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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-96-10-T
ICTR-96-17-T

THE PROSECUTOR
OF THE TRIBUNAL

AGAINST

ELIZAPHAN NTAKIRUTIMANA
GÉRARD NTAKIRUTIMANA

8 MAY 2002
0855H
CONTINUED TRIAL

Before: Judge Erik Møse, Presiding
Judge Navanethem Pillay
Judge Andrézia Vaz

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

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

For the Accused Elizaphan Ntakirutimana:
Mr. Ramsey Clark

For the Accused Gérard Ntikirutimana:
Mr. David Jacobs

Court Reporters:
Ms. Sithembiso Moyo
Ms. Verna Butler
Ms. Gifty Harding
Ms. Geraldine O'Loughlin
Ms. Shannon Fleming Eboe-Osuji

1 I N D E X

2

3 WITNESS

4

5 For the Defence

6 PASTOR ELIZAPHAN NTAKIRUITMANA

7 Cross-examination continued by Ms. Stevens.....6

8 Cross-examination continued by Mr. Kapaya.....24

9

10 DR. GÉRARD NTAKIRUTIMANA

11 Examination-in-chief by Mr. Jacobs.....131

12

13

14 EXHIBITS

15

16 Exhibit No. 2D56.....130

17

18

19

20

21

22

23

24

25

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

2 MR. PRESIDENT:

3 Now, the Court is in session. There were
4 administrative matters in the morning that
5 had to be dealt with. That is why we are
6 slightly delayed.

7
8 Yesterday afternoon the Defence drew the
9 attention of the Chamber to a matter
10 relating to a motion recently tabled by the
11 Defence, concerning the return of some
12 witnesses in the present case. And having
13 been approached, the Chamber promised to
14 investigate the matter, and it was done
15 immediately after the Court session
16 yesterday.

17
18 I contacted the chief of the witness
19 protection unit for Defence, who informed me
20 that they had assessed the situation of the
21 witnesses involved both before Friday last
22 week and also in view of the
23 cross-examination last Friday, and their
24 assessment is that there is no problem in
25 returning these two witnesses to the country

1 where they have been residing for several
2 years. So, that unit had taken particular
3 steps to ensure the safety of these
4 witnesses, and the Chamber simply takes note
5 of that information. It appears credible
6 and reliable. We have no basis for
7 reviewing or disagreeing with that
8 assessment made by the witness protection.

9
10 So, with other words, it has been looked
11 into and that was the matter addressed by
12 the Defence last afternoon.

13
14 Then, there was another matter.
15 Mr. Phillips, you referred to an enclosure
16 P42, I think it was, and the Defence said
17 that they had no problems in it, with these
18 documents, it being understood that another
19 matter is, of course, the credibility or the
20 value of these documents. But I am simply
21 drawing your attention to the fact that we
22 only entered one of those documents. And
23 after having looked at them in total, I can
24 see that the other document which we didn't
25 address yesterday, namely, the excerpt from

1 the book probably forms part of the same
2 exhibit procedure. So, I suppose you would
3 actually prefer to have the one we admitted
4 yesterday as 42A and the book excerpt 42B.

5 MR. ADEOGUN-PHILLIPS:

6 42B, sir, and if I can also enter the
7 correspondence, in view of the responses
8 from Pastor Ntakirutimana as 42C. I have
9 them here. It gives the overall picture of
10 the background to all this. I think it is
11 useful to have correspondences.

12 MR. JACOBS:

13 Your Honour, we would object to -- I mean --

14 MR. PRESIDENT:

15 Before we go on, I have to inform you that
16 this equipment I have in front of me is
17 certainly not working. Mr. Matemanga, would
18 you give me a new one. I have been striving
19 with it now for one minute.

20

21 Now, what was the last thing you said,
22 Mr. Phillips? Did you agree or did you say
23 that you wanted both documents?

24 MR. ADEOGUN-PHILLIPS:

25 Both documents, and, also, I intend to enter

1 the chain of correspondence between myself
2 and Mr. Gourevitch concerning 42A and B as
3 42C. I haven't given that to you, but I am
4 just going to hand it out now.

5 MR. PRESIDENT:

6 Let's cross the 42C bridge once Defence has
7 been able to look at 42C.

8 MR. ADEOGUN-PHILLIPS:

9 They have it.

10 MR. PRESIDENT:

11 Defence, please.

12 MR. JACOBS:

13 We will have a chance to look at it, and
14 then we can comment, Your Honour.

15 MR. PRESIDENT:

16 You have had the chance to look at it?

17 MR. JACOBS:

18 No, Your Honour, we haven't had it.

19 MR. PRESIDENT:

20 Okay. We are coming back to 42C later on.

21
22 Can we just have a look at these documents,
23 and then we will come back to that now. But
24 now, we are anxious to proceed with this
25 witness.

1 MR. JACOBS:

2 Thank you, My Lord.

3 JUDGE PILLAY:

4 Now, Mr. Phillips, before I look at these
5 documents, I would like to hear your basis
6 on which you think you can hand in as an
7 exhibit correspondence between yourself and
8 someone else who is not a witness in this
9 case.

10 MR. ADEOGUN-PHILLIPS:

11 In essence, Your Honour, I had -- for
12 completeness I had --

13 JUDGE PILLAY:

14 You don't have to address it now. I raised
15 this, and when the Presiding Judge hears the
16 matter again, and then you can respond.

17 MR. ADEOGUN-PHILLIPS:

18 Your Honour, yes.

19 MR. PRESIDENT:

20 Now, you finished your part of the
21 cross-examination yesterday, Mr. Phillips.
22 Who is next?

23 MR. ADEOGUN-PHILLIPS:

24 Ms. Stevens.

25

1 MR. PRESIDENT:

2 Ms. Stevens, please, you have the floor.

3 CROSS-EXAMINATION (continued)

4 BY MS. STEVENS:

5 Q. Good morning, Pastor.

6 A. Good morning, counsel.

7 Q. Pastor, yesterday Mr. Phillips asked you
8 some questions regarding an interview that
9 you had with Philip Gourevitch who is the
10 author of the book We wish to inform you
11 that tomorrow we will be killed with our
12 families. Do you recall him asking you
13 those questions.

14 A. Yes. I remember that the Prosecutor asked
15 me that question.

16 Q. And sir, you did indeed confirm that you had
17 an interview with Philip Gourevitch, did you
18 not?

19 MR. PRESIDENT:

20 Mr. Clark.

21 MR. CLARK:

22 May it please the Tribunal. I expressed my
23 concern yesterday that there would be three
24 in one in this case, and because it is not
25 fair and because it is good judicial

1 administration, and because it is usually
2 not done -- and we are informed it is not
3 done, and at least in one of the Trial
4 Chambers here -- but the representation was
5 that the cross-examination would be
6 compartmentalised. One lawyer would ask
7 about one area, one lawyer about another,
8 the other lawyer about something else. Now
9 we see the second lawyer cross-examining on
10 same subject matter, and that is just too
11 much.

12 MR. PRESIDENT:

13 Now, it is the clear practice of this Trial
14 Chamber that we allow this, provided that
15 there is no duplication, and, of course, the
16 Prosecution has only been cross-examining
17 for two, three hours, whereas the
18 examination-in-chief went on for one and
19 half days. So far, this is not excessive.
20 The only matter now is whether the substance
21 is a question of duplication, and that we do
22 not know yet until you have asked the
23 questions, Ms. Stevens. But we are watching
24 you carefully, now, of course. Thank you
25 very much, Mr. Clark.

1 BY MS. STEVENS:

2 Q. Pastor, at the end of this interview, the
3 notes were read back to you, were they not?

4 A. He said that he read back what I had said,
5 but I have to say that he also wrote things
6 that I had not said. Maybe he did not read
7 the entirety of the interview, then he might
8 have added other information that I did not
9 provide. And I noticed that the interview
10 that he has published includes information
11 that was not part of our discussion.

12 Q. But, sir, you do confirm that the notes were
13 read back to you, do you not?

14 A. Yes, he read back to me the notes. But I
15 think that he read back to me what he wanted
16 to do, but he added other information. But,
17 in this document, for instance, it's
18 mentioned that the person who wrote the
19 letter was Serombo, Eliezer. In the
20 document that is what is written, but in the
21 document that he gave to the Prosecutor,
22 Serombo's name is not there, whereas he had
23 said that Serombo was the person who had
24 written the letter.

25 Q. So, when the notes were being read back to

- 1 you, your lawyer was present, was he not?
- 2 A. He was present.
- 3 Q. Your son who speaks both Kinyarwanda and
- 4 English was also present, was he not?
- 5 A. Yes, he was present, but he did not read the
- 6 document that had been prepared by
- 7 Gourevitch.
- 8 Q. Now, Pastor, yesterday you told us -- or the
- 9 day before rather, that you told the wife of
- 10 Issacar Kajongi to pass on a message to
- 11 Kajongi telling him he must -- he should
- 12 tell the others to go and hide. You
- 13 remember telling us that?
- 14 A. I remember that.
- 15 Q. So, isn't it the case that you yourself were
- 16 looking for Kajongi?
- 17 A. Yes. I was looking for Kajongi. But, I saw
- 18 his wife, and, for me, a woman and her
- 19 husband are the same thing. So, I decided
- 20 to give the message to the wife so that she
- 21 should transmit it to her husband.
- 22 Q. And, sir, your concern was for Kajongi to
- 23 pass on a message to others to go hide, and
- 24 is that why you were looking for him?
- 25 A. Yes, that is what I wanted to tell him. I

1 wanted to tell him that given the fact that
2 there was no security where they were, and
3 according to what I was seeing, I wanted
4 them to go and hide somewhere else.

5 Q. Do you know where he was hiding, sir? You
6 said there was no security where he was.

7 A. I had talked to his wife. I don't know
8 where her husband was hiding, and his wife
9 did not tell me where her husband was
10 hiding.

11 Q. But yet, still, you knew that there was no
12 security wherever he was?

13 A. I did not know whether where he was hiding
14 there was no security, but when I saw what
15 they had done to the driver at the market, I
16 told myself that there was no security. So,
17 it was for that reason that I decided to go
18 and see Kajongi. And at the hospital there
19 were still gendarmes.

20 Q. Sir, didn't you then invite Kajongi's wife
21 to invite others to seek refuge at the
22 hospital?

23 A. No. I never told her that. What I told
24 Kajongi's wife was to tell Kajongi and to
25 tell the others that from what I was seeing

1 elsewhere, there was no security at the
2 hospital, that if it was possible for them
3 to find another place for refuge, maybe it
4 would have been better.

5 Q. Sir, didn't you tell this Court earlier on
6 that in previous times, places like
7 hospitals and churches, schools, provided a
8 safe haven for refugees or people fleeing
9 from conflict situations?

10 A. Yes. I said so, and that is what used to
11 happen. However, what happened in 1994 was
12 different from what had happened in previous
13 years.

14 Q. Sir, are you saying in the beginning of
15 April 1994, the hospitals and churches and
16 places of the like -- from that point on in
17 early April 1994, it was known then that
18 those places were not safe havens?

19 A. There was security for the refugees, but
20 what I said, according to what I saw --
21 according to what happened to the person at
22 the market who almost got killed and I had
23 shouted. I saw them smashing the windscreen
24 of a car, and he managed to get away. In
25 the past such events did not occur in such a

1 manner.

2 Q. Sir, this incident did not cause you
3 yourself to go seek refuge someplace else,
4 did it?

5 A. But that is what made me to go and speak to
6 Kajongi's wife.

7 Q. Now, sir, between Kajongi's wife and
8 yourself, would you agree with me that your
9 voice had more influence?

10 A. To which I can tell you that in 1960 people
11 attacked one of our teachers in my presence.
12 I took the teacher and his children and I
13 hid them in a house there of a white man who
14 worked for a mining company, and that white
15 man came out with his gun and chased away
16 the attackers. And I took him to a place in
17 Muguba at a Catholic parish, and I called
18 the bourgmestre, and the bourgmestre chased
19 away all the people who were there. But at
20 that time -- during the time that we are
21 referring to, that is, 1994, it was as if
22 the bourgmestre no longer had an authority.

23 Q. Sir, I don't think you responded to my
24 question. Perhaps, I just didn't hear
25 properly. But I believe I had asked whether

1 or not you would agree with me that between
2 yourself and Kajongi's wife your voice
3 carried more weight or influence.

4 MR. PRESIDENT:

5 More weight and -- just a moment, Pastor.
6 You be clear, Ms. Stevens.

7 MS. STEVENS:

8 If he was much more influential. If the
9 pastor himself was more influential than
10 Kajongi's wife.

11 BY MS. STEVENS:

12 Q. I just wanted a "yes" or "no", sir.

13 A. I cannot answer by a "yes" or a "no". I
14 went to look for Kajongi, but I did not see
15 him, but I saw his wife. And if I had
16 influence, when I took the letter to the
17 bourgmestre, the bourgmestre would have
18 accepted my advice. But he did not accept
19 my advice, so I noticed that I did not have
20 the influence.

21 Q. Sir, was that the only reason that you were
22 looking for Kajongi in order to advise him
23 and others to seek refuge elsewhere or to go
24 into hiding?

25 A. Yes, that is the only reason.

1 Q. Isn't it true that Kajongi was the treasurer
2 of the field mission?

3 A. Yes.

4 Q. And sir, he also had the keys to the safe,
5 did he not?

6 A. That is correct.

7 Q. And naturally, when you had not seen him,
8 you were concerned for the contents of the
9 safe, were you not?

10 A. No. The contents of the safe was not -- did
11 not concern me more than his life.

12 Q. Did you ever get the keys to the safe?

13 A. Where did you want me to find them? He had
14 a key and the duplicate was with the
15 treasurer of the union. So, I had no means
16 of having access to the key of that safe.

17 Q. Sir, let's move on now to your return --
18 your supposed return from Gishyita to
19 Mugonero.

20 MR. PRESIDENT:

21 Would you just, Pastor, confirm the date on
22 which this Kajongi conversation took place,
23 when it was, please?

24 THE WITNESS:

25 I told you that it was on the 15th at 3 p.m.

1 MR. PRESIDENT:

2 I remember that you told us that. I just
3 wanted your confirmation. Thank you.

4 THE WITNESS:

5 I would also like to thank you,
6 Mr. President.

7 BY MS. STEVENS:

8 Q. Now, Pastor you told us yesterday, I
9 believe, that you did not return to Mugonero
10 until roughly around April 27th, April 28th,
11 around that time, because you were sick. Do
12 you recall telling us that?

13 A. Yes, I remember that.

14 Q. Pastor, were you admitted in the hospital at
15 all during this period?

16 A. No. My ailment was chronic. Once I went
17 for treatment with doctors in Rwanda and
18 they told me that I had to be operated on.
19 I asked them whether they had done such
20 operations, they said, yes, they had already
21 operated on ten people. I asked them how
22 many of those ten people had been healed and
23 they told me that there were only two out of
24 ten who had been healed. So I said, if that
25 was the case, I would die. So I went to the

1 Unites States where I was examined, and
2 where I was told that I could be operated
3 on, because I was still strong. Medicine
4 was prescribed to me. Apart from adalet,
5 they told me that I should take tablet
6 before meals. And it was in 1998 that I was
7 operated on in the United States.

8 Q. My question to you is: You were not
9 admitted in the hospital during this period,
10 were you not? Isn't that the case, that you
11 were not admitted in the hospital?

12 A. No, I was not admitted. Moreover, the
13 hospital did have that medication and the
14 medicine mentioned earlier was adalet.

15 Q. And sir, during this period, you were not
16 bedridden either, were you?

17 A. No, not all the time.

18 Q. And you were not decapacitated (sic), were
19 you?

20 A. No, I was not incapacitated. However, I
21 could not swallow anything, whether it was
22 water or food. You see, one can only live
23 when one is able to eat. So, you have to
24 understand that my situation was rather
25 difficult.

- 1 Q. Pastor, you also told us that you were
2 informed by Dr. Gérard and others that there
3 were bodies sprawled all over the Mugonero
4 complex. Do you recall telling us about the
5 dead bodies, that is?
- 6 A. Yes, that is what I said.
- 7 Q. And did you have any discussions with
8 Dr. Gérard, regarding what you were going to
9 do about all these dead bodies that were
10 littered all over the complex grounds?
- 11 A. We did not discuss about that. I noticed
12 that people who had killed those people had
13 done a bad thing. And, consequently, it was
14 up to the killers to bury those dead bodies.
- 15 Q. Did you have any concerns at all as to how
16 these bodies were to be disposed of?
- 17 A. Yes, that was a concern of mine. Some of
18 the bodies were to be put in coffins, but
19 carpenters were no longer there in order to
20 make the coffins. I did not have any means
21 of finding wood planks in order to make
22 coffins. I had not yet seen any carpenter.
23 I had just arrived and now, personally, I
24 was not a carpenter.
- 25 Q. Sir, when you arrived, you found dead -- did

- 1 you find dead bodies at the complex?
- 2 A. Yesterday, I told you that when I arrived,
3 they had already commenced the burial. The
4 grave was in front of my office and in front
5 of Jean Nkuranga's office, so burial had
6 already taken place.
- 7 Q. Sir, to your knowledge, Dr. Gérard was
8 involved with the burial of these bodies,
9 was he not?
- 10 A. Later, when we came back, we found dead
11 bodies all over the place around the
12 hospital, and even inside the hospital, so,
13 those bodies were buried.
- 14 Q. And Dr. Gérard did not -- didn't Dr. Gérard
15 engage in the burial or arrangements for the
16 burial of these bodies, sir?
- 17 A. Yes. Later on, he was involved in the
18 burial of some bodies, but before that the
19 other bodies had already been buried.
- 20 Q. Sir, when you say "later on", can you give
21 us an indication as to the time period that
22 you are referring to?
- 23 A. It was after our return, at around the 28th
24 or 1st or the 2nd -- and I am talking about
25 bodies that would be found here and there,

1 so, I am not referring to the first bodies.
2 I am talking about bodies which were found
3 here and there, and that he was involved in
4 the burial of these bodies, the second of
5 which we found when we returned.

6 Q. Pastor, are you able to tell us the number
7 of people who died at the Mugonero complex
8 on April 16th?

9 A. I don't know the number of people who died
10 on that day. How can I know the number?
11 Because I fled before they had been killed,
12 and when I came back, they had already died.
13 So how do you think I could know their
14 number?

15 Q. Sir, you did not take any steps to find out
16 the number of people who had been killed at
17 the Mugonero complex, SDA grounds?

18 A. When I returned, the bodies had already been
19 buried. But who could I have asked for the
20 number? Whether it was the bourgmestre or
21 the conseiller, they were not going to tell
22 me anything. I did not find out the number
23 of the people who were killed there?

24 Q. And you did not take any steps to find out,
25 did you, sir?

- 1 A. I asked the conseiller, and he did not give
2 me an answer. The conseiller lived very
3 closer to that place, but he did not tell me
4 anything. He refused to give me any
5 information, so how could I have obtained
6 the number of people killed there?
- 7 Q. What about the number of you parishioners
8 who died at the complex? Are you able to
9 tell us the number which perished?
- 10 A. I cannot know the number. The person who
11 could have given me the number was the
12 president of the district, but I did not see
13 him again. So, I could not have known the
14 number of people who had been killed there.
- 15 Q. What about the number of SDA pastors; are
16 you able to least help us with that?
- 17 A. I cannot know their number, apart from the
18 seven names which are on this document. In
19 fact, those are the only ones that I know.
20 I don't know about the others. Now, with
21 regard to the seven, maybe they were not all
22 killed there, maybe they had fled to the
23 hills. So, I cannot confirm that
24 such-and-such a person was killed there,
25 whereas I was not an eyewitness to such

1 death. So, I cannot give you any detail
2 concerning those people, because I do not
3 have any information concerning them. I do
4 not have any reliable information concerning
5 them.

6 Q. Sir, you did not conduct any investigation
7 to find out whether or not the number of
8 your parishioners and pastors who had been
9 killed at the Mugonero complex on April
10 16th, did you?

11 A. It was not negligence on my part, because
12 whenever I asked any person for information,
13 they refused to give information. Even
14 people who considered me to be their leader
15 did not tell me anything.

16 Q. Sir, can you tell us the number of memorials
17 that you erected for these people who lost
18 their lives on April 16th, at Mugonero
19 complex?

20 A. I was not present. I was not there. I fled
21 in July, and it seems that in 1998 (sic),
22 they exhumed the bodies and reburied them
23 with honour. So, I think it would be better
24 for you to ask that question to the people
25 who were involved in the burial of those

1 bodies, because I was not there in 1995.

2 THE KINYARWANDA INTERPRETER:

3 I would like to make a correction. The
4 reburial was carried out in 1995.

5 MR. PRESIDENT:

6 This was a remark from the interpreter.

7 THE ENGLISH INTERPRETER:

8 Yes, it came from the Kinyarwanda
9 interpreter.

10 MR. PRESIDENT:

11 Thank you very much for that clarification.

12 BY MS. STEVENS:

13 Q. Sir, does that mean that you did not erect
14 any memorials?

15 A. I left in 1994, and up to this day I have
16 not gone back again. So, when could I have
17 erected such a memorial?

18 Q. And sir, you did nothing to commemorate the
19 death of all these people who perished at
20 the complex in April 16th, is that the case?

21 A. It is not that I did not do anything. I
22 told you that I fled in 1994, and when those
23 bodies were reburied, when there was an
24 exhumation in 1995 and reburial, I was not
25 there. So, since I fled in 1994 up to this

1 day, I have not gone back to Mugonero.

2 Q. Sir, could you just tell us the number of
3 proper reburials, decent funerals that you
4 held for those who perished on April 16th,
5 1994, at the Mugonero complex?

6 A. Counsel, I have already talked to you about
7 this a few minutes ago. I told you that
8 when I came back, I found that they had
9 already buried the bodies. The mass grave
10 was in front of my office, so I don't know
11 what to tell you. When those people died,
12 the son of my uncle, with his wife and
13 children, also died. My cousin also was
14 killed. Many other people were also killed.
15 So I cannot give you a list.

16
17 There was another person who was threatened
18 by hoodlums. They had accused him of
19 bringing food to the Tutsis, and that should
20 they find him the following day there, then
21 they would deal with him. So he left that
22 place and went and committed suicide; he
23 hanged himself. What happened in that area
24 is something that is very difficult to
25 explain, and this is something that is

1 understandable. It is not something that is
2 comprehensible.

3 Q. Thank you, Pastor.

4 MR. PRESIDENT:

5 Mr. Kapaya.

6 MR. KAPAYA:

7 Good morning, Your Honours.

8 CROSS-EXAMINATION (continued)

9 BY MR. KAPAYA:

10 Q. Good morning, Pastor.

11 A. Good morning, Prosecution counsel.

12 Q. I have a few questions to ask about what
13 happened in May, June, July, before you
14 fled. But, before I do that, I would like
15 you to confirm before this Chamber whether
16 the grave you described, that you saw in
17 front of your office and that of the ESI,
18 could be described as a mass grave; could
19 you describe that grave under those terms?

20 A. It was a big grave; in other words, it was a
21 grave which contained more than one body.

22 Q. According to your long experience in life,
23 how many bodies would you estimate would
24 have been buried in that big grave?

25 A. During my life, before that day, I had never

1 seen a burial. One of my children died, and
2 they put his body in a coffin in Kigali and
3 he was buried. And after the burial, I
4 don't even know where the grave was. So I
5 cannot answer your question regarding the
6 number of bodies that could have been in
7 that grave.

8 Q. Now, Pastor, it was obvious to you and to
9 everybody that a crime had been committed,
10 was it not, in the killing of those people?

11 A. Yes, that was a major crime and that crime
12 was not committed only at that place; such
13 crimes were committed throughout Rwanda.

14 Q. Now, did it ever occur to you to go to the
15 bourgmestre now and tell him, "Look,
16 Mr. Administrator, I told you that there was
17 this danger; now these people have been
18 killed". Did it ever occur to you to go and
19 report this thing to the administration,
20 that people had been killed at "my church"?

21 A. I did not go to tell him that. I did not do
22 that because I had gone to see him before
23 those people had been killed. He could not,
24 therefore, have assisted them after they had
25 died. He had refused to help them, whereas

1 these were people that he knew, people he
2 considered to be relatives, people who had
3 totems. So there was no way after the event
4 I could have gone to see him about it.

5 Q. But Pastor, you had both a legal and a moral
6 duty to look after the people who were at
7 that complex, and these people had been
8 killed. You didn't think it's still your
9 duty, morally and legally, to go and report
10 a crime, as a citizen, that a crime had been
11 committed at "my area", you didn't consider
12 that as necessary and important?

13 A. It was important. However, the people who
14 had refused to protect them when they were
15 still alive could have done nothing for
16 them. I begged them; I implored them. I
17 told them that those people were people who
18 were members of the family of his wife,
19 because his wife was a Tutsi, his mother
20 in-law was a Tutsi, yet he refused to help
21 them when they were alive. So, I could not
22 have done anything after that.

23 Q. In your testimony yesterday you said that
24 you had several people with whom you worked
25 in trying to refurbish the place. Now, did

- 1 you go around the complex to gauge the
2 extent of the damage that was caused because
3 of the incident that happened on the 16th?
- 4 A. Could you kindly repeat the question,
5 Counsel?
- 6 Q. Apart from the mass grave that you saw in
7 front of your office, and the damage which
8 you described was done to your office, did
9 you go -- did you visit the other places of
10 the complex to measure -- to gauge the
11 extent of damage that was caused by the
12 fighting or the war that happened on the
13 16th, at the complex?
- 14 A. I was responsible for West Rwanda. I was
15 not responsible for the hospital or the
16 school. I was responsible for the place
17 where they had dug the grave.
- 18 Q. I beg your pardon, Pastor. Are you telling
19 me that the complex, the Mugonero complex
20 was not in one way or another under your
21 supervision or authority?
- 22 A. Giordano was the head of the hospital. Jean
23 led ESI. I was the leader of West Rwanda.
24 So you have to understand that I was not
25 going to interfere in the work of someone

1 else. I could not have gone to do something
2 that did not concern me at the time when I
3 had my own problems.

4 (Witness withdrew)

5 MR. PRESIDENT:

6 We are allowing the Pastor a little break.

7 (Witness re-entered the Courtroom)

8 MR. PRESIDENT:

9 Yes, Mr. Kapaya.

10 BY MR. KAPAYA:

11 Q. Yes, Pastor, can we continue now with our
12 discussion?

13 A. Sure.

14 Q. Are you telling this Tribunal that apart
15 from going through your office, you didn't
16 go to the ESI, for instance, to see whether
17 that place had also been damaged or was
18 intact?

19 A. Gérard worked at the hospital, and the
20 hospital is above ESI. It was Gérard who
21 told me that that place had been damaged,
22 and apart from the photos that we were
23 shown, I no longer remember when. The
24 investigators showed us those photos, and
25 from the photos, one could see that the ESI

1 chapel had actually been damaged.

2 Q. Are you also telling this Tribunal, Pastor,
3 that you didn't go to the hospital to see
4 the extent of damage, if any, that had been
5 inflicted during the course of the fighting
6 that took place on the 16th?

7 A. I did not go there.

8 Q. Apart from the mass grave that you said was
9 in front of your office, did you see any
10 other places that indicated that people were
11 buried in those places?

12 A. I saw another place near the primary school,
13 and there was a grave, and it seemed to me
14 that that grave could have contained one or
15 two bodies. The primary school was under
16 West Rwanda, so I went to take a look, and
17 that is what I found there.

18 Q. Didn't you hear also that some bodies had
19 been swept in a septic tank at the hospital,
20 did you hear that?

21 A. It was the investigator who said that here,
22 before this Court. As I told you, I never
23 went to the hospital. And when I made a
24 solemn declaration that I will speak the
25 truth -- and I am telling the truth,

1 particularly because the Bible teaches us
2 that we should tell the truth. So I am
3 saying that I did not go to that place.

4 Q. Didn't your son Gérard, who was responsible
5 for the hospital, tell you that some bodies
6 that were in the hospital were swept in a
7 septic pit instead of being buried?

8 A. No, he did not tell me that. On the
9 contrary, he told me that they had buried
10 bodies.

11 Q. Up to now, Pastor, you are not aware that
12 there are some bodies in the septic pit at
13 the Mugonero hospital?

14 A. I heard the investigator say that there are
15 bodies that had been reportedly thrown into
16 the septic tank, but I don't know whether
17 this is true or not.

18 Q. To the best of your knowledge, who was
19 responsible for the burial of the bodies at
20 the complex? Who organised the burial of
21 bodies?

22 A. I don't know anything about that. When I
23 went back, most of the bodies had already
24 been buried. I don't know who supervised
25 that operation. I don't know whether it was

1 the conseiller or someone else, but that is
2 something that I don't know. The only thing
3 that I know is that the leader of the
4 commune did not participate in the burial.

5 Q. And, are you aware that at some point a
6 caterpillar was brought there to use -- to
7 help in the burial of the bodies?

8 A. I was not there. I was still in Gishyita.
9 I had not yet gone back. Even if a
10 caterpillar had been brought there, it had
11 not come from Kibuye, because if it had come
12 from Kibuye, it would have passed below
13 where I was, and I would have seen it.

14 Q. Now, let's talk about the meeting of the 3rd
15 of May 1994. Was it not a fact, Pastor,
16 that letters were sent by the préfet to all
17 heads of institutions, religious,
18 government, schools and-what-not, to attend
19 a meeting on the 3rd of May, at the
20 préfecture, on the 3rd of May at Kibuye?

21 A. I did not receive the letter to which you
22 are referring. There was only an
23 announcement on Radio Rwanda, calling on
24 heads of departments to meet in Kibuye on
25 the 3rd of May. Since I was a head of a

- 1 department, I went there, but I did not
2 receive the letter.
- 3 Q. When you talk of departments, how many
4 departments were at Mugonero in May 1994?
- 5 A. There were three departments. There was the
6 West Rwanda, ESI and the hospital.
- 7 Q. And who represented the West Rwanda
8 department at the meeting?
- 9 A. I did.
- 10 Q. And who represented the ESI department at
11 the meeting?
- 12 A. It was the director of studies. He, too,
13 attended the meeting.
- 14 Q. Could you tell us what his name was --
- 15 A. His name was Enos Kagaba.
- 16 Q. And who represented the hospital, the
17 Mugonero hospital at that meeting?
- 18 A. Gérard.
- 19 Q. Now, let's talk something about the meeting.
20 Who presided over that meeting?
- 21 A. It was Kambanda.
- 22 Q. Could you tell us in a sentence or two what
23 message he brought to you?
- 24 A. In his speech, he said that we needed to
25 help the authorities, so that peace can be

1 restored in Rwanda, be it for the Hutus, the
2 Tutsis or Twas. He said that everyone must
3 contribute to the restoration of peace.

4 Briefly, I would say that his speech was
5 engineered to restore peace.

6 Q. Now, Pastor, would you confirm that by the
7 time that that meeting was held, the
8 massacres had already taken place at Kibuye
9 stadium, at the Home Saint Jean, in Kibuye,
10 at Mubuga church, at Nyundo church, and at
11 the Mugonero complex? Would you confirm
12 that by the 3rd May, massacres had already
13 taken place at these places I have
14 mentioned.

15 A. I cannot confirm that for you. I can only
16 confirm to you what concerns Mugonero. As
17 for the other locations, I didn't go there.
18 It is possible that massacres had already
19 taken place in those other locations or not.
20 I never spoke with anyone who came from
21 those locations, and who would be able to
22 have told me what had happened there.

23 Q. Now, did you, Gérard or Kagaba raise the
24 issue of the killings at the Mugonero
25 complex at that meeting?

- 1 A. During that meeting, opportunity was not
2 given to people to ask questions. After he
3 delivered his message in which he said that
4 Tutsis, Hutus and Twas should live in
5 understanding one another, I do not know --
6 he said that the persons who did not work
7 for the government should leave, and I do
8 not know what he said to those who remained
9 behind.
- 10 Q. Oh, Pastor, we heard from your witnesses,
11 from some of your witnesses -- I mean
12 Defence witnesses that people were given
13 opportunities to speak at that meeting, so
14 it cannot be entirely true that people were
15 not allowed to speak at that meeting.
- 16 A. It is possible that they were given the
17 opportunity to speak, but that would have
18 been after our departure, the departure of
19 those who were not civil servants, or maybe
20 this person had heard the civil servants who
21 had remained behind.
- 22 Q. So you now agree that people were allowed to
23 raise issues before the prime minister,
24 issues that concerned institutions which
25 they led?

1 A. When I was there, no questions were raised.
2 But I have just informed you that those who
3 were not civil servants were allowed to
4 leave. I don't know what happened
5 subsequently. I don't know whether these
6 people who remained behind asked questions
7 or not. I do not know.

8 Q. Pastor, didn't you get the itch to talk
9 about the killings at the complex? Didn't
10 you get that itch? It didn't sound normal
11 to you, that here is a prime minister of
12 this country, "I had a problem at my place."
13 Didn't you think that that was the proper
14 opportunity to raise that issue with him?

15 A. What you are saying is true, but since I
16 wasn't given the opportunity -- the persons
17 who didn't work for the government were
18 asked to leave. Could I have remained there
19 in order to ask the question in my capacity
20 as a government agent?

21 Q. Did you hear anybody condemn the killings
22 that occurred at Mugonero, Mubuga,
23 Home Saint Jean or at the Kibuye stadium?

24 A. It was said on the radio, the killings were
25 condemned, but what was said was not

1 compatible with what was being done.

2 Q. From what you heard and observed at that
3 meeting, Pastor, would it be correct to say
4 that those massacres at those places were
5 sanctioned by the government in power then?

6 A. To a certain extent, yes. In fact, they are
7 the ones who should have ensured that people
8 do not die. But at the time that he was
9 making his speech, he was saying that they
10 were being attacked by RPF, and for that
11 reason, he was not able to say that Tutsis
12 were members of the RPF and killed them, and
13 the same for the Hutus. He was saying that
14 there were enemies who were attacking Rwanda
15 and that it was these enemies who were
16 attacking Rwanda who should be targeted.

17 Q. By the way, Pastor, was there a person whom
18 you recognised as a Tutsi at that meeting?

19 A. I didn't pay that much mind. I didn't look
20 around to see whether there was a Tutsi.
21 When I got there, people were already in the
22 meeting room. I had the opportunity to find
23 a seat, and I didn't pay attention to these
24 details.

25 Q. You are a person who has been born, bred and

1 raised around that place for the past 50 or
2 60 years before 1994, and definitely, you
3 are in a position to know who was or who was
4 not a Tutsi at that meeting, weren't you,
5 Pastor?

6 A. In 1994, I was 70 years old. I was able to
7 distinguish between a Hutu and Tutsi or
8 someone whose parents were both Tutsi and
9 Hutu. I was able to make that distinction,
10 but when I got there, everybody was sitting
11 down. I managed to get a seat and sat down,
12 and the meeting immediately began.

13 Q. Now, in the course of your testimony
14 yesterday, you talked about Jean Nkuranga,
15 who said -- who told you that he was
16 considering going to hide at a certain
17 mission in Kibingo or something. Didn't you
18 consider it your responsibility to make sure
19 that he arrived at this place safely?

20 A. It was frightening, he had a vehicle, I had
21 a vehicle too, and in the valley close to
22 Mugonero river there was a roadblock. If I
23 had taken him with me and he was to be
24 killed on the way, that wouldn't have been
25 good. So I sought another method. He could

1 have gone right up to Lake Kivu and could
2 have given someone money so that that person
3 can help him cross Lake Kivu. I taught in
4 that place in Mugozi, and I knew that most
5 of the inhabitants there were Tutsis. This
6 should have enabled him to reach Kibungo.
7 But, I do not know whether that is indeed
8 how things happened. I wouldn't have wanted
9 him to be killed in front of me had I taken
10 him in my vehicle.

11 Q. But, Pastor, there is this question which
12 keeps coming up all the time. Why, for
13 instance, should you consider that he could
14 have been killed and not you? Why? What
15 could be the reason? Why wouldn't you be
16 killed, but he could be killed himself?

17 A. Be it himself or myself, we could both have
18 been killed. But I have just told you that
19 one of my brothers, Nebuyabahizi and his
20 wife and daughter were killed. I told you
21 that Daniel Nkurikinga had been killed. I
22 also told you that this young man who was my
23 cousin, was killed. When I remember his
24 name, I will give it to you. During these
25 killings everyone was being killed. Tutsis

- 1 would kill Hutus, and Hutus would kill
2 Tutsis.
- 3 Q. Pastor, I don't think you have answered my
4 question?
- 5 A. It was the first one who managed to kill
6 (sic). I have answered your question.
- 7 Q. No. My question was that you were afraid
8 that he might be killed in front of you, and
9 not the other way round, or that you might
10 both be killed, that was your testimony.
- 11 A. I was saying that we could both have been
12 killed, because a bandit and his accomplices
13 are both considered bandits. That's what
14 the situation was, he could have been
15 killed. I could have been killed, both of
16 us could have been killed.
- 17 Q. When you returned from Gishyita, you found
18 your house intact, was it not?
- 19 A. That is correct.
- 20 Q. And so was your milling machine?
- 21 A. Yes.
- 22 Q. And there was no gendarme or communal
23 policeman guarding these places?
- 24 A. No, there were none.
- 25 Q. But the houses of your neighbours, your

1 Tutsi neighbours were destroyed, were they
2 not?

3 A. Some of them, some houses had been
4 destroyed.

5 Q. So, was it not possible that you considered
6 Kajongi vulnerable by the fact that he was a
7 Tutsi, that is why you were scared, that he
8 could have been killed before you, when you
9 decided not to see him through to the place
10 where he wanted to go?

11 (Pages 1 to 40 by Sithembiso Moyo)

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- 1 1015H
- 2 A. I told you what I went to tell his wife.
- 3 Yesterday, I told the Prosecutor that I had
- 4 a big house. People could have come and set
- 5 up there, but no one came, be they either
- 6 Hutu or Tutsi. Nobody came to my house.
- 7 What could I have done? I didn't send
- 8 anyone away, nor did I refuse to provide
- 9 shelter to anyone. That's what I can say.
- 10 Q. Did Sikubwabo assure you that your house
- 11 would not be attacked?
- 12 A. We didn't speak about my house. We talked
- 13 about these people and he refused. I begged
- 14 him. I said that such-and-such a person was
- 15 at your wedding; your -- they gave you their
- 16 daughters to marry. He didn't want to
- 17 listen to me and I was unable to do
- 18 anything. I tried to beg him to see if he
- 19 would try to change his mind, but all that
- 20 was in vain.
- 21 Q. Now, on the 16th when you went to see
- 22 Sikubwabo, did he tell you to leave the area
- 23 -- the Mugonero area for your own safety?
- 24 A. No.
- 25 Q. By the way, the 16th of April, what day of

- 1 the week was that?
- 2 A. It was a Sabbath day.
- 3 Q. And you say that Sikubwabo went to his
4 office to work on the Sabbath day; was that
5 your testimony?
- 6 A. He found me there. I gave him the letter.
7 There was nothing else I could do. He found
8 me there and he was the one I wanted to see.
9 I was lucky. He came there and I gave him
10 the letter.
- 11 Q. The point is, Pastor, on Saturdays and
12 Sundays civil servants in Rwanda don't go to
13 their offices to work. How did you know
14 that Sikubwabo would be at his office on the
15 16th of April when it was a Saturday? Why
16 didn't you go to deliver the letter at his
17 home, knowing that this is a Saturday when
18 nobody is expected to come to work? That is
19 the question.
- 20 A. I did not know that civil servants did not
21 work on Saturdays. I was only certain that
22 they didn't work on Sundays. But I did not
23 know that they didn't work on Saturdays, and
24 I can assure you I am telling you the truth.
- 25 Q. For the 50 or so years you have worked in

1 Rwanda as an administrator or an accountant,
2 Pastor. Are you seriously telling this
3 Tribunal that you don't know that on
4 Saturdays in Rwanda civil servants don't go
5 to work; is that your testimony?

6 A. What I knew was that at the beginning of
7 Habyarimana's regime, there were community
8 activities or work on Saturdays. Afterwards
9 there were changes in that area, and when I
10 was in Butare what happened after the
11 multipartyism was installed, I do not know.
12 Even during multipartyism, it was only after
13 I got to the prison that I knew about these
14 changes.

15 Q. Let us leave that document for the moment.
16 Now, following your return to Mugonero in
17 May, did you look for Issacar Kajongi the
18 way you did before you went to Gishyita?

19 A. Are you referring to me? No; no, I didn't
20 look for him because I knew that he was the
21 treasurer -- to tell me that if he -- I said
22 to myself that if he was alive, he would
23 come back even during the night, and I never
24 saw him. First of all, people who were at
25 ESE (sic) chapel did not include this

1 person. He was not among those people who
2 were there.

3 Q. I suggest to you, Pastor, that you didn't
4 look for him, you didn't look for any
5 missing Tutsi at that time because you
6 didn't want to risk to be identified as an
7 Inkotanyi or an Inyenzi.

8 A. That is not true because I loved all my
9 people, be they Hutu or Tutsi. Segregation
10 -- or discrimination of any kind was unknown
11 to me. I had always done everything in my
12 power to help everybody. Now, to say that I
13 did not look for Kajongi -- well, I didn't
14 look for him because I didn't know where to
15 find him. Should I have gone to Mbonwa or
16 Nganzo or to Rwakamena? Where should I have
17 gone to look for him?

18 Q. I suggest to you, also, that as you have
19 suggested -- as Kambanda described at the
20 meeting, that you didn't protect the pastors
21 who wrote you a letter because it was part
22 of government policy that these people
23 should be eliminated.

24 A. I was not a politician; I did not discuss
25 with politicians; and I didn't know what

1 their plan was. For these reasons, we
2 decided -- when these people were at the
3 hospital, we decided to ask for the
4 assistance of the préfet so that he could
5 send people to ensure security. He did so,
6 and when they arrived I said to myself later
7 that the problem has been solved. So, these
8 are the people who are supposed to ensure
9 security as had happened in 1960, 1963,
10 1970, 1973. I told myself that the
11 situation was already solved. What could I
12 have done further? Should I have told those
13 people to leave and that I, Ntakirutimana,
14 was going to ensure security in their stead?
15 Q. All the families you fled with from Mugonero
16 to Gishyita were Hutu families, were they
17 not, Pastor?
18 A. Did I not say yesterday that there were also
19 Tutsi? If you didn't hear that, I can
20 repeat it for you. We left together with
21 Germaine, Rachel; she was Tutsi. She was
22 accompanied by a woman from Bukavu who had
23 come to visit her together with her two
24 children, and they were Tutsi.
25

1 Gérard went to Ngoma. He found two children
2 sitting beside their mother's body and he
3 brought them back. What could I have done
4 more, knowing, as I have said, that no Tutsi
5 had come toward me and that I sent them
6 away?

7 Q. Apart from Rachel, who was a lady, was there
8 any man who was Hutu in your car with whom
9 you went to Gishyita -- who was Hutu, I
10 mean?

11 A. No man; those who came on the vehicle are
12 those who were earlier at the church. This
13 would have been a big problem for me if
14 someone had come and I had sent them away
15 merely because he was supposedly a Tutsi. I
16 told you that some people came onto my
17 vehicle and I didn't even know them, even
18 the Esapan teachers. Since my arrival from
19 Butare I never set foot on Esapan. There
20 were people who came onto my vehicle. I
21 asked who they were and I was told who they
22 were, and I was told they were employees of
23 the Esapan.

24 Q. After all, Pastor, Rachel was married to a
25 white man, was she not?

1 A. No, her husband was called Mathias Ruvuduka.
2 He had been dead for about 30 years.
3 Rather, it's Rachel who was a half-caste,
4 but her husband, who was Mathias Ruvuduka,
5 had worked at the Mugonero hospital. He
6 lived at a place known as Nyantango.

7 Q. So, if Rachel was a half-caste, it means she
8 was not Tutsi, was she; or were there white
9 Tutsi?

10 A. I don't know if there are any such -- but
11 her mother was Tutsi. It was said that her
12 father was Belgian. I never saw him. But I
13 have the impression that even she, herself,
14 had never seen her father.

15 Q. Right. And the people you returned with,
16 between the 26th and 29th of April, they
17 were all Hutu families; was that by chance
18 or by coincidence? Was that planned or was
19 it by chance?

20 A. I wasn't an advisor to the government. I
21 wasn't a politician. Those who went to
22 Gishyita, especially the Zairois, I don't
23 know when they left and I don't know whether
24 they went back home or they went elsewhere,
25 but I came back to Mugonero, together with

1 the people who were with me in Gishyita.

2 Q. And my question, Pastor, is this: these very

3 Hutu that you went to Gishyita with are the

4 ones that you went back with to Mugonero at

5 the end of April? None of them was Tutsi.

6 Again, was that by chance?

7 A. But I've just told you that they were Tutsi.

8 I have just told you that they were Tutsi.

9 There was Rachel and this lady and her

10 children. Were they not Tutsi? Did we not

11 come back together to Mugonero?

12 Q. I think we have discussed enough the

13 question of Hutu, Tutsi. Now, let's move to

14 another field, Pastor.

15

16 You testified that your major occupation

17 after you had returned was the refurbishment

18 of your office; is that correct?

19 A. That office wasn't destroyed. Well, yes; if

20 you are referring to the period after my

21 return from Gishyita, yes, you are right.

22 The main occupation was to refurbish my

23 office.

24 Q. Now, what activities did this refurbishment

25 exactly consist of? What were you doing?

1 A. With the assistance of other persons who
2 were willing to help me, we collected the
3 documents. The doors had been broken down.
4 The safe had been broken. The table which
5 was made of wood, but had steel drawers, was
6 destroyed. The shelving and everything they
7 contained were destroyed. Everything was
8 scattered everywhere. I think they were
9 looking for money. When I came back, I took
10 one day. After that day we went to the
11 Kibuye meeting, and when I came back I
12 looked for carpenters who could help me, but
13 I did not know how to repair the safe. I
14 had absolutely no idea how to do that.

15 Q. This repair work at your office, how long
16 did it take? Just give me whether was it a
17 week, a month and so on, instead of giving a
18 long explanation.

19 A. This took approximately one week and a half
20 because it was necessary for me to buy
21 locks. I also had to look for timber to use
22 in order to replace what had been destroyed.
23 So, I think it took me about a week and a
24 half.

25

1 MR. PRESIDENT:

2 A little break.

3 MR. KAPAYA:

4 Can we continue, Pastor?

5 THE WITNESS:

6 Yes.

7 BY MR. KAPAYA:

8 Q. Now, after you had repaired your office you
9 found some members of staff who used to work
10 there who were not there in May; is that not
11 correct?

12 MR. CLARK:

13 May it please the Tribunal. We have a
14 malfunction in the headset over here; if we
15 could have another one. He's telling me the
16 pastor's headset is not working; I thought
17 he meant his was not working.

18
19 Pastor, put your head set on, please.

20 MR. PRESIDENT:

21 Can you repeat your question, Mr. Kapaya,
22 please?

23 BY MR. KAPAYA:

24 Q. Pastor, after the refurbishment of your
25 office and the -- did you resume work? Let

- 1 us take it in bits.
- 2 A. Yes, I started to work again. I filed some
3 of the documents which I had recovered. As
4 for the documents which I had not found, I
5 tried to look for copies of them, although I
6 hadn't found most of them -- well, you can
7 imagine the collection of documents which
8 are scattered in damaged areas. There were
9 windows which were broken and inside -- the
10 building had been built a long time ago and
11 it was supposed to be a carpentry shop. It
12 was not supposed to serve as an office, so
13 there was a lot which was still to be done
14 on the building and that's what I devoted
15 myself to doing in May.
- 16 Q. Okay, Pastor, all the work is done, all the
17 collection of paper is done. Now, you had
18 less staff than you had prior to April 1994;
19 right?
- 20 A. That is correct.
- 21 Q. You had less, Pastor, than you had before
22 April 1994; right?
- 23 A. That is correct.
- 24 Q. So, there was not much to keep you in your
25 office for six days in a week; right?

- 1 A. That is not true. I had a lot to do. I
2 have told you that the mission had been
3 closed and that it had just been reopened.
4 I needed to plan my work. I was supposed to
5 write up a lot of documents in that regard.
6 I needed to draft a budget to submit to the
7 treasury in Kigali because the documents
8 which existed earlier had been sent to
9 Rwankeri, and they had not been brought
10 back. So I had a great deal to do.
- 11 Q. Do you know what clean-up exercise Kagaba
12 was doing at the ESI?
- 13 A. I wasn't supposed to know Kagaba's
14 movements. It was up to him to know what he
15 was doing, and it was not up to me.
- 16 Q. Pastor, you know, I am really surprised that
17 you didn't take the time to stroll around
18 the complex to see whether the other, you
19 know, organs of the complex were
20 functioning. Didn't you consider it as part
21 of your duties as an elder, as the
22 president, you know, of all this place?
- 23 A. I was sad, sad about what had become of my
24 workers who had helped me for such a long
25 time and who were like relatives to me.

1 When there are two deaths each person who
2 dies is buried by their own people.
3 Everyone will look for a member of their
4 family, and the others will do the same. It
5 is true that the hospital and ESI had also
6 lost people. I don't know if they all died,
7 but it was me who had people under my
8 responsibility everywhere, so -- in the
9 Kibuye préfecture and that of Cyangugu.
10 Q. And are you in a position, Pastor, to tell
11 us whether the ESI school ever opened
12 between May, June, July '94?

13 A. I learnt that the school reopened its doors
14 in June; that's what I got to know. But I
15 didn't go there to go and see the students.
16 I heard that the school resumed its
17 activities.

18 MR. KAPAYA:

19 Now, I would kindly request the registry to
20 refer the witness to Defence Exhibit 1D47B,
21 the letter that was produced yesterday, and
22 refer the witness to the Kinyarwanda
23 version, the last but one paragraph, the
24 penultimate paragraph.

25

1 MR. PRESIDENT:

2 That's the one we read out yesterday?

3 MR. KAPAYA:

4 No, Your Honour, it's not the one.

5 MR. PRESIDENT:

6 It's not the "Ese" paragraph, but the

7 "Nimuhumurizwe" paragraph?

8 MR. KAPAYA:

9 It starts with "Nimuhumurizwe", something
10 like that. The English one starts with "Be
11 consoled".

12 MR. PRESIDENT:

13 Now, Pastor, on the first page of the
14 Kinyarwandan version of that document, do
15 you see the penultimate paragraph on the
16 first page, please? Have you found it?

17 THE WITNESS:

18 Yes, I can see the document written by (By
19 order of the Court, this name has been
20 struck from the record) in Kinyarwanda.

21 Yes, I have it.

22 MR. PRESIDENT:

23 We'll strike that name from the record and
24 the court video system, according to our
25 decision yesterday. But you see the

1 paragraph starting with "Nimuhumurizwe"?

2 THE WITNESS:

3 Yes.

4 MR. PRESIDENT:

5 Mr. Kapaya.

6 BY MR. KAPAYA:

7 Q. Now, my question -- Pastor, I would like you

8 to read the last sentence in that paragraph,

9 just the last sentence.

10 MR. PRESIDENT:

11 Then I think for the context we would

12 appreciate to have the whole paragraph, all

13 right, because it makes it easier to

14 understand the whole context?

15 MR. KAPAYA:

16 Okay, Your Honour.

17 BY MR. CLARK:

18 Q. Now, Pastor, then read the whole of that

19 paragraph.

20 A. Do I begin with "Nimuhumurizwe"; is that

21 right?

22 Q. Yes.

23 A. "Be consoled by the message of the first

24 book of Samuel, chapter 4, verse 6 of John

25 where he says nothing can stop God from

1 saving, often a large number of people or a
2 small number of people. Please think about
3 this -- think about that message and do
4 something. As for the ESI, continue with
5 what has been started, look for ways and
6 means of resuming the activities, as is
7 required by the administration".

8 Q. So, from reading the last paragraph -- the
9 last sentence in this paragraph, Mr. Pastor,
10 is it fair to say that by the 27th May '94
11 the ESI had not reopened; there were just
12 efforts trying to reopen this school?

13 A. I also said that the school had reopened in
14 June.

15 THE ENGLISH INTERPRETER:

16 The interpreters wish to make a correction
17 in the English: the Bible verse referred to
18 was 1 Samuel, chapter 14, not 4 as
19 previously said, and the name referred to as
20 Jonathan, not John.

21 BY MR. KAPAYA:

22 Q. So, is it your testimony that the ESI
23 reopened in June?

24 A. Yes; that's what I believe. I don't know
25 whether that institution resumed before

1 that. I'm a very old man. As you can see,
2 I'm no longer young, and this happened eight
3 years ago. It is quite possible that I
4 could have made a mistake.

5 Q. Pastor, as to your age, you told us very
6 elaborately the date you were ordained, the
7 date you were married, which is over
8 50 years ago, but you can't recall things
9 which happened hardly 10 years ago; how is
10 that?

11 MR. PRESIDENT:

12 Well, if this refers to the reopening of the
13 school, I think he's said twice now that he
14 learnt it opened in June.

15 MR. KAPAYA:

16 He says he's not sure, Your Honour, whether
17 or not it opened. Maybe I should recast a
18 bit.

19 BY MR. KAPAYA:

20 Q. Pastor Ntakirutimana, could you tell us
21 whether or not ESI ever reopened in May,
22 June, July 1994?

23 A. Yes. At a given point in time the ESI
24 resumed its activities because the Esapan
25 also resumed its activities. I told you

1 that I wasn't responsible for these
2 institutions. I was only responsible for
3 west Rwanda, and what I'm telling you was
4 told to me by other people. But I cannot
5 confirm that to you because maybe I'm not
6 very young and not very intelligent. If
7 your mind is full of things, it may have too
8 many things to deal with and some
9 information replaces other information in
10 your mind.

11 Q. Could you tell us whether the hospital
12 resumed operations in April -- in May, June,
13 July 1994, to your knowledge?

14 A. The director of the hospital was present;
15 and he is waiting for his turn, so you can
16 ask him that question.

17 Q. So as far as you were concerned, Pastor, you
18 do not know whether the ESI, the Esapan or
19 the hospital ever resumed operation in May,
20 June, July; is that your testimony?

21 A. No, I cannot confirm that with any
22 certainty, but all I know is that these
23 hospitals resumed their activities, be it
24 Esapan, the hospital or ESI; but I'm unable
25 to tell you during which month the

1 resumption took place. I cannot give you
2 the time, the month or the date.

3 Q. Pastor, you talked about -- you testified
4 that there were 36 districts under the West
5 Rwanda Association. Now, what does a
6 district consist of? I was not quite sure
7 about that.

8 A. The districts include three, four, five or
9 six schools. That's what constitutes a
10 district. There are also what we refer to
11 as companies. A company is established when
12 there is no church. But when you have
13 approximately 30 members and a school, at
14 that time we establish a school -- I mean, a
15 church; but before that, if there aren't
16 enough faithful, we cannot establish a
17 church in such a place.

18 Q. Now, let's talk about Bisesero. Was that a
19 district or -- how do you characterise it in
20 terms of the jurisdiction which you
21 exercised over that area?

22 A. The Bisesero region did constitute a
23 district which was composed of Kashyamba and
24 Mutiti, as well as Tema (phonetic), Bigugu
25 as well. But I've forgotten the name of

1 another church which was located in Gitesi
2 commune. So, those are the various regions
3 and churches included in that region.

4 Q. Did you ever hear of a place called Muyira
5 hill?

6 A. It's right here before this Tribunal that I
7 heard of that name.

8 Q. Before that you have never heard of Muyira
9 hill, Pastor?

10 A. Never.

11 Q. Have you ever heard of Rwirambo hill?

12 A. Yes. When I was still a young child I heard
13 mention of -- made of Rwirambo because at
14 that time, during the dry seasons people
15 would go there to graze their cattle. So I
16 heard mention made of that when I was still
17 quite small.

18 Q. So have you been to Rwirambo hill in all
19 your life?

20 A. No, never.

21 Q. When you go to the Bisesero district, don't
22 you pass along or near these hills?

23 A. From the time of my return from Butare I
24 never set foot in the Bisesero area. Even
25 before that, when I was still living at

- 1 Ngoma, I wouldn't associate with people from
2 Bisesero so I could ask them the names of
3 hills. I would be accompanied either by
4 people from Bisesero or from Kinyaga which
5 was the head of the department. I'm
6 referring to the period before 1985.
- 7 Q. Now, I'm talking about the period
8 immediately before the war, before
9 April '94. Hadn't you visited, say, Mutiti
10 church to preach there in '93 or '94?
- 11 A. No, I never went there.
- 12 Q. And do you know Kidashya hill -- ever heard
13 of Kidashya hill?
- 14 A. I know Kidashya. It's at Ngoma. When you
15 go up through Ngoma, you'll get to Kidashya
16 and then you'll reach a place known as
17 Mwinjiro, and then you'll see the road
18 coming from Kibuye and going towards
19 Cyangugu where -- which was used by vehicles
20 before the construction of the road which
21 goes right by Ngoma.
- 22 Q. And how about Murambi hill; have you ever
23 heard about Murambi hill?
- 24 A. I know Murambi. It's at Murambi, and -- I
25 think I said this yesterday -- it's at

1 Murambi that I had my first year of primary
2 school and we were studying under a tree.
3 My father had someone who had given him a
4 cow and the person lived in Murambi by the
5 exact place where the school was, known as
6 Nkinga and not Murambi. And those who came
7 there later on gave that place the name of
8 Murambi, and I didn't want to protest.

9 Q. Pastor, could you just help us with this:
10 what is it that scared you from visiting
11 Bisesero, as you claimed, in May, June,
12 July '94? Were there any SDA Christians
13 there who you would have liked to go and
14 see?

15 A. What made me afraid would have made you
16 afraid, too. When you hear that there's
17 fighting somewhere, you hear shooting, you
18 hear explosions from grenades, would you be
19 able to go to such a place yourself unless
20 you wanted to commit suicide? There were
21 other churches which had between 300 and
22 400 members who needed my visits. And I
23 thought it was better to visit these latter
24 churches which only had about 50 members.

25 Q. Did you know somebody called Mathias

1 Ngurinshuti?

2 A. I know that person. He was an employee at
3 the hospital.

4 Q. What did he do in May, June, July 1994, to
5 your knowledge, at the hospital complex?

6 A. I don't know anything about that.

7 Q. Was there a time you ever travelled with him
8 anywhere in any of the districts?

9 A. No.

10 Q. Yesterday, you were shown a list of
11 Prosecution witnesses, one of whom was
12 identified as RR whom you say did not
13 testify. Do you --

14 MR. KAPAYA:
15 Mr. Matemanga, please.

16 THE WITNESS:
17 I don't have this document in the pile which
18 I have before me. Well, here, my brother
19 has just brought it to me.

20 THE ENGLISH INTERPRETER:
21 The witness has just mentioned RR's name.

22 THE WITNESS:
23 He was amongst those who were supposed to
24 testify. This person was in that group, but
25 did not come to testify.

1 BY MR. KAPAYA:

2 Q. On your way to Bukavu, is it not a fact that
3 you spent some days at his residence and not
4 at the church?

5 A. There were about 800 to 1,000 people. We
6 were many in number. I came to this
7 person's house.

8 THE ENGLISH INTERPRETER:

9 The witness has mentioned the name again.

10 THE WITNESS:

11 They gave us food to eat. They put us in a
12 room which was behind the church and we
13 spent the night there. Others spent the
14 night in the open. We arrived on the 17th,
15 and on the 18th we crossed the border and we
16 went to Bukavu. That is what I know, and
17 nothing more.

18 MR. PRESIDENT:

19 We'll strike, in the Kinyarwandan version,
20 these names being mentioned.

21
22 Pastor, you must not mention the name of
23 protected witnesses. Thanks to the
24 vigilance of the interpreters, we will not
25 get it in the English and French versions,

1 but you must exercise caution yourself.

2

3 You have some questions left, Mr. Kapaya,

4 because then we have the break?

5 MR. KAPAYA:

6 Just one last question, Your Honour.

7 MR. PRESIDENT:

8 Just a moment. First, I want to hear what

9 the pastor said.

10 THE WITNESS:

11 I do apologise. I shall not ever again

12 mention names of protected witnesses.

13 MR. PRESIDENT:

14 And you, Mr. Kapaya, did you say that you

15 had one or several questions left? I just

16 want to hear whether you said you have one

17 or several, because if it's several, we'll

18 take the break.

19 MR. KAPAYA:

20 Just one question.

21 MR. PRESIDENT:

22 Only one question.

23 BY MR. KAPAYA:

24 Q. Now, Pastor, you said when you went to see

25 Sikubwabo on the 16th of April you expected

1 him to be in the office because there was
2 what was called "community work" or umuganda
3 during the time. Is that what you said?

4 A. I testified that I knew that it was possible
5 for him to be in his office because the
6 working days were six, and even on Sabbath
7 day there were community services. I don't
8 know whether this policy of community
9 services was still in force or not, but I
10 did go to the office of the bureau communal.

11 Q. Are you aware that umuganda did not exist
12 before 1992?

13 A. I don't know, and even when community
14 service was in force I didn't participate in
15 this. I don't know when the community
16 services were initiated and when they were
17 stopped. I don't even know when
18 multipartyism was started in Rwanda.

19 MR. KAPAYA:

20 Thank you, Your Honour. That's it.

21 MR. PRESIDENT:

22 We'll take the break now, see whether there
23 is any redirect, and there may be some
24 questions from the Judges; about 15 minutes,
25 maybe a little bit more.

1 (Court recessed from 1110H to 1138H)
2 (Pages 41 to 67 by Verna Butler)
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1 1138H

2 MR. PRESIDENT:

3 Anything, Defence?

4 MR. CLARK:

5 No, Your Honour.

6 MR. PRESIDENT:

7 Nothing. Yes. Okay, Pastor Ntakirutimana,
8 you will now be asked some questions by the
9 Judges.

10 JUDGE VAZ:

11 Thank you, Mr. President. Good morning,
12 Pastor.

13 THE WITNESS:

14 Good morning, Your Honour.

15 JUDGE VAZ:

16 I would like to ask you some questions.
17 First of all, I would like you to try and
18 give us a specific timetable for the day of
19 the 16th of April. You said that you went
20 to look for Gérard at one point, and that
21 you met a gendarme who had brought you a
22 letter. I would like you to begin from the
23 very beginning, that is, when the gendarme
24 came what time it was, and so on and so
25 forth and relate what you did during the

1 day. Is that clear?

2 THE WITNESS:

3 Yes, Your Honour, it's clear.

4 THE ENGLISH INTERPRETER:

5 Microphone; we can't get it.

6 THE WITNESS:

7 I heard the watchman. It was very early in
8 the morning. At 5:00 the watchman rang the
9 doorbell so I got out to see why he was
10 ringing the doorbell. I opened the door and
11 the watchman told me, "There is a gendarme
12 here who has letters". He gave me the
13 letters. There was a letter addressed to me
14 and there was letter addressed to the
15 bourgmestre. I read the letter that was
16 addressed to me and I was shocked because of
17 the content of the letter.

18
19 So I went back in the house and told Gérard
20 to accompany me. I was trembling. I could
21 not drive up to Gishyita. Gérard came with
22 me. The gendarme got in the rear part of
23 the vehicle and we went to Gishyita. When
24 we got to Gishyita, that is, at the communal
25 office -- when we got there the bourgmestre

1 was not yet there.

2 JUDGE VAZ:

3 Yes, Pastor, I would like you to
4 specifically tell us what time did you leave
5 the house with the gendarme and Gérard. We
6 would also like you to tell us whether
7 Gérard had spent the night at your place
8 because you spoke with Gérard at your house
9 so that he could accompany you.

10 THE WITNESS:

11 Gérard was at my house. He had spent the
12 night there. I told him, given that his
13 vehicle was behind my car, he should remove
14 it so that we can get -- travel in my car.
15 So he did that and we got onto my car and
16 that was around 6 a.m. So Gérard, the
17 gendarme and I went to Gishyita.

18 JUDGE VAZ:

19 What time did you arrive in Gishyita?

20 THE WITNESS:

21 I think that we arrived in Gishyita at about
22 6:25 or about 6:30.

23 JUDGE VAZ:

24 So, you told us that you met the bourgmestre
25 at 7:00 when he arrived at his office

1 because you said that when you arrived there
2 he was not yet there. So you waited so when
3 he arrived it was about 7:00; right?

4 THE WITNESS:

5 Yes, that is correct.

6 JUDGE VAZ:

7 So you spoke with him and then you left
8 Gishyita in order go back to Mugonero. What
9 time did you leave Gishyita?

10 THE WITNESS:

11 I think that we left Gishyita at about 7:30,
12 but I do not remember the time very well.

13 JUDGE VAZ:

14 What time did you arrive in Mugonero?

15 THE WITNESS:

16 I do not remember, but it was before 8:00.
17 I went to the office and I wrote to the
18 pastors who were at the hospital. I gave
19 the letter to the gendarme who had gone to
20 Gishyita with us.

21 JUDGE VAZ:

22 So what time did you give the letter to the
23 gendarme?

24 THE WITNESS:

25 I think that I gave him the letter at about

1 8:00. I do not remember very well because
2 the event took place a long time ago. It's
3 not easy for me to remember the exact time.

4 JUDGE VAZ:

5 So you left Gishyita at around 7:30, you
6 arrived shortly before 8:00 at Mugonero, and
7 you go to your office; you write the letter
8 and you give that letter to the gendarme and
9 that is at 8:00 -- approximately 8:00 in the
10 morning.

11 THE WITNESS:

12 About or towards 8:00.

13 JUDGE VAZ:

14 So, when you gave the letter -- after giving
15 the letter to the gendarme you went back
16 home?

17 THE WITNESS:

18 Yes.

19 JUDGE VAZ:

20 And you told your wife that there is a
21 problem and that you have to leave.

22 THE WITNESS:

23 No, this is not what I told her.

24 JUDGE VAZ:

25 Could you tell us what you told your wife?

1 THE WITNESS:

2 I told her that I had gone to Gishyita and
3 that I had taken a letter addressed to the
4 bourgmestre -- to the bourgmestre so that he
5 could save the people who were at the
6 hospital and that the bourgmestre had
7 refused to do so. Nothing else happened.

8

9 I saw Gérard come and he told me, "A
10 gendarme has just told me that we should
11 leave; we should leave these premises
12 because they can no longer assure us our
13 security and we should leave". And that is
14 when I told my wife to pack a mattress on
15 the vehicle as well as other things that we
16 may need where we were going to.

17 JUDGE VAZ:

18 So what time did Gérard come to tell you
19 what the gendarme had told Gérard?

20 THE WITNESS:

21 It was about 8:05 -- I don't remember very
22 well, but it was about 10 minutes after my
23 arrival at the house -- it was shortly after
24 my arrival at the house.

25

1 JUDGE VAZ:

2 So you asked your wife to pack some things
3 -- some belongings, including the mattress,
4 on the vehicle. How long did that take?

5 THE WITNESS:

6 It took a very short time. Our house help
7 helped my wife to load those belongings on
8 to the vehicle.

9 JUDGE VAZ:

10 Could you give us an idea of how long that
11 took?

12 THE WITNESS:

13 I think that loading the vehicle took about
14 five minutes.

15 JUDGE VAZ:

16 So it must have been approximately 8:10,
17 8:15. Now, you left your house; you told us
18 that you stopped on your way and that some
19 people got on your vehicle. Can you tell us
20 how -- for how long did you stop on your way
21 in order to allow those people to get in
22 your vehicle?

23 THE WITNESS:

24 I didn't spend much time there because I'd
25 not planned that people would get on my

1 vehicle. I did not even know that they were
2 going to get on the vehicle. I stopped
3 there in order to take Gakwarere's wife and
4 when I looked behind him I saw people in the
5 vehicle. They had not asked me the
6 permission to board the vehicle. So I don't
7 know how they had boarded my vehicle.

8 JUDGE VAZ:

9 For how long did you stop before leaving to
10 go to Gishyita?

11 THE WITNESS:

12 About one minute.

13 JUDGE VAZ:

14 So in one minute the people who were there
15 were able to go onto your vehicle with their
16 luggage?

17 THE WITNESS:

18 The people who got onto my vehicle did not
19 have luggage. I looked behind, I saw people
20 on the vehicle. I didn't know who they were
21 so I started the car -- and we started the
22 car and we left.

23 JUDGE VAZ:

24 What time did you arrive in Gishyita?

25

1 THE WITNESS:

2 I think that I arrived in Gishyita at about
3 9:00 or 9:30, about that time, but I don't
4 remember well the exact time.

5 JUDGE VAZ:

6 You told us that as soon as you got there
7 the women started cooking and the menfolk
8 went to look for firewood. Is that what you
9 told us?

10 THE WITNESS:

11 No, that is not what I said, but that is
12 something which in any case did occur.

13 JUDGE VAZ:

14 So what actually happened there, if I didn't
15 understand you well?

16 THE WITNESS:

17 After our arrival, I remained in the
18 vehicle. Belongings were off-loaded and put
19 on the veranda of the house. The messenger
20 came and we asked him where could we put our
21 belongings and he told us that we could put
22 them in the house. And the young people who
23 were with us actually put them in the house.
24 I remained there, but I had my eyes set to
25 Ngoma because I was listening to what was

1 happening to Ngoma. I looked there but I
2 could not see -- I could see the parent
3 church, I could see the school, I could see
4 those places. I saw people who were going
5 up coming, from Kigarama, others were coming
6 from Gishyita, and at about 11:00, I heard
7 gunshots and grenade explosions. I saw
8 people running helter-skelter in the school
9 area. There were -- people were running.
10 That is what I saw.

11 JUDGE VAZ:

12 You told us that when you arrived there you
13 saw a door that was opened so you were able
14 to enter into the room and that,
15 subsequently, you saw the messenger who
16 allowed you to take in your luggage that had
17 been put on the pavement. Is that what you
18 said?

19 THE WITNESS:

20 That is correct.

21 JUDGE VAZ:

22 So if I understand you well, you left the
23 vehicle at one point, you got into the house
24 and then went out in order to return to the
25 vehicle. Is that right?

1 THE WITNESS:

2 Yes, I went to sit in the vehicle because it
3 was parked between two buildings, and, then,
4 in that room there were no chairs.

5 JUDGE VAZ:

6 So you settled down, you heard noises, you
7 heard explosions. Were you able to know
8 where those noises were coming from? And
9 did you hear those noises, explosions and
10 screams in the subsequent days coming from
11 the direction of Mugonero and Bisesero?

12 THE WITNESS:

13 On the 16th, at about 11:00, I heard
14 gunshots and grenade explosions, and on that
15 day I heard those noises coming from
16 Mugonero. I saw people running
17 helter-skelter at the school area. They
18 looked like people who were fleeing; they
19 were running everywhere. I was shocked
20 because I had told myself that my employees
21 would be killed and that I was there lonely
22 -- alone. That was the day that I heard
23 those noises coming from Ngoma. I did not
24 hear that kind of noise coming from Ngoma
25 again.

1 JUDGE VAZ:

2 You testified that when you were at that
3 room Gérard at one time -- on two occasions
4 had to leave Gishyita apparently in order to
5 get provisions. You told us that on one
6 occasion he was with pastors. I would like
7 to know on the other occasion, with whom was
8 he; was he alone or was he accompanied?

9 THE WITNESS:

10 When we were in Gishyita, Gérard went to
11 Ngoma accompanied by the pastors in order to
12 get food. And on the second occasion, after
13 the house help had brought us food -- on the
14 second occasion he left with pastors. I
15 don't know how many pastors were there,
16 maybe one, maybe two, but I don't know. But
17 on the second occasion he also went with
18 pastors.

19 JUDGE VAZ:

20 You mean the -- on both occasions he left
21 Gishyita in order to go to Ngoma?

22 THE WITNESS:

23 These are the only two times that I remember
24 him.

25

1 JUDGE VAZ:

2 You told us that he came back with two
3 children that he had found near their
4 mother's body. Was that on the first
5 occasion or was that on the second occasion;
6 and who were those children and what
7 happened to them?

8 THE WITNESS:

9 I don't know the name of the children. I
10 think that when -- he brought them on his
11 first trip.

12 JUDGE VAZ:

13 When the Prosecutor asked you what did you
14 do in relation to the bodies that were in
15 the complex, you told us that you left --
16 you had left the complex before the
17 massacres and that you'd come back after the
18 bodies had been buried, but there were still
19 some bodies that were later buried and that
20 Gérard also -- even helped in the burial of
21 such bodies. And when you were asked what
22 did you do in order to have a decent burial
23 of believers -- of the faithful, you said
24 that it was not possible for you to find
25 planks and wood and carpenters in order to

1 make coffins. Is that what you testified?

2 THE WITNESS:

3 Yes, this is what I said. I had not found a
4 carpenter and the carpentry workshop had not
5 resumed its activities.

6 JUDGE VAZ:

7 Later when you were asked what did you do in
8 order put in order your office, you told us
9 that you contacted the carpenter and you
10 bought wood but you did not find locks. Is
11 that what you said?

12 THE WITNESS:

13 Yes, that is what I said.

14 JUDGE VAZ:

15 Thank you.

16 JUDGE PILLAY:

17 Pastor, I wish to refer to your evidence
18 when you said that you were not, in fact,
19 the head of the Mugonero complex. You said
20 that it was Dr. Giordano who was.

21 THE WITNESS:

22 That is true; that is what I testified.

23 JUDGE PILLAY:

24 But the entire complex fell under the
25 administration of the West Rwanda

1 Association of which you were the president;
2 isn't that so?

3 THE WITNESS:

4 No. Giordano was the director of the
5 hospital, and Jean was the director of ESI,
6 and I was the president of the West Rwanda
7 Association. None of the three was
8 hierarchically above the other two; you were
9 all under the leadership of the union.

10 JUDGE PILLAY:

11 So who elected these officials and who paid
12 for the running of the hospital and ESI?

13 THE WITNESS:

14 It was the council of the union which had
15 its headquarters in Kigali and it was Paul
16 Leitao who was the president of the union.
17 (By order of the Court this name has been
18 struck from the record) was the secretary of
19 the union and Mbarubukeye was the treasurer
20 of the union. These are the people who were
21 members of the administration of the union.
22 When we needed money we would contact these
23 people. When we needed an employee, an
24 official -- for instance, when the hospital
25 needed a worker among the people who are

1 employed by the association, the hospital
2 would have to contact the union and tell
3 them that we needed someone and the union --
4 and I would be contacted and asked whether I
5 could release an employee who could be
6 appointed to such a vacant post, and if it
7 was not possible, I would say so. So they
8 would hold a meeting and they would
9 officially say that they were going to
10 transfer an employee of the west Rwanda who
11 would be transferred to work at the
12 hospital.

13 JUDGE PILLAY:

14 Now, thank you for clarifying that. Now, I
15 understand the difference between the union
16 and the West Rwanda Association. Did you
17 hold any office in the council?

18 THE WITNESS:

19 Yes, I was a member of that council.
20 Giordano, too, was a member of the council.
21 The same thing applies to Nkuranga. The
22 headmaster of the Gitwe secondary school was
23 also a member; the president of Rwankeri, of
24 Butare were also members; the director of
25 the school as well was a member of the

1 council.

2 JUDGE PILLAY:

3 When you said, in the course of your
4 evidence, that it was only you who had
5 access to the bank account and could draw
6 out money, which account were you referring
7 to?

8 THE WITNESS:

9 There was an account of the West Rwanda
10 Association, but I had to have prior
11 authorisation of the treasurer of the union
12 and write a letter to the director of the
13 commercial bank in order to say that I had
14 the authorisation to withdraw money. Money
15 was in the account but no one could withdraw
16 the money.

17 JUDGE PILLAY:

18 When Dr. Giordano left, you did, in fact,
19 take charge of the situation; did you not?

20 THE WITNESS:

21 No. Dr. Giordano had his own account; that
22 is, the hospital account that was at that
23 bank. ESI also had its own account at the
24 bank. So when the union sent us money, the
25 money was transferred to the hospital

1 account or West Rwanda Association or to the
2 account of ESI.

3 JUDGE PILLAY:

4 I'm moving away from the bank account and
5 the finances. I'm now moving on to the
6 security situation and my question relates
7 to that. Did you not, after the departure
8 of
9 Dr. Giordano, in fact, take charge of the
10 situation?

11 THE WITNESS:

12 No. The president of the union did not send
13 me any letter, did not telephone me, and the
14 treasurer of the union did not tell me
15 anything either, indicating that I would be
16 the head of all the activities that were
17 carried out in the complex.

18 JUDGE PILLAY:

19 After the 7th of April, did you do anything
20 about the deteriorating security situation
21 in the Mugonero complex?

22 THE WITNESS:

23 All the people who were fleeing were not
24 necessarily going to the field; they were
25 going to the hospital. When Dr. Giordano

1 came and told us that the president had died
2 and narrated to us the circumstances of the
3 president's death and told us that the
4 president of the Adventist and his family
5 had died, we held a meeting, Nkuranga and I.
6 We had discussions. We went to see
7 Dr. Giordano -- Dr. Gérard. There was a big
8 meeting room at the hospital. The council
9 of the field, ESI, we all met in order to
10 try and find a solution to the problem. And
11 when we were trying to see who was going to
12 chair the meeting we saw a jeep with
13 gendarmes arrive.

14
15 I went out and I went to greet them and it
16 was then that the head of the gendarmes told
17 me that they had brought gendarmes and they
18 had left Mubuga in order to ensure security.
19 And he told me that they were going to leave
20 two gendarmes at Ngoma and that they would
21 leave gendarmes at Kibungo as well, and the
22 same thing applied to -- would apply
23 Kabengerera -- to Karengerera. So I went back
24 inside and I told the others that we were
25 trying to look for people to ensure our

1 security, and here we are, they've sent us
2 gendarmes. And that's how the meeting
3 ended.

4

5 JUDGE PILLAY:

6 Now, you were in court and you heard one of
7 the Defence witnesses, Witness 5, in fact,
8 who was talking about the security meeting.
9 He said that you initiated the meeting and
10 you chaired the meeting.

11 THE WITNESS:

12 I don't know where he got that information.
13 I told you that we were all meeting at the
14 hospital in order to elect from among us a
15 chairman. Maybe they were going to elect me
16 as the chairman because I had already been
17 doing that work. But it was before the vote
18 that we saw that jeep with the gendarmes
19 arrive. Now, with regard to that witness, I
20 do not remember -- I'm an old man; I really
21 don't remember.

22 JUDGE PILLAY:

23 You look very young to me. So the idea of
24 holding a meeting to discuss security did
25 not originate from you; is that what you

1 say? That's the impression I got from that
2 witness.

3 THE WITNESS:

4 Indeed, the idea did come from me. I spoke
5 about it with Kajongi, and I spoke about it
6 with Nkuranga. He accepted the idea. And
7 it is at that point that we went to the
8 hospital. We also spoke to Gérard about it.
9 He accepted the idea and the council --
10 councillors were not far, they were near.
11 So we went for the meeting in the hospital
12 meeting room in order to discuss, in detail,
13 the idea.

14 JUDGE PILLAY:

15 So what -- what was the solution? Was any
16 solution reached? I'm not referring to the
17 arrival of the gendarmes. Was any other
18 solution reached by this group which held
19 the security meeting?

20 THE WITNESS:

21 The solution that we were looking for was
22 there. The gendarmes who were to ensure
23 security had already arrived. The pastors
24 lived at Rwabigagi. There were nurses who
25 lived in Kiyovu. And Kiyovu was also known

1 as Rukeribuga --

2 JUDGE PILLAY:

3 But, Pastor, let's just keep your responses
4 brief so I can get my questions across.

5 When was this meeting, the security meeting?

6 THE WITNESS:

7 On the 10th.

8 JUDGE PILLAY:

9 That was after Giordano had left?

10 THE WITNESS:

11 Yes.

12 JUDGE PILLAY:

13 Now, we heard testimony from a Defence
14 witness that at this meeting you formed
15 patrols, and I didn't hear anything in your
16 testimony about this formation of patrols.

17 Can you explain that?

18 THE WITNESS:

19 I was not living in the mission premises. I
20 was living outside the complex. Those
21 people -- it was those people who lived
22 within the mission compound who were
23 actually participating in the patrols. I
24 was an old man; I could not participate in
25 patrols. Even if I had been living in the

1 mission's premises, I would not have
2 participated in the patrols. Others would
3 have done it.

4 JUDGE PILLAY:

5 I wasn't asking about your participation in
6 the patrols. I was asking whether you were
7 aware that after the security meeting the
8 agreement was to form patrols?

9 THE WITNESS:

10 Yes, it was decided to organise patrols.

11 JUDGE PILLAY:

12 Now, what were the patrols supposed to be
13 doing, then?

14 THE WITNESS:

15 The patrols were to see to it that bandits
16 would not come there to steal, and to
17 protect people. For instance, there was a
18 person who had been killed by a grenade. So
19 the patrols were to control the entrance and
20 exits from the complex to see what people
21 were coming to do there, who those people
22 were and so on and so forth.

23 JUDGE PILLAY:

24 So, did you receive any information from
25 these patrols on who these people were who

1 were displaying an intention to attack and
2 rob and so on?

3 THE WITNESS:

4 They had this idea because of the person who
5 had come to attack Nkuranga's watchman, and
6 we didn't know who attacked those people.
7 So two groups were formed. The first group
8 watched over the security on one side and
9 the second side watched over the security of
10 the other person (sic), but they did not
11 apprehend any person who came there or
12 anybody who stole. So, in other words, the
13 patrols never apprehended anybody.

14 JUDGE PILLAY:

15 Yes, I understand that. I want to know
16 whether you received any information from
17 the patrols on who these attackers were?
18 For instance, were they members of your
19 congregation to whom you could have spoken
20 with or were they outsiders?

21 THE WITNESS:

22 I was saying that these were bandits who
23 were coming from outside. They were coming
24 from Gishyita, Kigarama, Ruhanga, and these
25 people were coming to steal things at the

1 hospital -- or rather, at the mission, but
2 we never apprehended anyone.

3 JUDGE PILLAY:

4 What did you tell your congregation on the
5 Sabbath of 9th April, knowing that you held
6 the first security meeting on the 10th of
7 April, the next day? What did you tell your
8 congregation on the 9th April with regard to
9 the security situation and what they should
10 do?

11 THE WITNESS:

12 I told my congregation that they should be
13 vigilant, that they should ensure security
14 and if there were any problems they should
15 inform us so that we can help them. I told
16 them they should be vigilant, they should
17 pray a lot so that the problems be resolved.

18 JUDGE PILLAY:

19 And you did not offer any advice on whether
20 they should stay within the complex or
21 leave?

22 THE WITNESS:

23 No, I did not tell them any such thing.
24 Some of them were in the complex; some were
25 at the hospital. There were gendarmes

1 there. For me, the situation was peaceful.
2 I could compare the situation to that of the
3 previous year. I told people who were not
4 at the complex to be vigilant and to inform
5 us of any problems arising -- any problems
6 that there might be.

7 JUDGE PILLAY:

8 And who were these people from Kibuye who
9 brought the gendarmes? Were they people in
10 authority?

11 THE WITNESS:

12 There was a soldier who was their head. I
13 don't know his name; I didn't know him. You
14 see, soldiers are always -- often
15 transferred from one camp to other camps. I
16 didn't know him, but he was their leader.

17 JUDGE PILLAY:

18 Now, I just have a question touching on
19 Bisesero. Did you speak to anyone in
20 Mugonero about getting involved or not
21 getting involved in what was happening in
22 Bisesero?

23 THE WITNESS:

24 Yes, this is what I said: "We are
25 Christians; we are not killers; we are not

1 bandits. If someone goes there, then it's
2 up to him, but we, as Christians, should not
3 participate in those kinds of things".

4 JUDGE PILLAY:

5 Did you say something to that effect in
6 respect of Mugonero?

7 THE WITNESS:

8 Yes, I said that to the congregation at the
9 church, at the Mugonero church. At ESI, the
10 activities had not yet been resumed but that
11 was indeed said.

12 JUDGE PILLAY:

13 Well, let's talk about when -- did you speak
14 about Mugonero and Bisesero at the same
15 time, and, if so, when was that?

16 THE WITNESS:

17 I spoke about Bisesero when I heard gunshots
18 coming from Bisesero and when I heard the
19 explosion of grenades from Bisesero. That
20 is when I told people, "If we ever find out
21 that you had gone to that place, we will
22 make you outcast from the church; you'll
23 become pagans", because in the Adventist
24 Church, the sixth commandment prohibits us
25 from killing, the eight commandment

1 prohibits us from lying and stealing, and so
2 I said that those things should not be done.

3 JUDGE PILLAY:

4 Did you think that there was some
5 possibility that people in Mugonero would be
6 considering involvement in the Bisesero
7 attacks?

8 THE WITNESS:

9 Someone told you here that there was someone
10 at the centre -- his name was Ruben -- and
11 Ruben was a bandit. Ruben had a group of
12 bandits and I thought that they were going
13 to incite other members of the congregation
14 so that they could go together and join
15 forces to have more strength, and I told
16 them that they should not go there.

17 JUDGE PILLAY:

18 Now, this is just something you thought.
19 You didn't actually receive any information
20 that people were being recruited to go and
21 fight in Bisesero?

22 THE WITNESS:

23 No, I did not know of any person who was
24 recruited for such work to go to Bisesero.
25 However, those people were bandits. I

1 testified that there was a young man in my
2 family, people came from Bisesero and told
3 him that, "We heard that you are taking
4 provisions to Tutsis. If we ever hear again
5 that you are taking provisions to Tutsis we
6 are going to kill him (sic)", and they were
7 holding a machete against his neck and he
8 was so frightened. He subsequently
9 committed suicide.

10 JUDGE PILLAY:

11 Well, thank you. I'm moving on to another
12 area. It leads to evidence we heard that
13 there was a report being prepared on the
14 events in Mugonero for the association and
15 that you were responsible for the report.
16 Now, I may not have heard the evidence
17 correctly. So can you just enlighten me on
18 that?

19 THE WITNESS:

20 (By order of the court, this name has been
21 struck from the record) who was the
22 , came to Mugonero and we
23 told him about what had happened; we told
24 him about the prevailing situation. We gave
25 him the report of what had happened. Later,

1 after his departure, he wrote the letter
2 which you have seen.

3 JUDGE PILLAY:

4 I just want to draw the President's
5 attention to the fact that there was a
6 protected name mentioned, the name of a
7 pastor.

8 MR. PRESIDENT:

9 Okay, we'll strike it.

10 THE WITNESS:

11 I apologise. It was a slip because
12 sometimes I happen to forget things. I
13 think this is due to old age.

14 JUDGE PILLAY:

15 I do that, too.

16

17 Pastor, a witness said that he, in fact, was
18 given the -- compiling the figures of
19 missing persons in the education section but
20 that you were in charge of the overall
21 report -- he called it a report. So I would
22 like your comment on that testimony.

23 THE WITNESS:

24 The heads of departments had their
25 supervisors within the union at the union

1 level. The head of the department of the
2 ministry had another head and he would give
3 me a copy of all the correspondence of all
4 reports sent to him.

5 JUDGE PILLAY:

6 Sorry to interrupt, but is there a report,
7 or not, prepared by the West Rwanda
8 Association or the union on the numbers of
9 persons missing or dead in the Mugonero
10 complex?

11 THE WITNESS:

12 I drew up a report and I sent that report to
13 the union. When the report got to the
14 union, the head of the union fled, but
15 before fleeing, he did not tell us that he
16 was going to flee, but when he saw that
17 there were problems he decided to flee for
18 his life.

19 JUDGE PILLAY:

20 Now, I have my final question so let me
21 frame the question. You have told us Judges
22 that you are a man of religion, that in your
23 religion -- and of course, every other
24 religion -- the principle is, "Thou shalt
25 not kill". There is also a principle, "Thou

1 shalt not speak an untruth", and you cited
2 the Bible teaches that. And on this basis,
3 I presume you ask the Judges to believe your
4 version of the events. But this Chamber has
5 also heard a number of witnesses. They also
6 belonged to the Seventh Day Adventist Church
7 and they have also sworn that they are
8 speaking the truth. They have told us that
9 you participated in the killings; that you
10 were seen with Interahamwe; that you were
11 seen carrying weapons; and that you were
12 seen with figures in authority.

13 THE WITNESS:

14 Those are lies; that is not truth, and I'm
15 saying this before the presiding Judge and
16 Your Honours, and I'm saying that I never
17 did any of those things. We teach
18 believers, but not all believers follow
19 their teachings. Jesus was God's son.
20 Among his own disciples was Judas and Judas
21 betrayed him. This means that all
22 Christians are not the same; they are not
23 doing the same thing. There are some who
24 follow the commandments; there are some who
25 violate them. But I did not participate in

1 any of those acts, not at all.

2 JUDGE PILLAY:

3 So you are saying that although some of
4 these witnesses are members of the
5 Seventh-Day Adventist Church and read the
6 Bible, that it's possible that they are not
7 speaking the truth?

8 THE WITNESS:

9 That's what I'm saying. What -- all these
10 things that they say I did, I did not do.
11 Since I was born, I have never even touched
12 a firearm with my hands. I have never
13 touched a gun, for example, that was brought
14 by policemen. Never.

15 JUDGE PILLAY:

16 Yes, thank you, Pastor. Thank you,
17 Mr. President.

18 MR. PRESIDENT:

19 When did the gendarmes arrive?

20 THE WITNESS:

21 On the 10th.

22 MR. PRESIDENT:

23 Why did they arrive?

24 THE WITNESS:

25 I think that when the préfet realised that

1 the security situation was bad he sent them
2 there. I did not ask for them to be sent
3 there. Moreover, you have -- might have
4 noticed that some witnesses testified that I
5 was the one who went to get the gendarmes,
6 but this was not the case.

7 MR. PRESIDENT:

8 Once the gendarmes were there, did you give
9 them any instructions?

10 THE WITNESS:

11 I was not their leader. They had their
12 chief who was moving about in Kibungo,
13 Mubuga, Mugonero, and it was their leader
14 who was giving them instructions, but he
15 didn't tell me what instructions he was
16 giving them.

17 MR. PRESIDENT:

18 How many did you see?

19 THE WITNESS:

20 At the hospital there were two. And one
21 day, I noticed that there were people
22 ensuring security. There was a young man
23 who had come there to steal from a refugee
24 who was there so they gave him chase and
25 Gérard came to me to get my vehicle in order

1 to pursue the thief and they shot him in the
2 leg. He fell down. He was put on the
3 vehicle and taken to the hospital for
4 treatment. So I told myself that these
5 gendarmes are very courageous. If they were
6 able to apprehend this thief, then nobody --
7 no one is going to overcome them. That's
8 what I was thinking.

9 MR. PRESIDENT:

10 When was this episode when you felt that
11 nothing -- when no one could overcome them?

12 THE WITNESS:

13 When I saw them chase that thief who had
14 come to steal from the refugees. So when I
15 saw them shoot the thief in the leg, I
16 understood that they were going to do their
17 best in order to ensure that there was
18 security at that place.

19 MR. PRESIDENT:

20 On what date?

21 THE WITNESS:

22 I do not remember the date. You can ask
23 Gérard to give you the date because I do not
24 remember the date on which I lent him my
25 vehicle. You can ask Gérard that. Gérard

1 came to my office and asked me to lend him
2 my car. I gave him the switch -- I gave him
3 the keys and he left, but I don't remember
4 the date of that event.

5 MR. PRESIDENT:

6 When did you have the conversation with
7 Kajongi's wife -- that was the 15th, we
8 know, but where did that conversation take
9 place?

10 THE WITNESS:

11 At the hospital.

12 MR. PRESIDENT:

13 Where in the hospital?

14 THE WITNESS:

15 Between the administrative building and the
16 new building which had been built between
17 the administrative building, the laundry and
18 the new building which had just been
19 constructed.

20 MR. PRESIDENT:

21 It was outside?

22 THE WITNESS:

23 Yes, it was outside.

24 MR. PRESIDENT:

25 Was anyone else present during that

1 conversation?

2 THE WITNESS:

3 Could you kindly repeat that question,
4 Mr. President?

5 MR. PRESIDENT:

6 Was anyone else present during that
7 conversation you had with Kajongi's wife?

8 THE WITNESS:

9 There was no one. There were no bushes in
10 that area. There were the two of us. I
11 don't know whether someone was hiding there.
12 In any case, there were no shrubs. There
13 were only the two of us.

14 MR. PRESIDENT:

15 You saw no one, except for the wife?

16 THE WITNESS:

17 There were people around, but where I was --
18 for instance, let me give you an example:
19 If you look at where the Prosecutor is and
20 where the security officers are there on
21 that side, now in this size -- in this space
22 there was no one. Maybe people who were
23 standing, let's say, at a distance where the
24 Prosecutor is or where the security officers
25 are could have heard us, but as far as I'm

1 concerned, they could not hear us.

2 MR. PRESIDENT:

3 Were you speaking in a loud voice?

4

5 THE WITNESS:

6 No.

7 MR. PRESIDENT:

8 Were you whispering?

9 THE WITNESS:

10 No.

11 MR. PRESIDENT:

12 One witness appears to have overheard that
13 conversation.

14 THE WITNESS:

15 Maybe it was the wife who narrated what we
16 had talked. He didn't hear us personally.
17 Maybe it was the wife who related what we
18 had talked about and later on the witness
19 made up the comments that I allegedly made
20 so that I should be jailed.

21 MR. PRESIDENT:

22 Why did you choose Kajongi as your messenger
23 to tell people that it was getting
24 dangerous?

25 THE WITNESS:

1 Kajongi was my secretary, my treasurer. He
2 was the closest colleague to me. Whenever I
3 was away I would tell him that I would be
4 away and when the other employees would ask
5 him where I was he would tell them where I
6 was. So he was somebody who was close to me
7 and even during all the meetings he was the
8 one who would take down the minutes of the
9 field's meetings. It was -- he also used to
10 be a signatory at the bank -- although we
11 had not yet given his name to the bank, he
12 was the one who was supposed to have been
13 signing. And he was the person who also had
14 the key to the safe. So he was someone who
15 was close to me.

16 MR. PRESIDENT:

17 But you didn't know where he was?

18 THE WITNESS:

19 I did not know but I went to the hospital
20 and I asked his wife whether he was there or
21 not and she told me he was there. So I told
22 her, "Could I give you a message for him?"
23 And she said yes.

24 MR. PRESIDENT:

25 Why not say it yourself? You are there in

1 the middle of people being threatened.
2 Maybe you could have said it, and you were
3 the leader.

4

5 THE WITNESS:

6 I first wanted to inform the people who were
7 at the complex, but I was not in the
8 complex. Actually, I was outside the
9 complex. I was outside the complex. I was
10 not in the complex itself. So when I talk
11 about the people who were at the complex I'm
12 talking about people who were at the ESI
13 chapel. I wanted everybody to be informed.
14 I wanted everybody to know what the
15 situation was like.

16 MR. PRESIDENT:

17 And wouldn't the best way be to say with
18 your strong voice to everyone, "Be careful"?
19 Why not do it with your strong voice
20 directly; why this intermediate (sic) way?

21 THE WITNESS:

22 I was not scared. If I was afraid, I would
23 not have gone there, but I thought that
24 Kajongi could have told that to those people
25 without any problem.

1 MR. PRESIDENT:

2 You received a letter on the 14th of April.

3 THE WITNESS:

4 No.

5 MR. PRESIDENT:

6 There has been mention in this case of two
7 letters; one letter being dispatched in on
8 the 14th and the other one written on the
9 15th. Did you ever receive the letter of
10 the 14th?

11 THE WITNESS:

12 I never saw such a letter. They said that I
13 had answered that letter, but that is a lie.
14 It is not the truth. I never received a
15 letter on the 14th.

16 MR. PRESIDENT:

17 Many witnesses stated that the letter on the
18 15th was written and dispatched -- sent to
19 you on the 15th. You tell us that you
20 received it on the 16th and responded. What
21 is your comment to that?

22 THE WITNESS:

23 Mr. President, God is my witness. I never
24 received letters sent by these pastors on
25 the 15th. I received a letter on the 16th.

1 You see, they said that I'd gone to the
2 hospital to see gendarmes and that I had
3 gone back. But what actually happened is
4 that the gendarmes came to my place and
5 found me at my house. The watchman rang the
6 doorbell, I went to see why he was ringing
7 the doorbell and I saw him in the company of
8 the gendarme, and they told me that they had
9 a letter. And I told them to give me the
10 letters.

11
12 There were two letters. So I took mine and
13 read it. In that letter, I was being asked
14 to go and ask the bourgmestre to go to their
15 rescue. So I went to call Gérard and I told
16 him that we should take my vehicle -- after
17 moving his vehicle which was behind -- to
18 take my vehicle to go with me, in the
19 company of the gendarme, to see the
20 bourgmestre. Everything else that was said
21 is not true. And I went there on the 16th.
22 If I had received that letter on the 14th or
23 on the 15th, I would have left because I
24 had the same means of transport; the
25 distance was the same. So there wouldn't

1 have been any difference.

2 MR. PRESIDENT:

3 Who was Rachel Germaine's husband?

4 THE WITNESS:

5 His name was Mathias Ruvuduka.

6

7 MR. PRESIDENT:

8 What was his ethnicity?

9 THE WITNESS:

10 He was a Tutsi from the Abatsobe clan.

11 MR. PRESIDENT:

12 Why did you go to the office on Saturday
13 morning? You couldn't be sure to find the
14 bourgmestre there and this was an urgency.

15 THE WITNESS:

16 But I received the letter on the 16th at
17 6 a.m. As soon as I received the letter, I
18 immediately left. I could not wait even for
19 a few minutes. I left immediately. When I
20 got to his office, he was not in his office.
21 So I asked the messenger, and the messenger
22 told me he was going to come there. So I
23 waited and, indeed, he came there and when
24 he arrived there I gave him the letter. I
25 had to go and seek help and I had to do it

1 very fast.

2 MR. PRESIDENT:

3 The messenger told you that the bourgmestre
4 was on his way?

5 THE WITNESS:

6 He told me that the bourgmestre was going to
7 arrive at that -- at 7:00 because he did not
8 start working before 7:00.

9 MR. PRESIDENT:

10 How many cars went from your place to
11 Gishyita when you left in the morning?

12 THE WITNESS:

13 It was my vehicle that went to Gishyita.
14 When we made the trip to the bourgmestre we
15 used my vehicle.

16 MR. PRESIDENT:

17 And later when you left for more permanent
18 purposes, how many cars left, then, later in
19 the morning?

20 THE WITNESS:

21 Two vehicles.

22 MR. PRESIDENT:

23 Only?

24 THE WITNESS:

25 Only two vehicles.

1 MR. PRESIDENT:

2 You referred to a report having been drawn
3 up concerning persons that had been killed,
4 I think, during the events within the
5 framework of the Seventh-Day Adventists.
6 When was that report to the Seventh-Day
7 movement written and sent?

8 THE WITNESS:

9 I wrote the report in June. We were
10 supposed to write a report every three
11 months. In March I had written and sent the
12 report for the first three months of the
13 year, and the report for April, May and June
14 I sent also. But later on I didn't send a
15 report because I wasn't in the location.

16 MR. PRESIDENT:

17 Did you ever visit Kigarama during the
18 months of May, June and July?

19 THE WITNESS:

20 No, I didn't visit Kigarama, rather, I
21 visited Mpembe. I didn't visit Kigarama.

22 MR. PRESIDENT:

23 Is there a long distance between the two
24 places?

25 THE WITNESS:

1 Yes, it's a long distance between Kigarama
2 and the place which I visited known as
3 Mpembe. In the middle of these two places
4 there is another church known as Ishya. It
5 must be between 13, 14 kilometres. There is
6 a slope downhill between the two places, but
7 I think I said this yesterday.

8 MR. PRESIDENT:

9 Yes. But you see your son, Jérôme, said
10 that you visited Kigarama. Those were -- or
11 that was one of the parishes that you
12 visited. That's why I'm holding this to
13 you.

14 THE WITNESS:

15 My children didn't grow up in Ngoma; they
16 don't know what happened there. After
17 primary school, they left. Some of them
18 went to Butare, others went to Kigali,
19 others to the west. So they don't know the
20 various hills in the various locations as
21 well as I do.

22 MR. PRESIDENT:

23 Then, let's come back to one of my
24 colleague's more general questions. Let's
25 take Murambi hill. Several witnesses said

1 that they saw you there in connection with
2 dismantling a roof at a certain church, I
3 think it was. Why should they lie about
4 that roof? What would be the purpose about
5 it; what's the purpose?

6 THE WITNESS:

7 But they also lied by saying that I had
8 killed people. Why wouldn't they lie and
9 say that I removed the roof of a church?
10 It's a church which I led. I wouldn't have
11 had any reason or any interest in removing
12 its roof. I did not do so, Mr. President; I
13 did not do so.

14 MR. PRESIDENT:

15 Thank you.

16

17 Pastor, I think your testimony has come to
18 an end. Thank you, very much.

19 THE WITNESS:

20 Thank you, Mr. President, Your Honours.

21 MR. PRESIDENT:

22 Now to this Exhibit 42-7,
23 Mr. Adeogun-Phillips. And have you had the
24 time to look at this -- this possible 42-7,
25 Defence? The correspondence, do you have

1 any comment on that?

2 MR. CLARK:

3 I've glanced at it, Your Honour. It seems
4 to be incomplete and -- I mean, the first
5 document is responding to a prior document.
6 It's hard to know what it's supposed to
7 mean. It's a bunch of paper with some words
8 on it, and for all it's worth, we have no
9 real problem with it, except that it's
10 self-serving obviously; something drawn up
11 back and forth. But the -- Your Honour, an
12 indictment by a book is rather unusual. All
13 this seems to have to do with indictment by
14 a book. Mr. Gourevitch was listed as a
15 witness and they didn't bring him and now
16 they want a bunch of letters in.

17
18 I would urge the Tribunal to read carefully
19 the so-called notes that were published in
20 this Diplomatique or whatever it was called,
21 because I don't think you'll find in there
22 anything that contradicts the essence of the
23 pastor's story as brought here.

24

25 Now, having said all that, if the Tribunal

1 finds the papers worthy of its note, it's
2 all right with us.

3 MR. PRESIDENT:

4 Mr. Phillips, I think we will reserve the
5 position on 42-7. Are you expecting maybe
6 an affidavit by the end of the week?

7 MR. ADEOGUN-PHILLIPS:

8 Your Honour --

9 MR. PRESIDENT:

10 Because so far this is only a procedural
11 correspondence leading to worth something,
12 but if by the end you are coming up with an
13 affidavit, then, I suppose that's the
14 purpose of the whole thing, isn't it?

15 MR. ADEOGUN-PHILLIPS:

16 That's why I hesitated yesterday in entering
17 it as an exhibit. It's to show you the
18 chain of correspondence with Mr. Gourevitch
19 in regarding this material and that we are
20 taking steps to either get the affidavit or
21 perhaps call Mr. Gourevitch as a rebuttal
22 witness. But the essence was just to show
23 you that efforts are being made to, to --
24 you know, to confirm or verify or get him to
25 verify the contents of the interview and we

1 just don't want to use it, you know, without
2 establishing some basis for that. That's
3 just the point.

4 MR. CLARK:

5 May it please the Tribunal. Before the
6 pastor leaves, there are two documents I
7 would like to offer. When Pastor Mills
8 testified, we gave the Tribunal and the
9 Prosecution -- at somebody's request because
10 I hadn't planned initially to put them into
11 evidence -- the copies of what Mister --
12 Pastor Mills called a seven and a half page
13 memo that had the ten phone calls that he
14 had testified about. And you asked me
15 whether I wanted to put them into evidence
16 and I said that I had no objection -- anyone
17 could put them into evidence if they wanted
18 to, but I had no plan to.

19
20 At that time, I firmly believed that
21 Pastor Nortey would testify. I still have a
22 wane hope. We've received e-mails from him
23 the last three or four days every day. He
24 thinks he is coming, but I don't think he's
25 going to get here, and for reasons that are

1 very disturbing. But aside from that, I
2 didn't want to put these in because I -- we
3 had planned to have a pastor who had worked
4 originally with Pastor Ntakirutimana earlier
5 in his life -- and we chose the one who had
6 spent 14 years with him -- and then we
7 wanted the current one, Nortey. And with
8 Nortey, I was going to put in more
9 contemporary comments from pastors.

10
11 Since we may not have that opportunity --
12 although we would still see if there is some
13 way we could get a deposition or something
14 -- I would like to put these ten phone calls
15 in for what they are worth since all parties
16 had a chance to read it before introducing
17 it if they want it. So I would like to ask
18 -- and I only have one copy left. We gave
19 all of our copies away.

20 MR. PRESIDENT:

21 We'll make the necessary copies and then we
22 will have a look at it and see whether we
23 can --

24 MR. CLARK:

25 The other thing, that -- the extradition

1 proceedings in the United States have been
2 referred to several times, and then in a
3 sense they are part of the evidentiary
4 background, and two of the opinions are not
5 readily available. So we've made a packet
6 of all the decisions in the US proceedings
7 and the opinions of the five judges who
8 wrote the opinions on the proceedings and we
9 would like to have them available to the
10 Tribunal. We've made one copy for the
11 Prosecution, three for the Tribunal, so that
12 you have them at your hand if you need them
13 without having to -- some of them can be
14 reached through the Internet, but I think
15 two of them can't and we'd like you to have
16 a complete package. The easiest way is to
17 just have them as an exhibit in case someone
18 needs to refer to them. So we offer those
19 two.

20 MR. PRESIDENT:

21 It's always easier to decide on such matters
22 when we've seen the documents. So let's
23 come back to it as soon as it may have been
24 distributed or shown to us on a preliminary
25 basis.

1 MR. CLARK:

2 I think everybody has seen the first
3 document, but you may have lost it. I just
4 have one copy and we can give you that. We
5 can give you the opinions if you want to
6 look at them. Right. Now --

7 MR. PRESIDENT:

8 All right, we'll accept 42C for what it's
9 worth, Mr. Adeogun-Phillips, so that we'll
10 have it. And then for the two exhibits that
11 you are entering we'll just have a look at
12 them and decide on them as soon as we are
13 familiarised with the substance so that we
14 know a bit more about them. But we will
15 come back to the matter as soon as we've had
16 a glimpse.

17 MR. CLARK:

18 Very well. There is one other item that
19 Mr. Jacobs will deal with.

20 MR. JACOBS:

21 Your Honour, I want to raise an issue
22 regarding the video tape that was introduced
23 into evidence last week.

24

25 On or by April 23rd of this year, at the

1 conclusion of the testimony of Witness 23 --
2 and at the conclusion of his testimony, I
3 reserved the right to recall him to identify
4 a voice on that video tape. Again, at the
5 conclusion of that person's testimony, I
6 again reserved that right. Now,
7 Your Honours will recall we've had some
8 difficulties with witnesses that week. The
9 witnesses had been delayed tremendously and
10 we were aware that witnesses were going to
11 be flown out of here on that weekend. So
12 towards the end of the week -- and I think
13 this was before calling Witness No. 11 to
14 the stand -- we, at that point in time said
15 that we wanted to recall Witness No. 23 who
16 was still here at that time to identify this
17 voice on the tape. There was some
18 discussion with the Prosecution at that time
19 and on that occasion it didn't happen; it
20 was put off, I believe, until the next day.
21
22 On that next day, the 26th, I again
23 requested that Witness 23 be recalled to
24 testify for the purpose of identifying a
25 voice on the tape, and I think I advised the

1 Court at that time that we anticipated that
2 he would identify that voice as being Assiel
3 Kabera who, I think at the time of making
4 the tape, was préfet of Kibuye, and pointed
5 out that on that tape would be seen at least
6 two of the persons who testified before this
7 Court for the Prosecution. And would also
8 -- that voice would be heard directing those
9 witnesses. It was part and it is part of
10 the Prosecution -- of the Defence case, I'm
11 sorry, that the construction and concoction
12 of the charges and evidence against the
13 Accused was coordinated by Assiel Kabera and
14 that this tape is evidence of that, given
15 the fact that the off-screen voice at the
16 beginning directs the witnesses who speak,
17 particularly the first witness -- and this
18 off-screen voice at the beginning gives a
19 directive narrative in a propaganda fashion
20 as to what happens.

21
22 You will recall, Your Honours, that on that
23 morning the Prosecution raised various
24 objections including the fact that this
25 wasn't something which originated with the

1 OTP. We tried to combat that. One of the
2 things we'd said that morning is that if the
3 witness wasn't allowed a few minutes to
4 identify the voice on the tape, we'll we
5 faced with the difficulty of having to
6 recall him, given the fact that he was due
7 to leave almost immediately.

8
9 Our motion was -- the Prosecution remained
10 with his position; our motion was denied.
11 The document was introduced into evidence
12 the next week, the video on it being
13 accepted by the Court that, in fact, it was
14 something which had come from the Office of
15 the Prosecution and after further argument.

16
17 The difficulty is that, Your Honours, that
18 witness had left, that witness is now not
19 here. We therefore bring a motion to the
20 Court, orally.

21
22 We understand the time constraints that we
23 are all under here, but the motion is to
24 recall that witness and there is almost no
25 doubt to my mind that he cannot be recalled

1 immediately -- I'm not sure. Maybe he can
2 be recalled for tomorrow if -- my
3 recollection is that it takes him a while to
4 travel from where he is coming from, and if
5 this is impossible for time constraints or
6 any other reasons to get his evidence to the
7 fact that he recognises the voice on the
8 tape as being the voice of Assiel Kabera,
9 having looked at the tape and so on, by
10 means of affidavit or whatever other means
11 the Court advises -- I regret placing this
12 before the Court but we are now placed in a
13 very difficult situation.

14 MR. PRESIDENT:

15 OTP, do you have any opinion as to whose
16 voice that is? Is it the voice of Assiel
17 Kabera? Do you admit that or do you dispute
18 it?

19 MS. STEVENS:

20 Your Honour, one of the representations that
21 we had made to this Chamber was that that
22 tape -- albeit we had said it did not come
23 from the Office of the Prosecutor, let me
24 take this opportunity to clarify because I
25 had made that statement.

1
2 It did not come from this team is what we
3 intended to say. And one of the -- our
4 position has always been, Your Honour, that
5 that tape might very well have been
6 disclosed by the Media team. However, it
7 has never been tendered as an exhibit in any
8 case before this Tribunal. Therefore, in
9 terms of the scrutiny that exhibits usually
10 go through in the presence of three Judges,
11 Your Honour, that tape never went through
12 such scrutiny. Therefore, Your Honour, at
13 this point, we are not in a position to
14 categorically say this and this occurred on
15 that day or whatever this tape purports to
16 be, Your Honour. We're just simply not in
17 the position at this time to make such
18 representation to the Court.

19 MR. PRESIDENT:

20 But will you be in a position to accept at
21 some stage, say in 24 hours, to accept or
22 deny this voice belongs to a certain person
23 or not?

24 MS. STEVENS:

25 Your Honour, they are claiming that the

1 voice belongs to Assiel Kabera. It is
2 difficult for us, in 24 hours or a month, to
3 determine whether or not that was Assiel
4 Kabera's voice.

5 MR. PRESIDENT:

6 So you won't -- you are not envisaging the
7 possibility of a possible admission here?

8 MS. STEVENS:

9 No, Your Honour.

10 MR. PRESIDENT:

11 No, you are not.
12 Defence, as a first step, it would be easier
13 to discuss this matter if you knew the
14 wording of the tape. Have you taken steps
15 to have the sentences that you think are of
16 relevance in this case being transcribed and
17 translated into one of the working languages
18 of the Tribunal so that we know what we are
19 dealing with here? We hear your version of
20 it, but we do not know anything about the
21 tape, nor anything about the exact wording
22 of what this person, whoever he may be,
23 might say.

24 MR. JACOBS:

25 Indulgence for just one moment, please. I

1 just want to speak to my assistant.

2 MR. PRESIDENT:

3 Okay, Mr. Jacobs, you had a comment here.

4 MR. JACOBS:

5 Yes, Your Honour, I think we can give to the
6 Court the first few minutes of the tape in
7 Kinyarwanda and English, we hope for -- by
8 tomorrow morning.

9 MR. PRESIDENT:

10 Yes, please do that and then we'll come back
11 to the matter because it's after having
12 looked at the substance when it will be
13 easier to know whether there will be any
14 relevance in this and what significance this
15 might have. So we will be in a better
16 position to rule on the matter.

17 MR. JACOBS:

18 Yes. Indulgence for just one moment.

19

20 All right, thank you very much. Sorry,
21 Mr. President. No, I'm just saying thank
22 you very much. I appreciate that.

23 MR. PRESIDENT:

24 It's then about 1 o'clock, a bit later. So
25 let's start with -- I understand it's

1 Dr. Gérard's testimony in one and a half
2 hours, then. That means, let's say, 2:40.
3 (Court recessed at 1308H)
4 (Pages 68 to 128 to by Gifty Harding)
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1 (Court resumed at 1449H)
2 MR. PRESIDENT:
3 Court is in session. All right. It's
4 Dr. Ntakirutimana.
5 MR. JACOBS:
6 That's correct, Your Honour. My next
7 witness is Dr. Gérard Ntakirutimana.
8 MR. PRESIDENT:
9 If you would please come forward.
10
11 Any personal documents?
12 MR. JACOBS:
13 Yes, Your Honour. We have the personal
14 information sheet for this unprotected
15 witness.
16 MR. PRESIDENT:
17 That's true.
18 MR. JACOBS:
19 We have a signed original and photocopies of
20 the signed original.
21 MR. PRESIDENT:
22 Well, Dr. Ntakirutimana, Gérard
23 Ntakirutimana is your full name, is it?
24 THE WITNESS:
25 Yes, Mr. President.

1 MR. PRESIDENT:

2 And you have -- it's your signature, isn't
3 it, on the bottom of this page, isn't it?

4 THE WITNESS:

5 Yes, Mr. President.

6 MR. PRESIDENT:

7 So this implies that the information therein
8 is correct?

9 THE WITNESS:

10 Yes, Mr. President.

11 MR. PRESIDENT:

12 Thank you. All right. This will then be
13 admitted as 2D -- Mr. Matemanga?

14 MR. MATEMANGA:

15 2D56.

16 MR. PRESIDENT:

17 2D56, not under seal.

18 (Exhibit No. 2D56 admitted)

19 MR. PRESIDENT:

20 Well, you are under the obligation to tell
21 the truth, and Mr. Matemanga will now
22 administer the sworn declaration.

23 (Declaration made by Dr. Gérard

24 Ntakirutimana, in French)

25

1 MR. PRESIDENT:

2 Well, we will now hear the questions by
3 Mr. Jacobs. Please proceed.

4 MR. JACOBS:

5 Thank you. Good afternoon,
6 Dr. Ntakirutimana. Good afternoon,
7 Mr. President and members of the Tribunal.
8 Good afternoon, members of the Office of the
9 Prosecution.

10 DR. GÉRARD NTAKIRUTIMANA,
11 first having been duly sworn,
12 testified as follows:

13 EXAMINATION-IN-CHIEF

14 BY MR. JACOBS:

15 Q. Dr. Ntakirutimana, I'm going to start off by
16 asking some questions about your life and
17 education, and then we'll move up through
18 1994 and the matters at issue in this trial.
19 It's my understanding you were born in Ngoma
20 on August the 12th of 1958; is that correct?

21 A. That's correct.

22 Q. And you lived in Ngoma until you were 13
23 years old; is that correct?

24 A. That is correct.

25 Q. Assuming you recall your childhood there,

- 1 was religion a part of your home?
- 2 A. Yes, indeed. I was born into a family of
3 Adventist parents; in fact, my father worked
4 for the Adventist church and that was part
5 of our daily life.
- 6 Q. And do you recall your childhood, your
7 friendships during your childhood?
- 8 A. Yes. We lived in one of the houses which
9 belonged to the church in the Ngoma complex.
10 It was in the pastors' neighbourhood or
11 quarters. And I had many friends. I
12 remember, for instance, one Uzzia who was
13 the son of Pastor Amon Iyamuremye. He was
14 my best friend, in fact. I remember the
15 children of Pastor Esdras Gafurafura. He
16 had a few boys of my age, such as Jérôme
17 Habimana, his older brother Mathias
18 Nsabimana, and many others. So we lived in
19 a neighbourhood. And I even recall that at
20 that time I remember Issacar Kajongi. He
21 was still young. I remember he was there
22 with his children, Paul Muvunyi and the
23 others.
- 24 Q. And just talking about your home and the
25 type of upbringing you had, you advised the

1 Court you were born into a religious family.
2 Was education a priority at home?

3 A. Oh, yes, of course. Yes, it was indeed a
4 priority. My father did all he could to
5 ensure we had a good education. I remember,
6 for instance -- this was in the '60s, maybe
7 '66, '67 -- he had to send my older -- two
8 older brothers to study in Uganda. That was
9 something very unusual at the time, but for
10 him, since they had had difficulties in
11 continuing, he said, "I absolutely must send
12 them outside the country, and I'm going to
13 send them to Uganda". So education -- he
14 did everything so that we could obtain the
15 appropriate education.

16 Q. Thank you very much, doctor. And you have
17 advised the Court that you lived in Ngoma
18 until you were about 13 years old. I take
19 it that's about 1971. Where did you go
20 then?

21 A. My father was transferred to Bujumbura; the
22 church transferred him to go to work in
23 Bujumbura in Burundi. So we stayed there
24 for about one year, almost a year, something
25 like that.

1 Q. And at the end of that year, did you return
2 to Ngoma or did you go somewhere else?

3 A. Yes, we came back to Rwanda, and my parents
4 settled down in Ngoma; specifically, they
5 lived in Rwakarigenzi. And I immediately
6 went into secondary school at the Adventist
7 secondary school at Gitwe.

8 Q. Now, maybe you can clarify for the Court,
9 where is the Adventist secondary school at
10 Gitwe located?

11 A. It's in Gitarama préfecture in Murama
12 commune; so it's within Gitarama, Murama
13 commune.

14 Q. And I understand that this was a boarding
15 school.

16 A. Yes, yes, I was a boarder, so I remained
17 there. In fact, Gitwe is about a little
18 more than 80 kilometres from Mugonero, and
19 that's where I was, at Gitwe secondary
20 school.

21 Q. And it's my understanding that you graduated
22 from Gitwe secondary school in 1979; is that
23 correct?

24 A. That is correct; yes, 1979.

25 Q. Now, at that time, did the government of

1 Rwanda provide scholarships for people
2 graduating from high school in order to
3 enable them to go on to secondary
4 education -- I mean, post-secondary
5 education, I'm sorry?

6 A. Yes, and it's true. In fact, I think that
7 everybody, or at least the majority -- I
8 would say 95 per cent of those who studied
9 at university level were financed or were
10 sponsored by the government of Rwanda,
11 almost everybody.

12 Q. Do you remember the names of any of your
13 friends or colleagues at Gitwe Adventist
14 secondary school who were able to achieve
15 scholarships to go on to university?

16 A. Yes, yes, my classmates. There were about
17 ten of us, about ten students who finished
18 at the Gitwe Adventist secondary college,
19 and we benefited from government bursaries.
20 Amongst the ten there was Jean Nkuranga;
21 there was Nasson Munyandamutsa; there was
22 one Amon Rutayisire; there was Esdras
23 Bucyibaruta. There were others such as
24 Munyeragwe. We were about ten in number who
25 had finished at Gitwe and who obtained a

1 scholarship from the government to go and
2 pursue our studies at Butare.

3 Q. Now, you say scholarship to pursue studies
4 at Butare; did all these people you
5 mentioned get scholarships to Butare or did
6 some of them go to other places?

7 A. I spoke of persons who obtained scholarships
8 to go to Butare, but some of them were to
9 pursue their studies at the university;
10 others were supposed to go to the national
11 teacher-training college. For instance,
12 Jean Nkuranga, he studied public health and
13 nutrition at the institute, at the national
14 teaching college. So after finishing his
15 studies he was supposed to become a teacher.
16 As for me and Nasson Munyandamutsa, we were
17 sent to the faculty of medicine.

18 Q. And do you recall anyone else from, who you
19 knew well or were friendly with at your
20 school, either in your year or another year,
21 who went to Butare faculty of medicine as
22 well, around that time?

23 A. Yes. My friend Kayijaho. He was a year
24 ahead of me, so when I got to Butare he was
25 in his second year. So I did my pre-med

- 1 school and he was doing pre-clinic one.
- 2 Q. Okay. Thank you, doctor. And this person
- 3 Kayijaho, if I'm pronouncing it correctly,
- 4 what is his full name?
- 5 A. He was known as Josué Kayijaho, Josué
- 6 Kayijaho.
- 7 Q. So did you start studying at the medical
- 8 school, then, in Butare in 1979?
- 9 A. Yes, that's correct, 1979.
- 10 Q. And it's my understanding you completed your
- 11 medical degree in 1985; is that correct?
- 12 A. Yes, yes; that's right, 1985.
- 13 Q. And at that time you became licensed to call
- 14 yourself a doctor; is that right?
- 15 A. Yes, that is the title that I obtained.
- 16 Q. And what was the first work you got as a
- 17 doctor, then, after receiving your licence
- 18 to practise medicine?
- 19 A. I was immediately assigned to the faculty of
- 20 medicine. So at the university a few
- 21 students were normally held back, persons
- 22 who had graduated in each year. Some
- 23 students were held back; those were students
- 24 who had worked well, who had obtained -- who
- 25 had received distinctions in their end year.

1 During that year in 1985 when I graduated I
2 was amongst the three first in my class, so
3 I was retained. There were three of us who
4 were held back, and that is how I was
5 assigned to the faculty of medicine, and I
6 worked in the department of public health;
7 specifically this was at the university
8 centre for public health at Butare.

9 Q. And I assume you lectured at the university
10 for public health.

11 A. At the university centre for public health,
12 this was a centre which dealt with the
13 training of students at the faculty of
14 medicine in the area of public health.
15 During their last year -- that was their
16 internship year, I would say -- for a few
17 weeks the students at the faculty of
18 medicine had to do an internship in the area
19 of public health, and it was the centre for
20 public health which would supervise the
21 internship of those students in the area of
22 public health. So, myself, together with
23 the other doctors who were assigned to the
24 centre for public health, I was responsible
25 for supervising the students from the

1 faculty of medicine who were in their last
2 year.

3
4 Within the framework of this supervision, in
5 terms of practicals, I gave an introductory
6 course on public health at the college of
7 public health. This was outside the faculty
8 of medicine. So I would be giving
9 introductory courses to public health at
10 that location. I'm sorry, I need to come
11 back a bit, to go back to the faculty of
12 medicine per se.

13 MR. PRESIDENT:

14 It's all right. Thank you.

15 THE WITNESS:

16 Okay.

17 BY MR. JACOBS:

18 Q. Maybe you can give us some sort of idea,
19 doctor, what it is exactly that you taught
20 under the rubric "public health".

21 A. Yes. At the faculty of medicine I
22 participated in the teaching of a course
23 known as public health administration. At
24 the public health college, which was outside
25 the faculty of medicine, I gave an

1 introductory course to public health. This
2 is over and above the supervision or
3 tutoring of the students in the area of
4 public health.

5 Q. Tell the Court what you mean. What were the
6 types of topics covered in the courses that
7 you taught on administration of public
8 health and introduction to public health?

9 A. In that course I taught the fundamental or
10 basic concepts of public health. We began
11 with the background, and then we went into
12 the principles, the definitions of certain
13 terminology used in the area of public
14 health. And I also taught the principles
15 which as it's -- it goes without saying that
16 these were elementary courses which would
17 prepare one for higher levels. So I was
18 responsible for that introductory course.

19 Q. And what were the topics you were teaching
20 in the administration of public health
21 course, if you haven't already answered the
22 question?

23 A. This would be in the area of administration,
24 or the organisation, the management of
25 health services, the management of health

1 services. These were concepts which we
2 taught. It was a small course of one
3 credit; it would be 15 hours. And this was
4 a course for future doctors so that they
5 have some idea of how health services
6 administration is carried out.

7 Q. Now, you advised earlier that you went to
8 medical school in Butare with -- on a
9 scholarship from the Gitwe secondary school
10 in Gitarama, together with somebody called
11 Nasson Munyandamutsa. Did you maintain a
12 relationship with him through your years in
13 medical school?

14 A. Yes, yes indeed; we remained in touch. When
15 he finished his studies at the faculty of
16 medicine, he was assigned to Kigali to work
17 in a psychiatric centre. He remained my
18 friend. We had grown up together and he
19 came from my native area of Kibuye. He was
20 from Rwamatamu; I was from Gishyita. And
21 his father was a pastor, just like my father
22 was. So we remained in touch, and when he
23 got married I was his best man.

24 MR. PRESIDENT:

25 His first name was?

1 THE WITNESS:

2 Nasson Munyandamutsa. Nasson Munyandamutsa
3 was his name.

4 MR. JACOBS:

5 Would you like the witness to spell the
6 name, Mr. President?

7 MR. PRESIDENT:

8 No, I know the Munyandamutsa name. I wanted
9 the first name. Thank you.

10 MR. JACOBS:

11 Do you want the first name spelt? Would
12 that be of assistance?

13 MR. PRESIDENT:

14 I think it's all right. Thank you very
15 much.

16 MR. JACOBS:

17 Okay.

18 BY MR. JACOBS:

19 Q. How long did you remain on the faculty at
20 Butare after starting there in 1986, doctor?

21 A. I was assigned there in March 1986, and I
22 was there until the end of 1990; in fact, I
23 worked there until December 1990.

24 Q. All right. Now, in the interim, did you
25 marry?

- 1 A. Yes, yes, I got married. This was in
2 January 1989, I got married.
- 3 Q. And just for the record, since I think we
4 already know her, but what's the name of
5 your spouse?
- 6 A. Her name is Anne Nzahumunyurwa.
- 7 Q. And on what date did you get married?
- 8 A. It was on the 1st of January 1989.
- 9 Q. That's a date you have to remember.
- 10 A. Yeah.
- 11 Q. And you have children?
- 12 A. Yes, I have three children, two boys and one
13 girl.
- 14 Q. And can you give us their names and dates of
15 birth?
- 16 A. Yes, the first-born is known as Didier
17 Ndahiro. He was born in October '89. The
18 second is a girl, Annie Sheilah Mukunde.
19 She was born in August, August '91. And the
20 third-born is Ngabo Ntwali. He was born in
21 June 1995.
- 22 Q. And where did you get married, doctor?
- 23 A. In Kigali; in Kigali, at the Adventist
24 church in Kigali at Nyamirambo.
- 25 Q. And do you recall who was the pastor who

- 1 presided at your wedding?
- 2 A. Yes, it was Pastor Amon Iyamuremye.
- 3 Q. And do you recall who was your best man at
- 4 the time?
- 5 A. Yes, he was a young man known as Augustine
- 6 Mutisima.
- 7 Q. Do you know what that person is doing now?
- 8 A. I know that when the RPF took power in
- 9 Kigali he had been appointed préfet for
- 10 Gikongoro. I don't know whether he's still
- 11 préfet, but from the last I heard he was
- 12 préfet at Gikongoro.
- 13 Q. And were any of the people you knew from
- 14 school in Gitwe, did any of them have any
- 15 functions at your wedding, grooms or
- 16 whatever?
- 17 A. Yes. Yes, I had a few grooms and one of
- 18 them was a doctor at the time. That was
- 19 Josué Kayijaho; he was one of my grooms.
- 20 Q. Thank you. So tell me, doctor, what --
- 21 you've said you were on the faculty of
- 22 medicine at Butare, then, from 1986 through
- 23 to December of 1990. What did you do after
- 24 December of 1990 to your recollection?
- 25 A. I left for the United States to pursue my

1 studies. I had obtained a scholarship from
2 the government to go and do a masters in
3 public health in the United States.

4 Q. So, can I ask: so what school did you first
5 go to when you went to the United States --
6 and I am assuming this is 1991; am I
7 correct?

8 A. Yes, you're right. In fact, I left Rwanda
9 at the beginning of January -- I think it
10 was on the 4th or something like that -- so
11 the 4th of January 1991. And I went
12 directly to the university which was in the
13 state of Illinois. This was the southern
14 Illinois University at Carbondale. That was
15 for me to go and study English.

16 Q. Do you recall how long you spent at the
17 southern Illinois University, Carbondale?

18 A. I stayed for five months or so, because this
19 was from January. And then in June I left
20 Carbondale to go to St. Louis in Missouri.

21 Q. Thank you, doctor. So when you got to
22 St. Louis in Missouri, what did you do
23 there?

24 A. That's where I went for my public health
25 studies; that's where I studied my masters

1 in public health.

2 Q. Thank you, doctor. And did you complete
3 your masters in public health at the
4 St. Louis school of public health?

5 A. Yes, yes, I finished my masters; I obtained
6 my masters degree in public health in
7 December 1992.

8 Q. And from completion of your masters degree
9 in December of 1992, what did you do then,
10 doctor?

11 A. I went to visit my brother who was living in
12 Laredo, Texas. I stayed there for a few
13 months.

14 Q. What's the name of your brother who you
15 stayed with in Laredo, Texas?

16 A. It was Eliel, Eliel Ntakirutimana.

17 Q. And just for the record, doctor, what is the
18 occupation or was the occupation at that
19 time of your brother Eliel?

20 A. He was a doctor; he was working as a doctor,
21 as an anaesthesiologist in one of the
22 hospitals in Laredo.

23 Q. And while you were there, while you were
24 there in the United States, did you have
25 any -- did anyone discuss with you the

1 possibility of employment as a doctor in the
2 United States?

3 A. Yes. My father -- my brother -- I beg your
4 pardon. My brother wanted me to stay there,
5 but I wanted to go back home. I wanted to
6 go back to my country.

7 Q. Doctor, when you say your brother wanted you
8 to stay there, did your brother suggest to
9 you the possibility of your being employed
10 as a doctor, then, if you did stay in the
11 United States?

12 A. Yes, indeed. Yes, he said that I could go
13 into an institution over there -- this was
14 at San Antonio -- and then that steps could
15 be taken so that I remain in the United
16 States for me to practise as a doctor there.

17 Q. And did you have any impression from talking
18 to your brother about what type of
19 remuneration you could earn as a doctor in
20 practising in San Antonio or an impression
21 otherwise?

22 A. Yes, I did have some idea because I could
23 see how my brother was living; he was living
24 very well. And it was quite attractive to
25 stay there and to make my life over there.

1 It would have been a much more comfortable
2 life than what I would be living in Rwanda.
3 That's obvious.

4 Q. So you say that at that time you wanted to
5 go -- you made a decision to go back to
6 Rwanda rather than stay and make a life for
7 yourself as a doctor in the United States.
8 Was there anything that you heard or saw in
9 the United States that helped make up your
10 mind about going back to Rwanda?

11 A. Yes, quite so. When I was at the St. Louis
12 university, that was in 1992, during that
13 year there was a major change. I think
14 everybody remembers this date. It was then
15 that the Soviet Union was crumbling and
16 Gorbachev was about to resign and everything
17 which was known as the Soviet Union was
18 disappearing, becoming dismantled. So I
19 remember that in the States at the time
20 there was a debate and one was wondering how
21 Americans or the United States was going to
22 be able to help Russia and help it come up
23 economically.

24
25 Now, during the discussions I remember the

1 intervention of a senator from Louisiana
2 state. I don't know what his name was; in
3 any case, it was a senator from Louisiana.
4 He said, "We must be careful, we must be
5 very careful to ensure that Russia" -- and
6 here he used the term in English -- "is not
7 addicted to foreign aid as countries in the
8 third world are". So I said to myself what
9 he was saying was indeed the reality,
10 because I had become aware, in fact, that
11 most -- most of our leaders in the third
12 world depend far too much on external aid.
13
14 So for me, that truth, I said to myself, no,
15 I said Africans or people of the third world
16 must work hard enough for their countries so
17 that they can really develop and that
18 external aid be something which is
19 secondary, that we needn't continue to be
20 referred to as being addicted to foreign
21 aid. To "depend on" is not as strong as
22 being "addicted", because if you're
23 depending on something, you can't do without
24 it. What I mean is that that is what
25 really, really shocked me.

1 We were depending on foreign aid and we
2 can't do without it. So I said that myself,
3 as someone who benefited from a scholarship
4 from a government in the framework of the
5 exchanges between my country and the United
6 States, I needed definitely to go back home
7 so that I can go on and help my people.
8 That was my conviction.

9 Q. Thank you, doctor. And did you in fact
10 leave Laredo, Texas, and the United States
11 for Rwanda, then, in 1993?

12 A. Yes, yes, I left the United States. I think
13 it was on the 18th of -- on the 18th of
14 March 1993. I'm not sure whether it's the
15 day I left the United States or whether that
16 was the day that I arrived at Kanombe
17 airport, but I think it was in the middle of
18 March 1993.

19 Q. Now, let me just ask you one more question
20 before we -- a couple more questions
21 actually before we get back to Rwanda.

22
23 While you were in the United States between
24 1991 and 1993, other than your medical
25 studies, were you ever involved while you

1 were there in any of the -- in the political
2 life or activity of the Rwandan exile
3 community in the United States?

4 A. No, no. No, no, no. No, I was never
5 involved in politics. I was working on my
6 masters degree in public health. And you
7 can imagine the trouble I had to deal with
8 learning English. It was English which I
9 learned in Carbondale, so it was very
10 difficult. The time which I needed for me
11 to work on my masters was just adequate for
12 me to deal with my academic work, and I
13 wasn't really interested in politics. But
14 all I did was to follow what was being said
15 on television, for instance, because I was
16 really attracted to the American system.
17 That, I do admit.

18 Q. Thank you, doctor. So in -- I've forgotten
19 the date you said, but in March of 1993, you
20 decided -- you actually returned to Rwanda.
21 Did you have a destination in Rwanda in mind
22 when you left the United States? Where did
23 you intend to settle when you were leaving
24 the United States?

25 A. Yes. I was supposed to go back to my post

1 at the national university of Rwanda at the
2 faculty of medicine.

3 Q. And, again, that's in Butare; is that
4 correct, doctor?

5 A. Yes, yes, at Butare.

6 Q. Okay. Thank you very much. So when you got
7 back to Butare, did you take up that
8 teaching post again?

9 A. Yes, I went to the faculty. I went to see
10 my colleagues who were working at the
11 university centre for public health. There
12 I found a situation which was not very good.
13 In 1993, at that time, there were a lot of
14 displaced persons, persons displaced by the
15 war. The university campus at Ruhengeri had
16 been transferred to Butare. This was
17 because of the war which was raging in the
18 north of the country, at Ruhengeri. So
19 there were many students, there were
20 lecturers from the Ruhengeri campus at
21 Nyakinama who had been transferred there.
22 So it was very, very difficult to find even
23 accommodation.

24
25 So when I went back to my country, there

1 were people -- already my father was working
2 in Butare, so I lived with him.

3 Q. So you've described, doctor, the difficult
4 situation in Butare. Did you have any
5 conversations with anybody in Butare when
6 you returned there, March or after that, in
7 1993, about alternative employment from your
8 employment at the faculty at the university
9 of Butare?

10 A. Yes. In fact, when I got to Rwanda there
11 was a problem at the Mugonero hospital.
12 They didn't have sufficient doctors; they
13 didn't have any Rwandan doctors. I was
14 told, therefore, that there was this
15 possibility of working at Mugonero. There
16 was also another possibility, that of
17 working for the church at the Adventist
18 university at Mudende. So I had three
19 options. I could even stay at the
20 university -- at the national university of
21 Rwanda, the Adventist university at Mudende
22 or at the Mugonero hospital.

23 Q. Um --

24 MR. PRESIDENT:

25 Doctor, you are answering very well, but do

1 you think you could be slightly shorter?

2 THE WITNESS:

3 (No verbal response).

4 MR. PRESIDENT:

5 That's kind of you. Thank you.

6 BY MR. JACOBS:

7 Q. Actually I'll try and take you through it
8 little bit by little bit in my questions and
9 maybe that'll be of assistance.

10

11 So you said, to the best of my recollection,
12 that you became aware of the possibility of
13 a position at Mugonero and the possibility
14 of a position at Mudende. Who made you
15 aware of these positions?

16 A. It was the president of the union,
17 Pastor Paul Leitao.

18 Q. And I am assuming you explored the
19 possibilities of these positions; is that
20 correct?

21 A. Yes, yes, indeed.

22 Q. And what did you do to explore these
23 possibilities?

24 A. Pastor Leitao put me in touch with the vice
25 chancellor of the university of Mudende. I

1 think he was called Pearson, if I'm not
2 wrong. So we spoke. He told me about the
3 possibilities that existed there, and then
4 he told me -- Pastor Leitao told me that I
5 could also speak with Dr. Oscar Giordano
6 regarding the position at Mugonero.

7 Q. And did you speak to Dr. Giordano?

8 A. Yes, yes, I went to see him at Mugonero.
9 This was probably at the beginning of April
10 1993. I went to see him. So we spoke and
11 discussed.

12 Q. All right. Can you tell the Court something
13 about that conversation? What did
14 Dr. Giordano tell you about the position
15 available at the Mugonero hospital?

16 A. Giordano told me that he needed a doctor to
17 help him as a member of the medical team
18 there in Mugonero and he gave me his
19 timetable. And that's what really
20 interested me, when he told me about what he
21 intended to do for the Mugonero hospital.
22 It was very interesting for me what he told
23 me.

24 Q. Thank you, doctor. Could you tell the
25 Court, firstly, what you mean by his

1 "timetable", and then after I'm going to ask
2 you some questions about what he intended to
3 do at the hospital.

4 A. He had a project; he had a way of seeing the
5 work that he wanted to do at the hospital.
6 He wanted to make some changes, some
7 transformation at the Mugonero hospital
8 regarding how people were treated, how
9 health was promoted, and prevention. So I
10 thought this was a good project dealing with
11 integrated medicine. So I said to myself I
12 would be very interested and I would really
13 like to be part of that project.

14 Q. What, if anything, during that interview did
15 Dr. Giordano say about his philosophy of the
16 project which attracted you?

17 A. What attracted me in his way of seeing
18 things or his vision of things is that he
19 considered the individual as a whole. So he
20 was saying that if somebody is ill, it's not
21 sufficient simply to give the person tablets
22 or medicine to treat the illness; one needs
23 to go beyond that and see why this person
24 fell ill and to help the person, preventing
25 that illness. If, for instance, there are

1 problems linked to the fact that this person
2 is so poor or maybe that the person doesn't
3 have the financial means or resources to
4 improve his health status, people should be
5 helped to be able to improve their economic
6 status so that they can remain in good
7 health.

8
9 I found that very interesting: hearing
10 someone who works in a hospital where people
11 thought about the curative elements only,
12 whereas here was a doctor with a more
13 holistic view of health, the promotion of
14 the preventive aspect and the curative
15 aspects of health as a whole. I found that
16 very interesting.

17 Q. And had he suggested or even started to
18 implement any types of programme at the
19 Mugonero hospital which you found
20 interesting consonant with this holistic
21 idea of medical treatment?

22 A. Yes. As I have already said, I arrived in
23 April -- I went to see him in April. Now,
24 after that discussion with him, I moved; I
25 left Butare to go and settle in Mugonero.

1 This was the end of April 1993. And then in
2 June or July, thereabouts, he left for the
3 United States for his holidays. He came
4 back probably in October 1993. When he came
5 back he had already contacted some Adventist
6 institutions in the United States which were
7 to help him implement his project.

8
9 So at the beginning of 1994 he began to
10 receive equipment, equipment for the
11 implementation of his project. And when all
12 this broke out, it put a brake on all these
13 intentions.

14 (Pages 129 to 158 by Geraldine O'Loughlin)

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1 1640H

2 MR. PRESIDENT:

3 I think, Mr. Jacobs, you must, if the
4 answers are not necessarily quite important
5 to what you want to extract from Dr. Gérard
6 I think you can interrupt him. All right?

7 MR. JACOBS:

8 Thank you. So far, that hasn't been the
9 case, but I appreciate the advise.

10 BY MR. JACOBS:

11 Q. In terms of the -- are there any parts of
12 the plan of Dr. Giordano that were
13 different, not within the usual course of
14 planning a hospital in accordance with his
15 concept of dealing with people's poverty and
16 social conditions and so on?

17 A. Yes, at the hospital we had a farm. He had
18 set up a farm where some produce was
19 cultivated which was sold, or he had
20 demonstration plots which were to help the
21 local people. And that was something which
22 was interesting, and he found that to be of
23 great importance.

24 Q. And, just briefly, Doctor, just to finish
25 this area, in what sense did Dr. Giordano

- 1 conceive of the farm helping the local
2 population?
- 3 A. He wanted the hospital farm to serve as a
4 demonstration plot or farm so that people
5 could come there to visit and see how, with
6 locally available resources, one could
7 produce things such as fruits, vegetables of
8 all kinds and that this can be used, can be
9 consumed, and that one could also improve
10 upon production so that these products can
11 be sold in order to improve upon one's
12 financial resources.
- 13 Q. Now, Doctor, you advised that you believe
14 you moved to Mugonero in or about April of
15 1993 to take up this -- this position at the
16 Mugonero hospital; is that correct?
- 17 A. Yes, yes, that's correct. I arrived in
18 Mugonero to settle at the end of April 1993.
- 19 Q. And when you were offered the employment at
20 the Mugonero hospital what was the title of
21 the position that you were awarded?
- 22 A. I was supposed to work as a doctor, a doctor
23 at the hospital.
- 24 Q. Was it suggested to you by Dr. Giordano that
25 you would have any administrative

1 responsibilities at the hospital at all?

2 A. No.

3 Q. And at the time you made the decision to
4 move to Mugonero, did your father know or
5 have plans to move to Mugonero himself?

6 A. No.

7 Q. I am going to go on, and I am going to ask
8 you a few questions now about your work as a
9 doctor at the hospital, and then I am going
10 to later ask some questions about the
11 organisation of the hospital at that time
12 you were there, to your knowledge.

13
14 Now, you -- really, the time that I am going
15 to be talking about at the beginning,
16 obviously, is the time from your arrival at
17 Mugonero and taking up the position in or
18 about April of 1993 for the following year;
19 that is, through to April of 1994. And
20 specifically when I am asking you these
21 questions, I am really thinking about the
22 time up until April 6th, 7th, 8th, 1994.

23
24 We'll clarify the period between the 6th and
25 the 16th a bit later. But let me -- let's

1 take you, firstly, to your daily routine as
2 a doctor so that you can help us to
3 understand what type of work you were doing.

4
5 And let me just start out -- I am going to
6 ask you question by question. Roughly at
7 what time in the morning did you start
8 work -- or did you arrive at the hospital?
9 Let me make that clear. What time did you
10 arrive at the hospital?

11 A. I would get to the hospital at seven, seven
12 in the morning.

13 Q. And during that period, where were you
14 living?

15 A. I was living in one of the hospital's
16 houses.

17 Q. And did you live in the same place
18 throughout that period?

19 A. Yes.

20 Q. And did you live there with your wife
21 and -- I'm trying to remember the dates of
22 birth of your -- ah -- children.

23 A. Yes, we lived together. I was together with
24 my whole family there.

25 Q. Okay. And you say, to the best of my

1 recollection, that you arrived at work at
2 seven in the morning. How did you get to
3 work?

4 A. I would walk. It was just a few metres
5 away. My house was a few metres away from
6 the hospital, let's say, maybe two, 200, 300
7 metres; it wasn't far at all.

8 Q. So you saved somewhat on petrol, I suppose.
9 And how did you normally dress to go to
10 work?

11 A. I would dress in my normal clothing, and
12 then I would have my coat which I was given
13 at the hospital. In fact, it wasn't really
14 a coat. It was something which I found
15 there in the surgery. So that's what I
16 would wear most of the time.

17 Q. And on your arrival at the hospital at
18 7 a.m., do you recall what was the first
19 thing you would do in the morning?

20 A. Every day at the hospital we would start
21 with a prayer meeting.

22 Q. Now, you used the term "every day". How
23 many days a week did you attend at the
24 hospital?

25 A. From Sundays to Fridays.

1 Q. And I might as well ask this now: did you
2 ever have occasion to work at any time on
3 Saturdays as well?

4 A. Yes, for emergencies. On Saturdays we
5 deal -- we dealt with emergencies.

6
7 Let me add also something about our daily
8 timetable. After a point in time, a given
9 point in time, they effected a change. I
10 think we worked from Mondays to Fridays, and
11 the Sundays were free. That was the weekly
12 timetable I wanted to add to.

13 Q. Okay. Thank you. So you advised you get to
14 work at seven in the morning, you go to
15 prayer meetings. Let me just back up a
16 little bit. Did you do any family
17 activities or activities with your wife
18 prior to getting dressed and going out to
19 work at 7 o'clock in the morning?

20 A. Yes, yes, we normally did some sports, such
21 as jogging or we would play basketball, for
22 some minutes in the morning. After that
23 we'd wash and then take breakfast. We would
24 pray, then we would take breakfast, and then
25 I would go to the hospital.

- 1 Q. Who led the prayer meetings at 7 o'clock in
2 the morning?
- 3 A. It was the hospital chaplain, Pastor Jacques
4 Ushizimpumu.
- 5 Q. And do you recall how many hospital staff
6 attended these prayer meetings in the
7 mornings?
- 8 A. Everyone. All the staff who were on duty
9 that day needed, first of all, to
10 participate in the morning prayers.
- 11 Q. How long did the morning prayers last, to
12 the best of your recollection?
- 13 A. Thirty minutes. First of all, we were to
14 pray together for 30 minutes, and then after
15 that we would share the wards. People were
16 asked to go and pray for the patients. So
17 it would be today Gérard and such-and-such,
18 another person, and then would you go to
19 room so-and-so. And another person will go
20 and pray to people in room so-and-so. Now,
21 after our meeting together we would go also
22 to pray for the patients.
- 23 Q. So, after the prayer meetings and the
24 praying for the patients, what did you do
25 typically first thing in the morning as part

1 of your -- part of your duties?

2 A. We would start with the rounds of the wards.

3 We would go and see the inpatients who were

4 at the hospital.

5 MR. PRESIDENT:

6 So this is from 7:30, is it?

7 THE WITNESS:

8 Yes, approximately, 7:30, 7:35. So this

9 would be the time after the meeting

10 together, the time for praying to -- with

11 the patients in their rooms and then we

12 would start the rounds.

13 BY MR. JACOBS:

14 Q. Now, how long did the rounds last?

15 A. Well, that depended on the number of
16 patients who were -- who were hospitalised.

17 So if, for instance, if the hospital

18 wasn't -- it was a private hospital, so

19 those who came there had to pay for their

20 own treatment, so most of the time the

21 hospital wasn't full; all the beds were not

22 occupied. So if, for instance, there were

23 few patients, we could do the rounds from,

24 let's say, 8 until 10 or 11 or so.

25 Q. Just to get to the point about the number of

- 1 patients, have you an idea, to the best of
2 your recollection, how many beds there were
3 for inpatients, in total, in the hospital?
- 4 A. I think it was about ten, ten beds -- I mean
5 100, I'm sorry, or 110.
- 6 Q. And if you can do this -- I'm not sure it is
7 possible, but typically, or on average, how
8 many beds would be occupied?
- 9 A. I would say half. The average capacity was
10 60 per cent.
- 11 Q. And you described going on rounds for the
12 wards for the inpatients. So where were
13 these wards?
- 14 A. We had the main two-level building -- I
15 don't know whether we can say it had two
16 levels -- and then we had the wards for the
17 infectious diseases. There were two
18 separates buildings and then the main
19 buildings which had two levels.
- 20 Q. And in the main building which had two
21 levels were there separate wards for
22 separate kinds of patients?
- 23 A. Yes. Yes, for instance, the first level was
24 where patients with various illnesses were
25 hospitalised, such as people who had

1 malaria, kidney problems and similar things.
2 And in the lower level, those would be
3 surgical cases and gynaecology-obstetrics
4 cases.

5 Q. Now, I'm assuming on your rounds you
6 examined the patients and looked at the
7 patients in their beds and reviewed their
8 charts and their progress; is that correct?

9 A. Yes, that was it; that's right.

10 Q. And after you finished the rounds, what did
11 you do then?

12 A. Yes. At the end of our rounds we would see
13 patients; that is, outpatients who would
14 come to the dispensary.

15
16 Here, I think that I'll apologise to the
17 President because I have to give a more
18 detailed answer in order to explain to the
19 Court what we were doing there. So I'm
20 sorry that I have to do this.

21
22 There were three doctors at the hospital, at
23 the Mugonero hospital. And then there was a
24 rotation. For instance, if it was my week
25 where I would be on duty to see the

1 outpatients, after my duty I would have to
2 go to the clinic. That is in the building
3 which was known as the dispensary, and that
4 is where the doctors had their offices,
5 where they would see outpatients who had
6 been referred there by the nurses who were
7 consulted by the patients, and so those
8 patients would come there to see the
9 doctors.

10
11 So, I did that with Dr. Eugenie and with
12 Dr. Oscar. We took turns; we had a rotation
13 in this activity which included the rounds.
14 So if it was not my week to go to work at
15 the dispensary, I would go and help
16 Dr. Giordano to perform surgery; that is,
17 after doing my rounds, I would go assist
18 Dr. Giordano in the operation theatre.
19 That's it.

20 Q. Okay. Thank you. And when it was -- just
21 for clarity, Dr. Eugenie is Dr. Giordano's
22 wife; is that correct?

23 A. Yes, that's correct.

24 Q. Okay. And, now, you say that when you were
25 not assigned to doing outpatients you would

- 1 assist Dr. Oscar in the surgery. When she
2 was not assigned to outpatients, did
3 Dr. Eugenie do the same thing?
- 4 A. I beg your pardon. I think there was a
5 problem. Because I was going to help
6 Dr. Giordano at the surgery after my rounds
7 of the wards, so if I did not have to see
8 the outpatients, then I would go to help
9 Dr. Giordano at the surgery, but after my
10 rounds. I hope I am clear.
- 11 Q. No, I'm sorry. I think I didn't ask the
12 question -- I wasn't clear. I'm sorry. I
13 appreciate your clarifying that. If -- my
14 understanding is that you alternated with
15 Dr. Oscar Giordano and Dr. Eugenie Giordano
16 in attending to outpatients. If Dr. Eugenie
17 Giordano was not assigned to outpatients,
18 did she also then help with the surgery?
- 19 A. No. No, Dr. Eugenie did not perform
20 surgery. I don't know whether it was out of
21 her choice.
- 22 Q. Okay. Are you aware if Dr. Eugenie had any
23 administrative duties at the hospital?
- 24 A. Yes. When her husband was absent,
25 Dr. Eugenie took over the administrative

1 duties, took over.

2

3 And I would also like to specify that there
4 were two of us who were on duty, who would
5 be duty doctors. Dr. Eugenie was never on
6 call, but I and Dr. Oscar Giordano would do
7 calls -- would be doctors on call. And I
8 asked Dr. Oscar Giordano this question and
9 he told me that his wife dealt with the
10 reception of the visitors to the hospital,
11 so it would be better for us to be on call,
12 the two of us to be on call.

13 Q. Okay. I'm going to ask you a couple of
14 questions about being on call in a minute.
15 And I'm going to come to that, but, so you
16 advised that when you were not assigned to
17 outpatient duty you would assist Dr. Oscar
18 Giordano in surgery. Is there anything else
19 that you would do when you were not assigned
20 to outpatients, for example, in times when
21 you were not needed to assist Dr. Giordano?

22 A. Yes, I could go to the library in order to
23 read. That's it.

24 Q. All right. Thank you. Would you
25 see -- would you see inpatients again at

- 1 that time?
- 2 A. Yes. For instance, if during my rounds I'd,
3 for example, identified patients who needed
4 certain interventions, in the afternoons I
5 could go to carry out such interventions or
6 even during my rounds of the wards. For
7 instance, if there were patients who needed
8 a more in-depth examination that I could not
9 do next to other patients, then I would take
10 such patients to our offices and there I
11 could carry out a more in-depth and private
12 examination. That's it.
- 13 Q. All right. Now, you talked before about
14 being on call and alternating between
15 yourself and Dr. Oscar Giordano when you
16 were on call. Can you tell me how you
17 worked out that alteration; was that day by
18 day, week by week?
- 19 A. It was on a week-by-week basis.
- 20 Q. And just to be clear, on -- sorry. Just to
21 be clear, on a week when you were on call,
22 does that mean you were on call 24 hours a
23 day for the entire week, including the
24 Sabbath?
- 25 A. Indeed, that is correct.

1 Q. And I think when we think of -- at least,
2 when I think of being on call in North
3 America, one thinks of one having a beeper
4 in their pocket or a cell phone. How did
5 people call you in case you were needed at
6 the hospital when you were on call?

7 A. At the Mugonero hospital there were no
8 telephones in the doctors' houses, in the
9 residences, so they would send someone, a
10 watchman, a night watchman to our houses and
11 they would tell us that, "You are required
12 at the hospital", so we would go up to the
13 hospital.

14 Q. And did you -- in terms of other work that
15 you performed, you advised that you assisted
16 Dr. Giordano with surgery. Did you perform
17 any types of surgical procedures yourself?

18 A. Yes. For example, when there was a woman
19 who could not deliver normally and she
20 needed a Caesarian operation, I would do
21 that when I was on call. That is something
22 I could do. If it was something more
23 complicated, then I would contact Dr. Oscar.
24 I would see him and tell him, "You know,
25 there is such-and-such a case; could you

1 please help me?" Dr. Oscar was the --
2 actually the surgeon at the hospital. He
3 was the official surgeon at the hospital.
4 Q. Now, you advised that Dr. Oscar
5 was -- Dr. Oscar Giordano was away from the
6 hospital for, I think, a considerable period
7 in 1993. My recollection is that you said
8 July to October. Please correct me if I am
9 wrong, but during that period of time, who
10 did the surgical work at the hospital while
11 he was away?
12 A. During his absence there were two doctors,
13 two surgeons who came there. The first
14 doctor was a retired doctor whose name was
15 Oliver Pogue. Oliver Pogue was an American
16 doctor who had already retired. He came
17 there and then he left in August. So he was
18 the one taught me how to carry out certain
19 surgical intervention. That was Dr. Oliver
20 Pogue.
21
22 And then there was, after him -- another
23 doctor came there. He came from Chile; he
24 was a Chilean. And he was there up to the
25 return of Dr. Oscar Giordano.

1 Q. Thank you. And you told us a little bit
2 before about the -- about some of the types
3 of problems you'd see at the hospital, some
4 of the types of illnesses. I think you
5 mentioned malaria. What other types of
6 illnesses, disease, did you see typically at
7 the hospital in this period?

8 A. Indeed, like in many parts of Africa,
9 malaria is the most frequent disease. There
10 were problems of respiratory diseases,
11 diarrhoea. Even during -- I think it was
12 towards the end of 1993 -- that is, December
13 1993, we had an epidemic of dysentery and a
14 few cases of cholera. So these are diseases
15 that are quite frequent in third-world
16 countries. We also had some cases of AIDS.

17 Q. Okay. I'm going to come to talking about
18 the epidemic which you just mentioned in a
19 minute. I'm going to ask you some questions
20 about that. But did the problem of AIDS,
21 did that present any special problems for
22 you in terms of patient maintenance and
23 management at the hospital?

24 A. Yes, that was a very serious problem,
25 firstly, at the level of diagnostics.

1 Indeed, when we suspected that someone
2 suffered from that disease, then we would
3 take a blood sample. But at the hospital we
4 could not carry out the test to determine
5 whether someone was infected or not, so we
6 would send the sample to the Kibuye hospital
7 for laboratory analysis.

8 Q. Okay. If it came back positive, how did you
9 deal with the AIDS patients?

10 A. All that we could do was to provide counsel
11 to the person; for example, if that person
12 had not yet begun manifesting symptoms of
13 opportunistic infections and diseases, then
14 we would counsel that person. But if he or
15 she had these symptoms of opportunistic
16 diseases, then we would treat such
17 opportunistic diseases. We did not have
18 antiretroviral drugs. And it was quite
19 depressing to realise that we could not get
20 the appropriate drugs in order to treat
21 those patients.

22 Q. Let me just ask you a little bit more about
23 your personal schedule. You advised earlier
24 that you lived only a couple of hundred
25 metres away from the hospital. Did you

1 return home at all during the day? And let
2 me just break this up a little. Did you
3 return home at all during the morning period
4 on a typical day?

5 A. Yes. Most of the time it was after the
6 rounds of the wards; that is, after making
7 my rounds at about 10, I would take a break
8 in order to go and get something at the
9 house because I had a medical condition
10 which obliged me to have something, to eat
11 something, most of the time, to have
12 something in my stomach. So during the
13 10 o'clock break I would go to my house and
14 have something, if I needed to relieve
15 myself a bit because my house was not far,
16 so I would just go over to my house.

17 Q. Can I ask you -- I understand it is slightly
18 personal. But what is the medical condition
19 you have or you had that required you to go
20 and eat in the mid-morning, and relieve
21 yourself, I take it?

22 A. I had chronic gastritis, and often when my
23 stomach was empty I would have pain, so when
24 I ate something it helped as a buffer for my
25 stomach. So I would prefer, actually, to

1 take something in order to protect my
2 stomach.

3 Q. Thank you. Did you suffer from this malady
4 -- you say it was chronic. Did you suffer
5 from this malady throughout the whole of
6 1993 and 1994?

7 A. This is an illness that I have had for a
8 very long time. In fact, I started
9 suffering from it since 1982. In 1982 I had
10 an acute attack. I had a trauma. I had
11 lost my younger brother, and this trauma,
12 this shock affected me. And since that
13 time, I started suffering from chronic
14 gastritis.

15 Q. I'm very sorry. Let's just go back to -- I
16 just have a few more questions for you on
17 your typical medical duties, but I wanted to
18 just ask some questions on the epidemic of
19 dysentery that -- and the case of cholera
20 that you say broke out, I think you put it,
21 at the end of 1993.

22
23 Now, can you tell me, firstly, what were the
24 number of beds occupied in the hospital
25 during that period?

1 A. During that time there was the building.
2 The first level was full, and then there was
3 the building between the dispensary and the
4 laundry. There were two buildings in the
5 middle. So that is where we would admit
6 patients suffering from infectious diseases.
7 I don't know if you have the sketch before
8 you, but this is, probably, the building
9 marked as H3 and the building marked as H4.
10 So I am referring to those two buildings.
11 All those were full.

12 MR. JACOBS:

13 Okay. If it would assist the Court to look
14 at the sketches, maybe -- I wasn't intending
15 to do it at this time, but since the doctor
16 mentioned them --

17 MR. PRESIDENT:

18 Well, we are now in the cholera disease in
19 '93. Maybe we'll come back to it later.

20 MR. JACOBS:

21 That's fine. I'm planning to come back to
22 it at some point when we are talking about
23 the layout of the hospital.

24 BY MR. JACOBS:

25 Q. And did you have to do any duties beyond the

1 types of duty that you were discussing with
2 us just now as being your daily routines
3 during this epidemic period?

4 A. During that period we also organised outings
5 whereby we would go to teach people about
6 hygienic measures to take in order to check
7 the spread of these diseases, amoebic
8 dysentery and other diseases such as
9 cholera, because there were cases of cholera
10 in that as well.

11 Q. And do you recall Defence Witness 11, if you
12 recall what witness that was? Did you see
13 that person at all during the epidemic
14 period? Would you like me to give you the
15 name if you can't recollect it?

16 A. Yes, I didn't retain the number, so I can't
17 really match the two.

18 MR. PRESIDENT:

19 Was it a Defence witness which might have
20 recently come to the hospital for employment
21 reasons or because of his work?

22 THE WITNESS:

23 Okay.

24 MR. PRESIDENT:

25 Do you remember him now?

1 THE WITNESS:

2 Is this the person who testified in a closed
3 session?

4 MR. PRESIDENT:

5 Yes.

6 THE WITNESS:

7 Okay. Yes, I remember now. I don't know
8 how to talk about what he was doing without
9 revealing his identity.

10 MR. PRESIDENT:

11 Just say whether you saw him during that
12 period.

13 THE WITNESS:

14 Yes, yes, I saw him.

15 MR. PRESIDENT:

16 Did he come once or several times?

17 THE WITNESS:

18 I think that I saw him one time, yes.

19 MR. JACOBS:

20 Thank you very much, Doctor. I'm sorry. I
21 have some difficulty in framing the question
22 properly when it's a protected person, and I
23 thank the President for his assistance on
24 that.

25

1 BY MR. JACOBS:

2 Q. At this period of time, again during the
3 epidemic period, were the working hours that
4 you were working the same as the normal
5 working hours you would work outside of an
6 epidemic period?

7 A. It was almost the same hours, apart from the
8 rounds. The rounds were longer. We had to
9 spend more time on the ward rounds. We had
10 to see the admitted patients from 8:00 up to
11 12:30, so they were longer, and they were
12 also very difficult.

13 Q. All right. Now, let me just take you
14 through the balance of the day. You advised
15 that you went home in the morning for
16 something to eat and to relieve yourself.
17 And how about lunchtime; what did you do
18 during the lunch period?

19 A. Did you mention lunch? Yes, I would go
20 home. I used to go home from 12:30 to
21 2:00 p.m. in order to rest.

22 Q. Do you recall -- you said you went home
23 mid-morning. Do you recall how long you
24 spent on that mid-morning break on average?

25 A. Just a few minutes, five minutes, five, ten,

1 minutes, something like that. So it was
2 just enough time to take something and then
3 go back up to the hospital.

4 Q. And on an average day what time did you
5 finish work?

6 A. At five; that is, five in the afternoon.

7 Q. And where did you go then when you had
8 finished work at five?

9 A. Most of the time I would stay home. Since I
10 had already said if I was on call, then I
11 had to be near so that in case a watchman
12 came from the hospital and I was required at
13 the hospital, then I would be in the house
14 and, therefore, it would be -- I would be
15 there. So I would read, play with children
16 and play with them, and that's it. So I had
17 to be near the hospital.

18 Q. When you went home, other than reading and
19 playing with children, did you have any
20 other pursuits around -- around the house,
21 around where you lived?

22 A. No. But, for example, if I was not on call,
23 I could go -- that is, after the arrival of
24 my parents at Mugonero, I would go to visit
25 my parents; that is, I would go at my

1 father's house. Basically, in most cases
2 that was it. Either I would be at my house
3 or I would visit my mother and father. That
4 was what I did most of the time.

5 Q. Aside from visiting your father and mother
6 and staying at your home during that period,
7 did you socialise with other people in the
8 community and, if so, how often?

9 A. I did not like to move about a lot.
10 However, there was a neighbour, a neighbour
11 of mine. His name was Manuel Pinto. He was
12 the treasurer of the hospital, and he loved
13 gardening. So we liked going to discuss
14 with him, and he would give me advice. Most
15 of the time I would be with him or with his
16 child. He had a daughter who would come to
17 play with my children or to talk with my
18 wife. So that's it.

19 Q. Did you engage in gardening, yourself?

20 A. Yes, yes, I did gardening.

21 Q. And can you tell us what sort of gardening
22 you did?

23 A. I cultivated vegetables, for example,
24 onions, beetroots, and my friend Manuel
25 Pinto gave me seeds.

1 THE ENGLISH INTERPRETER:

2 The witness is asking what is "seeds" in
3 French.

4 THE WITNESS:

5 So he would give me -- so Mr. Pinto would
6 give me seeds sometimes.

7 MR. JACOBS:

8 I figured the French translators will pick
9 up English and so on.

10 BY MR. JACOBS:

11 Q. Thank you. And, again, during this period
12 did you have visitors at your house from
13 time to time and, if so, how often?

14 A. What house are you taking about?

15 Q. At your own house.

16 A. I didn't understand you. Did you ask
17 whether I visited my house?

18 Q. I apologise. I asked, did you have people
19 visiting to socialise with you at your
20 house, and, if so, how often?

21 A. There were other neighbours who would come,
22 so we would have meals together. That was
23 not very frequent. But there were --

24 MR. PRESIDENT:

25 Mr. Jacobs, will you be arguing that the

1 witness continued to socialise in 1994? Is
2 that why you are going through this now? I
3 have understood the daily routine. That is
4 totally relevant because we may argue that
5 the routine continued later on. But also
6 with the socialising?

7 MR. JACOBS:

8 Well, I'm hoping that the witness is talking
9 about the period from April '93 to
10 April '94, and then we're going to deal with
11 the period after April 6th, 1994.

12 MR. PRESIDENT:

13 But, you know, the main thing here is, of
14 course, from '94 and onwards. That is what
15 the case is about as we all know. So there
16 must be a purpose in this rather lengthy
17 period, from '93 April to '94. And I have
18 assumed, that's why I haven't intervened,
19 that you are trying to establish that he had
20 a conduct, a way of conduct, a way of life
21 which probably continued. But are you also
22 arguing that the socialising went on in '94
23 or did the situation differ? Because we
24 can't -- if it is not the same, if it is
25 not, then we are not so interested.

1 MR. JACOBS:

2 Well, I'm trying to let the Court, the
3 Tribunal, know something about this person
4 and about his activities. It seems to me
5 that the shape of his life before April 6,
6 1994, tells you something about the
7 likelihood or the possibly of his engaging
8 in the activities which he is alleged to
9 have engaged in after April 6 of 1994.
10 Here's a person who is a doctor, doesn't
11 socialise much in the evenings and so on.
12 It's difficult to imagine him all of a
13 sudden being organised in various
14 paramilitary and quasi-military activities
15 immediately after April 6 of 1994. That's
16 part of the picture, I think, Your Honour.
17 I think it's useful to have a picture of the
18 total human being.

19 MR. PRESIDENT:

20 But we have already now a rather good
21 picture of a person, hard-working, going to
22 work, following a routine life. We have
23 that now. So if you want to show the
24 socialising, do it, but not too much, okay.

25

1 MR. JACOBS:

2 I appreciate that, Mr. President, and
3 actually I'm not going to go further with
4 that.

5 BY MR. JACOBS:

6 Q. You also advised that you were brought up in
7 the church. During this period were you
8 also involved in your church?

9 A. Yes, I would go to the parent church; that
10 is, the main church at Ngoma.

11 Q. I just want to ask you a couple of questions
12 about this. How often would you attend at
13 the èglise mere?

14 A. Saturdays, every Saturday I would go to
15 church. All the Sabbath days I would go to
16 pray.

17 Q. And did you have any duties or
18 responsibilities in the church that were
19 related to your profession as a doctor?

20 A. Yes, yes, I was responsible for the
21 department of what was known as temperance.
22 This was building awareness or teaching
23 health education to people who came to the
24 church, so that's what I would do within the
25 church. I would deal with that, and I also

1 taught Sunday school.

2 Q. And your role in the -- I'm sorry --

3 MR. JACOBS:

4 Court's indulgence just one second.

5 BY MR. JACOBS:

6 Q. And could you explain just a little bit
7 further what you did in the temperance
8 department or for the temperance department?

9 A. Yes. Every forth Sabbath of the month, at
10 least once a month, there was a special
11 programme at the church which was to deal
12 with matters pertaining to temperance,
13 hygiene. And when it was my turn, I would
14 be the one to preach at church, at the
15 mother church, the parent church, in order
16 to teach and deal with problems pertaining
17 to hygiene and health every month, once a
18 month.

19 Q. Thank you, Doctor. I'm going to move on now
20 to ask you some questions about the
21 organisation of the Mugonero complex. Now,
22 firstly, just in terms of the overall
23 organisation of the Mugonero complex, what
24 body was in charge of the whole complex?
25 That would include the hospital, nursing

1 school, West Rwanda association and so on.

2 A. It was the union of Adventist churches in
3 Rwanda. It was the institution which was
4 the umbrella organisation.

5 Q. And did the body of the union which had the
6 umbrella over the organisation have a name;
7 was there a council or something like that?

8 THE ENGLISH INTERPRETER:

9 Could counsel please repeat that question
10 for the benefit of the interpreter?

11 MR. JACOBS:

12 I'll try my very best.

13 BY MR. JACOBS:

14 Q. Did -- was there a council of the union
15 which had authority over all of the -- over
16 the hospital, West Rwanda association and
17 the nursing school?

18 A. Well, actually, that's what I just said.
19 There was the union of the Adventist
20 churches of Rwanda which was the umbrella
21 body. And then at the hospital every year,
22 I believe it was every year, the president
23 of the union was to come and there was what
24 was known as the hospital board. It was the
25 president of the union who was the chairman

1 of this hospital board, and the medical
2 director was the secretary to the hospital
3 board. And the president of the union would
4 come with the secretary of the union, the
5 pastor we've referred to earlier, and the
6 treasurer of the union, Pastor Seraya
7 Mbanguira. And if, for instance, the
8 president of the association was there, he
9 would participate, and then the director of
10 the school would also participate or be
11 involved in the hospital board as a member.
12 He would participate as a member. What I
13 mean is that the president of the
14 association and the director of the ESI
15 would participate as members of the board,
16 but the president of the hospital board was
17 the president of the union and the secretary
18 was Giordano, who was the director of the
19 hospital.

20 Q. Now, just for the record, what's the name of
21 the president of the hospital board who was
22 also president of the union?

23 A. It was Pastor Leitao, Paul, Pastor Paul
24 Leitao.

25 Q. And who was the man who was also on the

1 board who you said was the director of ESI?

2 A. This was Jean Nkuranga.

3 Q. And were you ever a member of the Mugonero
4 hospital board?

5 A. No.

6 MR. PRESIDENT:

7 How often did the hospital board meet?

8 THE WITNESS:

9 I think it was once a year. Once or twice,
10 but I think it was -- once or twice in the
11 year.

12 BY MR. JACOBS:

13 Q. Now, in terms of the day-to-day management
14 of the hospital, can you tell me, firstly,
15 who was the overall, let's say, chief
16 executive officer of the hospital in the
17 absence of the hospital board being there?

18 A. It was a committee including the hospital
19 director, the treasurer of the hospital, and
20 I believe also the chief of personnel. So
21 this committee, these people, would deal
22 with the day-to-day management of the
23 hospital.

24 Q. So, I'm sorry. Let's just run down one by
25 one. I'll just ask you. You say the

- 1 committee included -- I'm sorry -- the
2 medical director. And that would be
3 Dr. Giordano, I take it. We've mentioned
4 that before; is that correct?
- 5 A. That's correct.
- 6 Q. And if he was absent, who would take his
7 place?
- 8 A. It was Dr. Eugenie Giordano, but I think
9 maybe that was her arrangement because it
10 should have been the treasurer. But
11 Dr. Oscar Giordano, I would see that it was
12 his wife, in other words, Dr. Eugenie, who
13 was always in touch with him maybe to make
14 reports and things like that. So, normally,
15 according to the Adventist institutions, if
16 the director is not there, there's the
17 treasurer, but he preferred to have his
18 wife. I think it's because she was just
19 closer, closer to hand.
- 20 Q. Now, um, you say the treasurer. Who was the
21 treasurer of the hospital at that time?
- 22 A. It was Mr. Manuel Pinto. He was Portuguese.
- 23 Q. And I think the third person you mentioned
24 on that committee was the chief of
25 personnel, and who was that?

1 A. That was Mathias Ngirinshuti.

2 MR. PRESIDENT:

3 When did Pinto leave, Dr. Gérard?

4 THE WITNESS:

5 Pinto probably left in the week before the
6 assassination of the president of the
7 republic, so that would be just some few
8 days before.

9 BY MR. JACOBS:

10 Q. During the course of this trial, Doctor,
11 we've heard also about an organ called the
12 hospital house committee. I want to ask you
13 a few questions about that, so, firstly, was
14 that a committee at the hospital?

15 A. Yes. Yes, in fact, there was this other
16 committee which was known as the hospital
17 house committee.

18 Q. All right. I'm going to ask you a couple of
19 questions about the hospital house
20 committee. Firstly, I'm going to ask you
21 who are the kinds of people who were on the
22 hospital house committee and then I'm going
23 to ask you a couple of names of the people.
24 So if you could answer the questions, what
25 kinds of people within the hospital were on

1 the hospital house committee.

2 A. There was the director of the hospital.

3 There was the treasurer, the chief of

4 personnel, the heads of departments and the

5 doctors.

6 Q. Now, what was the function of the hospital

7 house committee, to the best of your

8 recollection?

9 A. It was a committee. It was like an advisory

10 board. So if, for instance, the executive

11 committee, made up of the medical director,

12 the treasurer and the chief of personnel,

13 wanted to make a request, for instance, of

14 the union, that request had to go through

15 this committee, the hospital house

16 committee. It was like an advisory board.

17 Q. And to the best of your recollection, how

18 often did the hospital house committee meet

19 during that year you were there, if at all?

20 A. It had regular meetings. I think it was

21 once every three months, or if there was,

22 for instance, a special request made, there

23 would be an ad hoc meeting of that hospital

24 house committee.

25 Q. And I'm going to ask you -- if you could do

1 it sort of one at a time so I can ask you
2 further questions. If you can tell me the
3 names of people on that committee apart
4 from, you've already advised that -- I think
5 you've already advised; if you haven't, you
6 can confirm this -- that Dr. Giordano,
7 Mr. Pinto, Mr. Ngirinshuti were on the
8 committee. Who else was on the committee,
9 if you could name them, to the best of your
10 recollection?

11 A. There was Pinto's wife, because she
12 represented the department dealing with the
13 pharmacy. Then there was Mr. Charles
14 Ukobizaba, who dealt with accounts. There
15 was Mr. Amos Karera from the secretariat.
16 There was Josias Nzamwita from the laundry.
17 There was Etienne Niyogmugabo from surgery.
18 There was Emima Mukantabawa from the
19 maternity. There was Theresa Nyinawabiga
20 from the nutritional centre. There was
21 Dominic Kabenga from the laboratory. There
22 was Animadab Kabenga from the dispensary;
23 Mr. Sebahira, who was from the farm I spoke
24 about a few moments ago; and then there were
25 the doctors, myself and Dr. Eugenie.

1 Q. And, to the best of your recollection, was
2 the maintenance department represented on
3 the committee?

4 A. I'm sorry, I in fact forgot Mr. Ezechiel
5 Ruhigisha who was also represented. He was
6 a member of the committee and the chaplain.
7 The chaplain, who was Pastor Jacques
8 Ushizimpumu, was also a member of the
9 hospital house committee, the advisory
10 board.

11 Q. And did you have any title within the
12 hospital house committee, any special title?

13 A. No, I was a member.

14 Q. Okay. Now, you talked about previously --
15 about seeing patients at the dispensary and
16 so on. Did you have an office at the
17 hospital?

18 A. Eugenie and I had an office, or a room,
19 where we had our desks where we would work
20 and an examining table where we would
21 examine the inpatients in private. So if we
22 needed to examine a patient, we would be
23 able to see them in our office.

24 Q. And did you have any office in any other
25 building in the administrative building, for

1 example, or any other building?

2 A. No, no.

3 Q. And did you have any hospital staff under
4 your direction?

5 A. No, no. When I did the hospital rounds I
6 would have the nurses who would mention
7 examinations to be given or the medication
8 to be given, so I didn't supervise anyone.
9 Even with the nurses, they were under
10 Ngirinshuti, Mathias, who was the chief of
11 personnel.

12 Q. Thank you very much, Doctor. Did you have
13 any administrative responsibilities at the
14 hospital?

15 A. No, no, I didn't have any administrative
16 tasks there; no.

17 Q. Did you have any financial responsibilities
18 at the hospital?

19 A. No, not at all.

20 MR. JACOBS:
21 Your Honour, I'm intending to go into a
22 slightly different area. If it is a
23 convenient time, I am in your hands.

24 MR. PRESIDENT:
25 Thank you, Mr. Jacobs.

1 The hospital house committee, did it meet
2 during the events from April to July, to the
3 best of your knowledge, Dr. Gérard?

4 THE WITNESS:

5 No, no.

6 MR. PRESIDENT:

7 And the other committee composed of these
8 three persons -- well, Pinto had left -- did
9 that meet in the same period?

10 THE WITNESS:

11 No.

12 MR. PRESIDENT:

13 There is one provisional exhibit which was
14 provisionally admitted, I think. Which
15 number is it, Mr. Matemanga? The tape from
16 the 3rd May meeting. That's still
17 provisional, is it? If the parties could
18 look into that matter. I think you tabled
19 that exhibit. I think you tendered that
20 one, Mr. Jacobs, didn't you?

21 MR. JACOBS:

22 Yes, sir.

23 MR. PRESIDENT:

24 And I think it is still, in principle, a
25 provisional exhibit if I am not wrong. And

1 if that's the case, if the Prosecution could
2 look into the matter and also the other
3 party and see whether we can sort things out
4 outside the courtroom because we have to
5 clarify that until Friday. So I am just
6 drawing your attention to the matter that it
7 shouldn't be a pending issue whether this is
8 a provisional or final exhibit.

9 MR. JACOBS:

10 I'll have to refresh my memory as well,
11 Your Honour, to see --

12 MR. PRESIDENT:

13 Just so you won't be taken by surprise
14 tomorrow, so I am mentioning it now.

15 MR. JACOBS:

16 Kind of you; I appreciate it.

17 MR. PRESIDENT:

18 All right. We'll stop today and start again
19 tomorrow morning then.

20 (Court adjourned at 1702H)

21 (Pages 159 to 200 by S. Fleming Eboe-Osuji)

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C E R T I F I C A T E

We, Sithembiso Moyo, Verna Butler, Gifty Harding, Geraldine O'Loughlin and Shannon Fleming Eboe-Osuji, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled causes were taken at the time and place as stated; that it was taken in shorthand (stenotype) and thereafter transcribed by computer under our supervision and control; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

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

_____ (pages 1 to 40)
Sithembiso Moyo

_____ (pages 41 to 67)
Verna Bulter

_____ (pages 68 to 128)
Gifty Harding

_____ (pages 129 to 158)
Geraldine O'Loughlin

_____ (pages 159 to 200)
Shannon Fleming Eboe-Osuji