

D 79

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

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-01-66-T
EXHIBIT NO. D 79
DATE ADMITTED 19.11.2010
TENDERED BY Defence
NAME OF WITNESS Pw/S (CDL)

INDEX

WITNESSES

For the Prosecution:

WITNESS CDL

Cross-examination by Mr. Monthé (*continued*) 2

WITNESS CBR

Examination-in-chief by Mr. Moses 28

Cross-examination by Mr. Pognon 39

EXHIBIT AND EXTRACTS

Prosecution Exhibit No. P. 23 29

Extracts 10, 11

- 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; Habiambere, 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?