attack was the one launched by the *bourgmestre* who fired at the
 9 refugees and he started doing that right after he left the presbytery, and that's what I said. When it
 10 turned out that that attack was not working, when it was taking too long, they decided to bring in
 11 heavy equipment. When the equipment arrived they used it to destroy the church. What was said
 12 was said before they fired at the people. They started to fire at the people after they met one another.
 13 I don't know what they said to one another. That is what I said, and I'm repeating it now; otherwise,
 14 you are simply distorting what I said, Counsel.

15 Q. Thank you. You said, and I think you would agree, they met and spoke in the morning; you don't
 16 know what they said to one another but, after their discussion, the *bourgmestre* fired into the air; he
 17 fired a gun. Must we believe that that was the only time, and this is still with regard to the 16th of
 18 April – it was the only time that you saw Father Seromba?

19 A. No, you are not telling the truth. I told you that I saw Father Seromba twice: I saw him on the 15th
 20 and on the 16th. I saw him once on the 15th, and on the 16th I saw him once.

21 Q. Thank you.

22 A. I did not say that I saw him only once.

23 Q. I am dealing with the 16th, not the 15th. We agree that you saw him only once.

24 A. Yes, I agree.

25 Q. Thank you, Witness. Witness, can you explain for us what is written down here, which was written
 26 down by the investigators? Let me read the sentence from earlier. Pardon me, let me go more
 27 slowly.

28 MADAM PRESIDENT:

29 Counsel, you have already read that passage. Perhaps you could just go to the next passage.

30 MR. POGNON:

31 Yes, I wanted to read slowly.

32 MADAM PRESIDENT:

33 Yes, you should go slowly but, since you have already read that passage, perhaps you should move
 34 on to the next passage instead of repeating it entirely.

35 MR. POGNON:

36 It's because it's a continued passage. I simply wanted to give the context of the action as described
 37 by the witness. With your leave, Madam President, I should like to read the passage: "After realising

1 that the *bourgmestre*-type attack was not very effective, the group went to the parish house to confer
 2 with Father Seromba. I saw the following persons meeting at the parish house with Father Seromba:
 3 Ndahimana, Muraginabugabo, Kayishema, Ndugutse, Habarugira, Kanyarukiga and Habiyaambere".
 4

5 Witness, explain this assertion which contradicts your testimony, repeated testimony, that you only
 6 saw Father Seromba once. Here you are saying you saw people meet him, and you even name the
 7 people who met with him.

8 A. Perhaps the investigators or the translators made a mistake. I only know one language -- on the 15th.

9 Q. Please, let's deal with the 16th, not the 15th. We are still dealing with the 16th. Otherwise, you're
 10 going to get into a long discussion and then I'm going to be reprimand by the Tribunal. Let's deal with
 11 the 16th. Let's deal with the 16th, Witness. So, must I understand that the investigators distorted
 12 what you said and we will leave it at that, Witness?

13 A. Pardon me. Let me first answer the question that you put to me. On the 16th those people went to
 14 the presbytery before shooting. They started shooting when they returned from there. They were not
 15 able to go back to the presbytery, or at least I didn't see it.

16 Q. So what is put down here, in black and white, is inconsistent with what you said, Witness?

17 A. I don't know how to read that language. Let me repeat what I said. I said that on the 16th when I
 18 arrived the people, as well as the people you have named, went to the presbytery and upon their
 19 return they started shooting. Those authorities started shooting. Now, it turned out that they could
 20 not fulfil their mission so they resorted to their equipment. That was my testimony, and I will repeat it.

21 Q. Thank you, Witness. Let me continue with your statement, still with regard to the 16th of April. I'm
 22 still speaking about your statement of the 29 August 2000, on the same page. And now, I'm on the
 23 same page, K0153613 in the French version. Just below the middle of that page, the sentence
 24 begins as follows: "After the entire church had collapsed the authorities held a meeting with
 25 Father Seromba, after which I heard him ordering the removal of the rubbish in front of his house" --
 26 by "rubbish", he meant the bodies of the refugees -- "after the entire church had collapsed -- after
 27 everything had collapsed." Witness, did you say this: did you say that you saw Father Seromba say
 28 those things after the church had been destroyed?

29 A. I never saw him.

30 Q. Thank you. Thank you, Witness.

31 MADAM PRESIDENT:

32 Allow the witness to finish his response, Counsel.

33 MR. POGNON:

34 I'm the one asking the questions.

35 MADAM PRESIDENT:

36 But you did put the question to him. Yes, this is of interest to the Tribunal, but you must let the
 37 witness finish his response.

1 THE WITNESS:

2 Thank you, Madam President. With regard to the question that the counsel just asked me, let me say
3 that on the morning of the 16th, I saw the priest. I did not see him again that evening. When the
4 church had collapsed, I went home. Now, with regard to picking up the "rubbish", he said that on the
5 15th. He said that the "rubbish" had to be removed on the 15th. Where the church was, there were
6 refugees. The bricks were on top of the victims. This was not in front of his house. So as regards the
7 "rubbish", reference was made to that on the 15th. He said that the "rubbish" had to be removed on
8 the 15th. I never said that he never said these things. He did say them, but he said them on the 15th.

9 BY MR. POGNON:

10 Q. Thank you. Now, with regard to that assertion you make, the people who took down your statement
11 said something that, in fact, you have never said.

12 A. If that's the case, that's not my problem. I even said that the meeting took place on the 15th. There
13 was no meeting on the 16th, except that the people went to the presbytery or the parish house.
14 That's all I have to say, thank you. Perhaps the investigator mixed up things, but if he did so, that's
15 not my fault.

16 Q. Thank you. That said, you mentioned, Witness, that you don't know how to read; is that correct?

17 A. No, I was talking about other languages. I know how to read Kinyarwanda.

18 Q. When we received your statements on Tuesday, 29th August 2000 – when those were taken down,
19 rather, was the statement read back to you to make sure that you said such-and-such-and-such a
20 thing and that you signed the statement? Did they read back what they took down, or did they take
21 the statement in Kinyarwanda and give it back to you so that you could read it yourself to agree that it
22 was faithful to what you had said, and did all of this happen before you were asked to sign the
23 statement?

24 A. Let me tell you, the statement was read back to me. But the statement was taken down in the
25 language that I do not understand. There was an interpreter present. Now, with regard to those
26 dates, there must be a mix-up. The prosecutor who questioned me is here with us. He can repeat
27 what I said. The investigators mixed up the dates of the 15th and 16th, perhaps.

28 THE ENGLISH INTERPRETER:

29 Counsel's microphone, please.

30 BY MR. POGNON:

31 Q. So you are blaming this on the persons who took down your statements, you are blaming them for the
32 mix-up, are you? Well, that will be taken into consideration by the Tribunal. Now, I would like to refer
33 you – before we go to the record of the interview, I would like to refer you to the matter of the little
34 presents that you were offered after the attacks. You said that you were in your *cellule* at Ndugutse's
35 home and he offered you beer. He offered you beer, and you stated that there was occasion even
36 when cattle were slaughtered and meat was eaten. You said that you refreshed yourselves with that
37 after your job. You also confirmed that after the destruction of the church, once you went back to your

1 *cellule*, Ndugutse offered you beer. Can you please say exactly whether this happened at a bar or
2 whether it was at a home, I mean the place where beer was offered?

3 A. He offered us the beer in a bar.

4 Q. To whom was the beer offered? And I'm saying this because the attackers were many in number.
5 Now, these refreshments, was it done for you in small groups or was it agreed that once the job was
6 done you would go to drink? I'm wanting to find out what was the norm after you finished your job:
7 would you go into a bar in order to drink after the attacks were over for the day?

8 A. Yes, that was normal when we came back from the attacks. Ndugutse would buy beer for us in the
9 evenings. He would have us gather in CARITAS bar. But it was a small group from the *cellule*; it
10 wasn't all the attackers that were involved.

11 Q. Thank you. Can you repeat the name of the bar, please?

12 A. It was a bar known as CARITAS.

13 Q. Now I want to go to the last page of your statement, the statement you made on the 29th of
14 August 2000, the same statement. I'm at the last sentence, and you say the following: "I never saw
15 Father Seromba attend our meetings. There we would listen to Ndugutse indoctrinate us by repeating
16 what he claimed to have heard at other meetings with the authorities, that the *Inyenzi* were hiding
17 weapons everywhere within certain families in their plan to eliminate us." Do you recognise those
18 words as having been said by you?

19 A. Yes, I agree, but I state that this was at our meetings with Ndugutse; in other words, in our *cellule*. I
20 never saw Father Seromba in our *cellule*. I only saw Ndugutse who was telling us what had been said
21 at the meetings. I did not attend the meetings held by the authorities.

22 Q. Where is Ndugutse now?

23 A. I don't know.

24 Q. Is it because he is nowhere to be seen that he is being blamed for everything now?

25 MADAM PRESIDENT:

26 Do you really want him to ask him that now?

27 MR. POGNON:

28 There are, sometimes, questions which are more important than the answers, Madam President, and
29 I think this is one of them.

30 THE WITNESS:

31 It's not because he is not there. Ndugutse is known to one and all. Everybody knows what he did.
32 Even a small child, a child, who was at the time learning how to speak, can tell you. There are many
33 people who are absent who are no longer there, but we do not blame them. Why am I not talking
34 about Kayishema, whereas, he is the one who would come and give instructions to us? Kayishema
35 would come to ask us to help him. Ndugutse was well known. He liked the Tutsis – he hated the
36 Tutsis. He didn't even bear the notion of a cow belonging to a Tutsi coming to his field. He had built a
37 path so that he wouldn't pass through in Ndakubana's home because he hated him for merely being

1 Tutsi. It's not merely because he is absent. He was known. Everybody from Murambi *commune* will
 2 say something about Ndugutse. This should be noted, and if you ever find anyone from Murambi, a
 3 native of Murambi, ask that person questions, and if you don't get the same answer, maybe then you
 4 will know that I am possibly lying.

5 Q. Let's dwell a bit on this Ndugutse. You said -- you said that he was the one who came to indoctrinate
 6 you at meetings that you had with him. What were those meetings that you held with him?

7 A. We were being indoctrinated about killing Tutsis. After the death of the president, he would
 8 indoctrinate us; he would encourage us to kill Tutsi. When the killings stopped, when the *bourgmestre*
 9 announced that Tutsis should no longer be killed, Ndugutse had all the Tutsi in the *cellule* killed.
 10 Ndugutse hated Tutsi. He had a visceral hatred for Tutsi. He didn't hold any meetings. It was only
 11 the meeting aimed at the idea of having the Tutsis killed. Let me also tell you that some *secteurs*
 12 would have recourse to him, would depend on him.

13 MADAM PRESIDENT:
 14 Counsel, do you have any further questions for this witness?

15 MR. POGNON:
 16 Yes, I still do have questions.

17 MADAM PRESIDENT:
 18 Because, here, we have already gone beyond the allotted time for the hearing and we are going to
 19 have to adjourn. How much more time would you need with this witness?

20 MR. POGNON:
 21 I beg your pardon. What did you say? Maybe an hour and a half.

22 MADAM PRESIDENT:
 23 One hour and a half? Very well.

24
 25 So, Witness, you will return to this courtroom on Monday and the cross-examination will continue,
 26 and, possibly, re-examination by the Prosecution. We will see when the time comes. We will also
 27 hear the third witness on Monday.

28
 29 Very well. I thank you one and all. Have a good evening.

30
 31 The session stands adjourned.
 32 *(Court adjourned at 1740H)*
 33 *(Pages 44 to 56 by Verna Butler)*

CERTIFICATE

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 3
 4
 5 We, Shannon Eboe-Osuji, Rex Lear, Roxane Lane and Verna Butler, Official Court Reporters for the
 6 International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the
 7 above-entitled cause were taken at the time and place as stated; that it was taken in shorthand
 8 *(stenotype)* and thereafter transcribed by computer; that the foregoing pages contain a true and
 9 correct transcription of said proceedings to the best of our ability and understanding.

10
 11 We further certify that we are not of counsel nor related to any of the parties to this cause and that we
 12 are in nowise interested in the result of said cause.

13
 14
 15 _____ Shannon Eboe-Osuji

16
 17
 18 _____ Rex Lear

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 20
 21 _____ Roxane Lane

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 23
 24 _____ Verna Butler

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