

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO.: ICTR-00-56-T  
CHAMBER II

THE PROSECUTOR  
OF THE TRIBUNAL

v.

AUGUSTIN NDINDILYIMANA  
FRANÇOIS-XAVIER NZUWONEMEYE  
INNOCENT SAGAHUTU  
AUGUSTIN BIZIMUNGU

MONDAY, 29 AUGUST 2005  
0909H  
CONTINUED TRIAL

Before the Judges:

Joseph Asoka de Silva, Presiding  
Taghrid Hikmet  
Seon Ki Park

For the Registry:

Ms. Marianne Ben Salimo  
Mr. Abraham Koshopa

For the Prosecution:

Mr. Ciré Aly Bâ  
Mr. Alphonse Van  
Ms. Ifeoma Ojemeni Okali  
Mr. Segun Jegede  
Mr. Moussa Sefon  
Mr. Abubacarr Tambadou

For the Accused Augustin Ndindiliyimana:

Mr. Christopher Black

For the Accused François-Xavier Nzuwonemeye:

Mr. Charles Taku

For the Accused Innocent Sagahutu:

Mr. Seydou Doumbia

For the Accused Augustin Bizimungu:

Mr. Gilles St-Laurent  
Mr. Ronnie MacDonald

Court Reporters:

Ms. Verna Butler  
Ms. Karen Holm  
Ms. Donna M. Lewis  
Ms. Regina Limula

I N D E X

WITNESS

For the Prosecution:

WITNESS DBJ

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EXHIBIT

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## PROCEEDINGS

1

2 MR. PRESIDENT:

3 Good morning, ladies and gentlemen; welcome back. We are starting our fourth session today, but this  
4 session I think -- this session will be from today to the 28th of October because, due to non-availability  
5 of a courtroom, we have to leave this court on the 28th of October. That is why we are stopping in  
6 October. And we will be working from Monday to Thursday, full day; that is, from nine o'clock to 5:00.  
7 Friday, we will try to squeeze in from 9:00 to 1:00.

8

9 I understand that the Prosecution has listed 23 witnesses for this session. I hope all the disclosures  
10 have been done so that we could have a smooth running.

11

12 With regard to lead counsel for Mr. Nzuwonemeye, has he been appointed?

13 MR. TAKU:

14 May it please Your Honours, Chief Charles Taku is my name. I am lead counsel for  
15 Major Nzuwonemeye.

16 MR. PRESIDENT:

17 What about your co-counsel, Ms. Girard is there?

18 MR. TAKU:

19 Well, we made an application to the registrar to effect some changes and we are awaiting a reply,  
20 Your Honour.

21 MR. PRESIDENT:

22 Yes. So if you are making any changes -- she also has indicated to this Court that she would like to be  
23 released. So, in this instance, I think you should take appropriate action quickly to get a lead -- a  
24 co-counsel.

25 MR. TAKU:

26 We will do that, Your Honour. Thank you so much.

27 MR. PRESIDENT:

28 Thank you.

29

30 Yes, Mr. Prosecutor.

31

32 Mr. Black, I think your co-counsel has not been present at the present time. So just see to it that  
33 something is done. Don't blame the Court later.

34 MR. BLACK:

35 I can't blame you for that. I may have a problem with my co-counsel, which arose just on Wednesday.  
36 I have gotta confirm that. If that problem is real, then I have to look for somebody else.

37

1 MR. PRESIDENT:

2       Okay.

3

4       Yes, Mr. Prosecutor, you may enter your appearances and we can start the session now.

5 MR. BÂ:

6       Good morning, Mr. President, Your Honours. The Office of the Prosecutor is represented this morning  
7       by Mr. Alphonse Van, senior trial attorney; Mrs. Ifeoma Ojemeni Okali, senior trial attorney;  
8       Mr. Moussa Sefon, trial attorney; Mr. Segun Jegede, trial attorney; Mr. Abubacarr Tambadou, legal  
9       officer; Ms. Faria Rekkas and Anne Bodley, case managers; and Ms. Nicole Fomete, a legal intern. My  
10      name is Ciré Aly Bâ. I am senior trial attorney. I thank you.

11 MR. PRESIDENT:

12      Thank you.

13

14      Defence, please enter the appearances.

15 MR. ST-LAURENT:

16      First of all, good morning, Mr. President, Your Honours. This morning we have Counsel MacDonald,  
17      who is co-counsel, and myself, St-Laurent, lead counsel. I would like to state that I have accepted to be  
18      chief of *stagiaires* and that we have benefitted from subsidies from the Canadian government, and in  
19      due course when they come here I will have the honour to present them to the Court. We are  
20      becoming increasingly cosmopolitan in the Defence of Mr. Bizimungu.

21 MR. DOUMBIA:

22      Good morning, Mr. President, Your Honours. The Defence of Mr. Innocent Sagahutu is represented  
23      this morning by Mr. Mathias Sahinkuye, legal assistant, and myself, Seydou Doumbia, lawyer of the  
24      Bamako Bar. I would like to point out that the lead counsel is unable to be with us today due to  
25      circumstances beyond his control, but we hope he will be with us next week.

26

27      I thank you.

28 MR. BLACK:

29      Yes, sir. My name is Christopher Black from Toronto, Canada, for General Ndindilyimana, and, beside  
30      me, I have Professor Sindayigaya -- Claver Sindayigaya, my legal assistant. Thank you.

31 MR. TAKU:

32      May it please Your Honour, my name, once more, is Chief Charles Taku. I am lead counsel for  
33      Major Nzuwonemeye. I'm assisted today by my legal assistant, Mr. Tharcisse Gatarama, and I take the  
34      honour also, Your Honour, to introduce to you a legal intern from Tanzania. She has a bachelor's  
35      degree in law, Ms. Dianna Frances Mahatane. Thank you, Your Honour.

36 MR. PRESIDENT:

37      Thank you.

1 Before we commence, I think I would make one observation. I understand that there are some motions  
2 pending. We will be dealing with them in due course.

3

4 Yes, Mr. Prosecutor, you may call your next witness now.

5 MR. BÂ:

6 Mr. President, which motions are you referring to? Which pending motions are you referring to?

7 MR. PRESIDENT:

8 During the vacation there had been two or three motions filed by both sides, I think. So all those  
9 motions will be dealt with in due course. Maybe we will -- we didn't have time to go through these. We  
10 will sit down, consider them and give our decisions on them as soon as possible.

11 MR. BÂ:

12 I believe in translation we are being told that the motions will be considered this morning. That is the  
13 source of my misunderstanding, Mr. President.

14 MR. PRESIDENT:

15 No, "in due course", I said.

16

17 You may call your witness.

18 MR. BÂ:

19 Mr. President, the Witness DBJ, is the Prosecution witness for this morning.

20 MR. ST-LAURENT:

21 With your leave, Mr. President, before the witness comes in, I know that this matter does not concern  
22 this Chamber directly, but I wanted to seize this opportunity to inform my learned friend of the  
23 Prosecution that there are some motions that were sent to one of my colleagues, Ms. Carmelle (*sic*).  
24 He has another address, an e-mail, so he has motions that I cannot receive, and I will receive them  
25 through other means. Some of these motions were sent during the recess to the address and attention  
26 of a colleague whom I do not know.

27 MR. PRESIDENT:

28 I think these are minor matters. If you give the correct address to the Prosecutor, I think all the  
29 correspondence could be done through that address.

30 MR. BÂ:

31 Mr. President, my learned friend should contact the registry instead, and provide them with the  
32 appropriate addresses, because it is the registry that forwards mail. If you give an address which is not  
33 accurate, then, of course, you won't be able to receive the disclosures.

34 MR. ST-LAURENT:

35 Mr. President, I don't want us to go into a debate on this. The registry has all my coordinates and  
36 address. But maybe the Prosecutor should cooperate with us and send the disclosures to me, instead  
37 of having them sent to another address and to another lawyer.

1 MR. PRESIDENT:

2 Registrar, you must make a note of that. Please see to it that all these notices go to the correct  
3 address.

4

5 Yes, Mr. Counsel, you can proceed now.

6

7 Mr. Registrar, you can administer the oath to this witness.

8 *(Declaration made by Witness DBJ in Kinyarwanda)*

9

WITNESS DBJ,

10

first having been duly sworn,

11

testified as follows:

12

EXAMINATION-IN-CHIEF

13 BY MR. BÂ:

14 Q. Witness DBA, good morning.

15 A. Good morning.

16 Q. Do you have before you a typed sheet labeled, "Protected information"? Do you have that?

17 A. You mean "Protected information"?

18 Q. Do you have that document before you?

19 A. Yes, I have it before me now.

20 Q. Since you are able to read English, I would request you to read through that document and tell the  
21 Court whether the information contained therein applies to you, and you should also tell us whether that  
22 information is accurate. Do you have any comments or reservations to make?

23 A. No, I have nothing to say regarding this document.

24 Q. That being the case, if the information is correct, I would request you to sign at the bottom of that  
25 document where it is indicated, "Signature of witness".

26 MR. BÂ:

27 Mr. President, the Prosecution would request that the document be entered as exhibit number -- could  
28 the registry assist us? -- Exhibit No. 45 for the Prosecution, and may this document be placed under  
29 seal?

30 MR. PRESIDENT:

31 Document P. 45 is accepted and should be kept under seal.

32 *(Exhibit No. P. 45 admitted, under seal)*

33 BY MR. BÂ:

34 Q. Witness DBJ, have you ever appeared before the International Criminal Tribunal for Rwanda to give  
35 evidence?

36 A. This is not my first appearance before this Tribunal. You are, therefore, correct in saying that I have  
37 already appeared before this Tribunal.

1 Q. In which case was that?

2 A. I appeared as a witness, but I do not understand your question, Prosecutor.

3 Q. Who was the accused person in this case in which you gave evidence? Do you remember who the  
4 Accused was?

5 A. I recall the accused on whom I was questioned, but it was, in fact, a joinder.

6 Q. And who were the accused in that joinder?

7 A. Generally, in that trial I related events that occurred in 1994, as well as my personal experience and the  
8 personal experiences of those who were with me. I am referring to the attack by the  
9 Presidential Guard, *Interahamwe* and gendarmes in our establishment.

10 Q. Just a minute, do you remember one of those accused? Please give us the name of one of the  
11 Accused, if you do remember them.

12 A. It was a military trial, by and large.

13 MR. BÂ:

14 Mr. President, it could well be Military I. I don't think I am divulging a secret by saying so. I would have  
15 preferred that the witness said so himself. It was, indeed, in trial -- in Military trial I.

16 BY MR. BÂ:

17 Q. Did you have the opportunity to meet the investigators of the International Criminal Tribunal for  
18 Rwanda?

19 A. In the past you said? And are you referring to the period prior to the time when I came here to give  
20 evidence for the first time?

21 Q. That is correct.

22 A. You are right; I met them.

23 Q. Did they take a statement from you?

24 A. Yes, they put questions to me and I answered them and they took notes.

25 Q. Did you sign the statement?

26 A. Yes, I recall signing the statement.

27 Q. How many statements did you give them?

28 A. I recall giving them only one statement, only one.

29 Q. Witness DBJ, where were you living in the first quarter of 1994; that is, from January to March 1994?

30 A. I \*\*\*\*\* from February to March; that is, in the former Ruhengeri *préfecture*.

31 Q. What were you doing there? What were your activities in Ruhengeri?

32 A. Excuse me, I was at the \*\*\*\*\*.

33 Q. As a lecturer or student or administrative officer?

34 A. I was a \*\*\*\*\*.

35 Q. And during the month of April 1994 were you still in Ruhengeri?

36 A. On the 2nd of April we had a break. It was not holidays, as such. On that date, that is, the 2nd of April,  
37 I left Ruhengeri and went to Kigali.

1 Q. Where exactly, did you go in Kigali?

2 A. I left Ruhengeri to return to my community which was in Nyamirambo, which was in Kigali.

3 Q. You say you went back to your community. Which community are you referring to exactly? What is  
4 that community you went back to?

5 A. I wouldn't be able to tell you in Kinyarwanda, but it was one of the communities of the  
6 \*\*\*\*\*.

7 THE ENGLISH INTERPRETER:

8 The witness answered the question in French.

9 BY MR. BÂ:

10 Q. What is that community of \*\*\*\*\*; is it a religious order, a political organisation, a social  
11 organisation? What is it exactly?

12 A. It is a religious congregation; that is to say, it is a religious order or a religious association.

13 Q. How was that religious association constructed? What did it consist in (*sic*): priests, brothers, sisters?  
14 Can you explain to us?

15 A. Well, we speak of congregation in the general sense, but it was a community which was part of the  
16 bigger congregation, in general terms.

17 Q. And what was your role in that congregation? What was your position? What particular role did you  
18 play in that congregation?

19 A. First of all, I was a member of that congregation.

20 THE ENGLISH INTERPRETER:

21 The witness repeats in French.

22 THE WITNESS:

23 Secondly, I was a \*\*\*\*\* at the \*\*\*\*\* which means that I did not have any particular  
24 activities. My duties were, therefore, those of a \*\*\*\*\*. I was, perhaps, going to have other activities.  
25 Besides, I had other activities in that congregation, but when I was a \*\*\*\*\* I was simply a member  
26 of that congregation.

27 MR. PRESIDENT:

28 Mr. Bâ, please can we have a pause because the interpreters are having a problem? Go slow.

29 MR. BÂ:

30 I crave your indulgence, Mr. President.

31 BY MR. BÂ:

32 Q. Did you have any particular duty post? Were you a priest, a brother? As you see, I am a layman in this  
33 area. Did you have a particular duty post in that congregation?

34 A. I did not have any particular post; I was simply a \*\*\*\*\*.

35 THE ENGLISH INTERPRETER:

36 The witness gave his name.

37

1 THE WITNESS:

2 I did not have any other specific title.

3 BY MR. BÂ:

4 Q. \*\*\*\*\* is perhaps a title, isn't it?

5 A. Yes, you may say so. Let us say that it was a title, but I wouldn't have talked of a title, as such. It's a  
6 problem of understanding. I believe we should, rather, refer to it as a name. I believe that I was a  
7 \*\*\*\*\* but, as far as I was concerned, that was not a title because that did not give me any  
8 specific responsibilities.

9 MR. PRESIDENT:

10 I think there is a problem with the witness giving his name in French. So we will have to delete that  
11 name.

12 MR. BÂ:

13 That is correct, Mr. President.

14 BY MR. BÂ:

15 Q. Are you still a \*\*\*\*\* today?

16 A. That is correct.

17 Q. That community of \*\*\*\*\*, where was this situated? Did it have any facilities; and, if so, where  
18 were they situated?

19 A. The congregation of \*\*\*\*\* is a big congregation which consists of all communities spread  
20 around all over the country. It means that we had many centres across the country, as well as in  
21 Congo and Burundi. That, therefore, means that we had members residing in different centres or  
22 different establishments of our congregations.

23 Q. In Kigali, precisely, where were the congregation facilities or headquarters situated?

24 A. We had three communities in Remera. In fact, the Remera community, that of Nyamirambo and that  
25 was Kicukiro were the three communities that we had in Kigali and not in Remera.

26 Q. Which of those three communities did you return to on the 2nd of April?

27 A. I returned to the community at Nyamirambo.

28 Q. Did the community have a building, an apartment or premises, a school establishment? Can you  
29 please describe what the structure consisted of? I mean the community at Nyamirambo.

30 A. In Nyamirambo the community was a community of \*\*\*\*\*. It was a big complex, sufficiently big;  
31 big enough to house about 15 \*\*\*\*\*. On the premises of that community was a primary school.  
32 As a matter of fact, it is a community that provides training to children in craftsmanship, and we had a  
33 carpentry workshop in that community.

34 Q. Who was the head of that community, or that structure?

35 A. According to our rules, each community had a superior. In the community we are referring to, there  
36 was a head, a community head, who was called \*\*\*\*\*

37 \*\*\*\*\*

1 Q. And when you arrived on the 2nd of April, who did you find on the premises, simply brothers, or other  
2 persons who were not religious?

3 A. When I got there, I found brothers who customarily resided there; that is, they had been appointed to  
4 reside in that community. I also found other persons, and I was told that they had come to seek refuge  
5 at that place. I don't know the exact date on which those persons sought refuge in the community, but,  
6 in any case, those persons had been there for a few days, so I repeat that I found clerics or religious  
7 persons there, as well as refugees.

8 Q. When you talk of "refugees", do you know why they sought refuge in that place?

9 A. When we got there, we found strangers or foreigners, as it were, in that community. There were  
10 women, men, children. We asked the others what they were doing there and we were told that they  
11 were refugees from Nyamirambo – Nyamirambo, from Biryogo neighbourhood. We were also told that  
12 those people had fled.

13  
14 There was a man called Katumba. It would appear that he was a leader of the CDR party in that  
15 neighbourhood and at one time -- at one moment in time, he was ambushed in Kigali town and killed.  
16 When he was killed, there were disturbances. Those persons were attacked in their neighbourhood.  
17 Following that attack they, therefore, sought refuge in our community. Those were the circumstances in  
18 which we found them in our community.

19 MR. BÂ:

20 Katumba is No. 8 on the name -- on the list of proper nouns.

21 BY MR. BÂ:

22 Q. How many brothers were there?

23 A. All in all, if my recollection is correct, even though I did not count them on that occasion, I believe there  
24 were 16 of us, which means that I am including the brothers who were in passing who did not reside in  
25 that community because that community is -- was situated in the capital so it could house brothers who  
26 were in transit. So there were 16 of us.

27 Q. So you arrived in Kigali on the 2nd of April. And in April 1994, how did you come to know of the death  
28 of President Habyarimana?

29 A. I did not learn about it in a particular -- under particular circumstances. We were in the Nyamirambo  
30 complex. We were living in a storey building and we, therefore, heard conflagration, and when we  
31 looked in the direction of Kanombe we saw a flash in the sky. And one of the brothers who was with us  
32 said that a plane had been shot down, because we could see that in the -- the flash in the Kanombe sky  
33 and, subsequently, the radio announced that the president's plane was shot down. Those were the  
34 circumstances under which we learnt about it. Nobody announced it to us; we simply heard about it  
35 over the radio.

36 Q. On what day was that, do you remember?

37 A. I remember that it was the 6th, at night. It was the night of the 6th of April.

1 Q. You state that the news was confirmed over the radio. Do you remember the wording of the radio  
2 community -- radio communiqué which you heard that night?

3 A. I do not recall the exact wording of that communiqué. I believe a communiqué was continuously  
4 broadcast and it announced that the plane on which the head of state had been travelling had been  
5 shot down and that all members of the population were to remain calm and to stay indoors. That was  
6 the content of the document that was continually broadcast over the radio. I do not remember the exact  
7 wording, but the communiqué simply read that the plane of the head of state had been shot down and  
8 that members of the population had to stay indoors pending confirmation of this information.

9 Q. And what did you do when the announcement was made? How did you spend the day of the 7th of  
10 April in your community?

11 A. We did nothing in particular. I would likely say that after I heard the information to the effect that the  
12 president's plane had been shot down, there was a panic. We, therefore, stayed put and we continued  
13 discussing the news in low tones. I would like to continue -- to go on to say that we did not sleep that  
14 night.

15 Q. And how did you spend the day, the following day, the day of the 7th of April?

16 A. On the 7th of April, I think very early in the morning, that information was confirmed on radio. We got  
17 confirmation that the President of Rwanda, as well as the President of Burundi and the other persons,  
18 who were in the plane, had died in that accident. At the same time, members of the population were  
19 asked not to leave their homes, so we stayed in the community in order to comply with the instructions  
20 that had been given.

21 Q. And, generally speaking, how was Kigali on that 7th of April? Did you receive information of that --

22 MR. BLACK:

23 How can he answer that question if he stayed inside and never saw anything outside the complex?

24 MR. BÂ:

25 Inside. Well, let him speak. He was inside. He was able to see what was going on outside. He was  
26 also able to hear something, so I am simply asking him to tell us what he heard.

27 MR. ST-LAURENT:

28 Mr. President, the witness just mentioned where he was in the community of \*\*\*\*\* . My  
29 colleague is asking him a question about what was going on in Kigali. This question cannot be allowed.  
30 He was not there; he was in the community.

31 MR. BÂ:

32 But that was in Kigali.

33 MR. PRESIDENT:

34 *(Inaudible)*

35 BY MR. BÂ:

36 Q. Were you really in your rooms or were you able to take a look outside and hear what was going on  
37 around where you were? That is all what I'm asking.

- 1 A. We were in little groups. We heard discussions in our small groups. Some of us were in the living  
2 rooms; others were in the bedrooms. But whenever it was possible, we could even look through the  
3 window and see what was going on on the road; otherwise, we were not able to go outdoors. But since  
4 we were in a storey building, we were able to see what was going on on the road through the window.  
5 We simply had to pull the curtains to take a furtive glance and see what was going on outside.
- 6 Q. And what did you see when you were able to glance through the window at what was going on on the  
7 road?
- 8 A. Well, we could not see a wide expanse of land. In any case, what we were able to see was a sad  
9 picture. Throughout Kigali city, there was this deafening sound. There were gunshots, sustained  
10 gunfire, which could be heard throughout the town, even though we had been asked all to stay indoors.  
11 There were people who possibly had some special authorisations to move about, because we were  
12 able to see armed persons moving on the roads. But, generally, what could be heard was gunfire  
13 throughout the town.
- 14 Q. Earlier on, you said -- you gave an estimate of the number of \*\*\*\*\* present on that day at 16. I  
15 would like to know what was the ethnicity of the 16 brothers. Were they all of the same ethnic group, or  
16 were they from different ethnic groups?
- 17 A. Yes, indeed, 16 \*\*\*\*\*. Some of us were Tutsis; others were Hutus.
- 18 Q. What about you, yourself; what was your ethnic group? And I am using the past, because this  
19 classification no longer holds in Rwanda. What was your ethnic group?
- 20 A. Tutsi.
- 21 Q. On April 7th, did your community receive people coming from outside?
- 22 A. You know, people could come to our community without it being official or being made known to  
23 everybody. For instance, there were young persons who scaled the fence into our community premises  
24 and they could not be sent back, but, officially, we did not receive any refugees. People, however,  
25 came to take shelter in our premises.
- 26 Q. Was that during the day of the 7th?
- 27 A. Yes, on the 7th of April, refugees came to our community; however, that was not officially announced.  
28 Whenever a refugee came in, he was received, and refugees could come into the premises through  
29 various types of entry points. Some could even scale the fence into our premises, and we received  
30 them.
- 31 Q. Did you talk to those refugees?
- 32 A. The situation was critical. There was a time of panic. There was no time to go and chat with those  
33 people. One could just say a word or two to the person one knew. However, concerning the refugees  
34 who came, they went directly to the buildings where the other refugees were to hide. Let me add,  
35 however, that some of the refugees I was not able to see, whereas, they were within our premises.
- 36 Q. Where were those refugees received? Did you share the same house or homes with them, or were  
37 they in separate premises -- separate buildings within the centre?

- 1 A. We had our own usual rooms. Each and every brother had his own room. When the refugees arrived  
2 they were sent to the other rooms that were empty.
- 3 Q. On the 8th of April 1994, what is your estimate regarding the number of refugees who were in that  
4 compound? I am simply asking for a rough estimate.
- 5 A. I am sorry, Counsel; in my previous to answer to the question you asked, there is some information I  
6 did not give you. Do you want me to provide that information now?
- 7 Q. Yes, carry on, Witness.
- 8 A. Well, you had asked us whether we lived in the same rooms with those refugees, or whether they had  
9 been received in some other specific rooms. As I said, we had our own rooms and the refugees who  
10 arrived were sent to the rooms that were empty, but with the increasing number of refugees, some of  
11 them were sent to the school classes (*sic*) that I talked to you about because the rooms were very  
12 small in size. So, many of the refugees – or, most of them were sent to the school building.
- 13 Q. Very well. Let me come back to my previous question. What would be your estimate of the number of  
14 refugees in the \*\*\*\*\* community compound on the 8th of April?
- 15 A. It was not easy to make an estimate because nobody had counted them and we were in our rooms;  
16 however, we realised that there were many of them. We did not speak to them and there was no  
17 reason for us to go and conduct a census, but there were many. They actually occupied, at least,  
18 three classrooms and others were in the other rooms. My estimate would be between 200 and 250.  
19 You should, however, note that the figure could be less than 200, because I did not carry out a detailed  
20 census of the refugees in that centre.
- 21 Q. Yeah. So, on the day of 8th of April 1994, how did that day unravel in the centre? How did you live that  
22 day in the centre?
- 23 A. Well, we experienced that day with the same tension and panic that had characterised the day of the  
24 7th of April. We realised that some persons were already traumatised. When you ask a question to  
25 them, they give you an answer that was not relevant. And in the evening there was an attack.  
26 Otherwise, we spent the day of the 8th of April just as we had spent the day of the 7th of April.  
27 However, things changed in the evening when our community was attacked.
- 28 Q. Are you referring to the afternoon of the 8th of April?
- 29 MR. BLACK:
- 30 No, no, no, no. I object to that. He said "the evening". My friend is trying to get him to put that back to  
31 an earlier time when there is still daylight. He said "the evening"; in other words, it's a suggestive  
32 question and it cannot be asked that way.
- 33 MR. PRESIDENT:
- 34 You can ask him at what time the attack took place.
- 35 BY MR. BÂ:
- 36 Q. At what time did that attack take place on the 8th of April?
- 37 A. As I have always said, we did not look at our watches, but judging from the position of the sun, I would

1 say the attack took place between had 4:30 p.m. and 5 p.m. or even 5:30 p.m. because there was dark  
2 a short while after the attack.

3 Q. Who led the attack? Who attacked you?

4 A. It is very difficult for me to answer that question. We did not see any leaders during the attack. We  
5 noted that the attackers did not have any actual command. They came from all directions. Some of  
6 them scaled the fence; others came from the gate, whereas, others yet went into the rooms and the  
7 classrooms where the refugees were sheltered. We did not note any command. They came in a wave  
8 from various directions. Those who could go into the rooms entered the rooms; however, we did not  
9 note any command. There was no one we could refer to as leader during that attack.

10 Q. And those who attacked you, how were they dressed? Were they soldiers, civilians, men or women?

11 MR. ST-LAURENT:

12 Objection, Mr. President. There is one thing to ask how they were dressed. There is another thing to  
13 say whether they were soldiers or otherwise. You can ask the question about the dressing. Fine. But  
14 if you want to know whether they were soldiers or civilians, you need to establish how the witness was  
15 able to know that they were soldiers or civilians. It is not a cloak that makes a monk.

16 MR. BÂ:

17 Well, I am actually presenting all the scenarios to the witness. There may be civilians, soldiers, men or  
18 women. He simply has to choose. I do not want to believe that they were aliens.

19 MR. ST-LAURENT:

20 Well, just come back -- come back to earth, Prosecution. Asking how the people were dressed is one  
21 thing. Now, knowing whether they were soldiers or not is something else.

22 MR. BÂ:

23 Well, let me ask this question.

24 BY MR. BÂ:

25 Q. How were they dressed, Witness? Those persons I talked of, how were they dressed?

26 A. They were in various attire. Some were in military attire. But in the beginning the group of attackers  
27 comprised young men wearing ordinary clothing, and since the gate was closed they scaled the fence,  
28 but within the premises, instructions had been given that those who were within the premises had to  
29 defend themselves when we were attacked, and when we started using stones to defend ourselves,  
30 they threw grenades at us. So we had to retreat because we realised that they were better armed than  
31 we were.

32  
33 Now, when they realised that we could put up some sort of resistance, we realised, suddenly, that  
34 soldiers had, equally, got into the compound. Those soldiers, who came in the second wave of attacks,  
35 started shooting at us, so we took shelter within the building. So there was an attack led by young  
36 persons, subsequent to which there was a group of soldiers who came to reinforce them because we  
37 had started putting up some resistance and it was obvious that the second group comprised soldiers.

1 Q. Now, let us go back to those young persons who first got into the compound. How were they armed?  
2 Did they carry weapons? If, yes, what type of weapons did they carry?

3 A. Those young persons were armed and, as far as we were concerned, some of those weapons were  
4 new to us. It was the very first time we were seeing such weapons. They carried grenades. They,  
5 equally, carried traditional weapons, like clubs, machetes, spears. They, equally, had weapons which  
6 looked like small hatchets. Those were the most formidable weapons they had because they would hit  
7 someone on the occiput with the hatchet and that would completely split up the occiput. Most of them  
8 had traditional weapons; however, some had military-style weapons.

9 Q. You said they put up some -- you said you put up some resistance initially. Am I correct?

10 A. When we saw those young persons scaling the fence and we realised that it was an attack, we  
11 understood that something bad could happen, so we started picking up stones and aiming at them in  
12 order to push them back. While they were scaling the fence, they were making noise, insulting us.  
13 When they took out the grenades, we became scared because we realised we could no longer put up  
14 resistance in the face of the weapons they were using. When the soldiers came in and started  
15 shooting, we immediately sought refuge inside the buildings. Otherwise, from the onset, we did not  
16 know that these young persons had come to conduct killings. We, rather, thought they were thieves  
17 who had come to steal. That is why we tried to push them back using stones.

18 Q. And those you refer to as "soldiers", who came as reinforcement, how were you able to know that they  
19 were soldiers? Why do you say they were soldiers?

20 A. When I say they were soldiers, I do not want it to be construed that I could identify soldiers specifically,  
21 but judging from their uniform which was different from that of the young persons who had attacked in  
22 the first group, those people I referred to as soldiers, equally, had on military-type boots. They were  
23 armed with, apparently, new firearms, and from those indicators I could conclude that they were  
24 soldiers. Some of them were still very young; whereas, others were advanced in age. Otherwise, the  
25 first wave comprised young persons with traditional weapons. However, there could not be any parallel  
26 made between the two groups. The first persons were young persons who had come to kill.

27 Q. Very well. Amongst those soldiers, were you able to speak with any of them? Did any of the soldiers  
28 introduce themselves to you?

29 A. When the soldiers arrived, they immediately started shooting, lobbing grenades, breaking windows,  
30 killing people, and the young persons, who had come in the first group, started killing and hacking up  
31 people. There was total mayhem in the centre. Noise could be heard everywhere.

32  
33 We had to leave our rooms, and when we went outside we met a soldier who forced us to sit on the  
34 ground. So we were forced to sit in the mud and we were told by that soldier that he was a member of  
35 the Presidential Guard. He asked us what we were doing in that centre and I remember that I  
36 answered his question. I told him we were brothers. I was in the company of other brothers, so I told  
37 him we were in our centre. So he told us that he was a member of the Presidential Guard. He even

1 took out his card, although I was not able to read it. It was not bright enough for me to be able to read  
2 the card. I remember that he even asked us this question. He said: "What did President Habyarimana  
3 not do to you so that you will have to reward him by killing him?" Since I was no longer afraid of  
4 anything, I answered his question because I was sure that I would, subsequently, be killed. So, I told  
5 him, "But we are not the ones who have killed President Habyarimana. As a matter of fact, most of us  
6 don't even know him." So I asked him whether, looking at us, he thought we had weapons to kill  
7 President Habyarimana. So I explained to him that we were in no way connected to the attack against  
8 President Habyarimana and we did not have any weapons.

9 Q. So you were made by him to sit in the mud. For how long did you remain in that position?

10 A. We did not remain seated there for a long time and we did not discuss with the soldier for a long time.  
11 He simply told us that they had come to hunt *Inyenzis* and that they were killing *Inyenzis*. So we did not  
12 stay seated on that place for a long time. He told us that he had been baptised and that he had even  
13 studied with the Jesuits and, for that reason, he would not kill us, that he would leave us at the mercy of  
14 the others. So he left us there and a while afterwards the young persons, who had gone to kill the  
15 refugees who were in the classrooms, came back bloodstained. When they arrived at the place we  
16 were located, they asked us what we were doing at that location. So I answered the young persons. I  
17 told them that we had been instructed by members of the Presidential Guard who had asked us to sit  
18 on that position and that we had to wait for their return. That is how those young persons spared us.  
19 But to answer your question, I would say we stayed at that position for about 10 to 15 minutes.

20 Q. Now, after speaking to you, what did that soldier do?

21 A. In the group of people with me, there were other young persons who were in our community, and after  
22 speaking to us, that soldier took a young girl who was with us, asked her to strip, and he went away  
23 with that young girl to a room that was located at the end of the building which had our rooms. We  
24 looked through the window and we realised that that soldier was in the process of raping that young girl  
25 whose age was about 20. In any case, we willfully decided not to stay for a long time at that location so  
26 as to avoid some untoward consequences. However, that young girl was subsequently killed. We saw  
27 her dead body outside. I do not know if she was killed by the soldier who raped her.

28 Q. Why did you use the word "rape"? What makes you think that the act that took place was not a  
29 consenting act?

30 A. Referring to your question, perhaps I would say that I said something which may not be correct;  
31 however, we could know that it was a rape. You see, people were being killed. There were grenade  
32 explosions here and there. Now, against that background, how do you think that any sexual intercourse  
33 taking place would not be an act of rape, when you start by asking a victim to strip naked without any  
34 prior agreement? Now, if it was a consenting act of intercourse, why did that soldier not allow that  
35 young girl to get into the room with her clothes on? Why did he not ask her to strip naked outside  
36 before entering the room?

37 Q. So, when you took a look through the window was that girl calm, silent --

1 MR. ST-LAURENT:

2 Mr. President, why will my colleague not ask the witness to describe the state of that young girl, instead  
3 of leading? He should ask the witness to describe the state of the young girl.

4 MR. PRESIDENT:

5 Counsel, I think the witness used the word "rape". So he is asking as to what is meant -- what he  
6 meant by "rape". I don't think there is any objection to that. But anyway, you ask --

7 MR. BÂ:

8 Mr. President, as a matter of fact, he has answered the question. I will not belabour it.

9 BY MR. BÂ:

10 Q. After you left that place where the soldier had asked you to sit on the ground, where did you go to?

11 A. After we left that place the killers who had just completed their work left, so we remained at that place  
12 awaiting the return of that member of the Presidential Guard who had told us he would return. But a  
13 short while afterwards we heard noises made -- or, rather, the noises made by the people who were  
14 being killed ceased so we returned to our rooms.

15 Q. What was the duration of the attack, according to you? Would you say 30 minutes, one hour,  
16 two hours, three hours, five hours, eight hours?

17 A. It was said that there were *Inyenzis* amongst the victims and it was for that reason that that operation  
18 was conducted rapidly. We could see that the attackers were afraid, so the attack did not last long. It  
19 lasted between 40 and 50 minutes, at the end of which they left.

20 Q. You said that at one point the noise of the attacks ceased. So what did you do?

21 A. No, we heard the shouts and cries of the victims, and I just told you that the attackers stopped shouting  
22 and they left, so we were not able to know where they had gone to.

23 Q. Yes, that is, indeed, my question. After they left, what did you, the survivors, do?

24 MR. BLACK:

25 I object to that.

26 THE WITNESS:

27 After the attackers left --

28 MR. BLACK:

29 He's now -- he has already asked him what he did after the attack. He said, "We went back to our  
30 rooms."

31

32 Why are you asking him that question again, except to get another answer?

33 MR. BÂ:

34 For clarification purposes.

35 MR. BLACK:

36 It was quite clear to me he went back to his room, as the rest of the fathers did.

37

1 MR. BÂ:

2 It is not clear enough for me.

3 MR. PRESIDENT:

4 Ask what he did after going to the room.

5 MR. BÂ:

6 No, I think there is a misunderstanding. He went back to his room, but he left the room again. That is  
7 when he said the noise of the attacks stopped. So I am asking him, after the attacks stopped what did  
8 they do. It is a very simple and natural question. How is it leading?

9 MR. BLACK:

10 Because that's not what he said. He said -- you are twisting -- reversing the time frame. He said the  
11 other killers left; the noises stopped; then they all left; the attack lasted this much. I went -- you asked  
12 him what he did after the attackers fled. "We went back to our rooms." Then you -- he mentioned  
13 again that -- about the noises and then that died down. And now you are trying to ask him again what  
14 did he do after the attack. He has already told you all the brothers went back to their rooms. That's  
15 very clear.

16 MR. PRESIDENT:

17 Now I will ask. Now, you said, Witness, that after the attack the attackers left and you went to the room.  
18 Did you remain in that room and, if so, for how long?

19 THE WITNESS:

20 As we were in our rooms, we actually thought we were like dead people already. When we got out of  
21 the rooms, we actually were in a tense situation. As we were moving along the corridors, we saw dead  
22 bodies and people crying in anguished tones, asking for water to drink. We wondered what we would  
23 do in the face of such a situation with dead bodies littered (*sic*) the corridors, people crying out for help.  
24 So we decided to take out the dead bodies; place those who were anguishing on a particular position  
25 and try to tend to their wounds; and also give water to those who needed water. That is what we were  
26 able to do; however, we just told ourselves that we would be subject to the same fate: that we would  
27 also die.

28 MR. TAKU:

29 Your Honour, he has not answered your question. The question is: how long did they remain in their  
30 rooms?

31 MR. PRESIDENT:

32 Well, soon after the attack, can you remember for how long were you in your room? You are describing  
33 the events that took place -- or what you saw after coming out of the room. So did you remain in that  
34 room for a long time?

35 THE WITNESS:

36 You see, I cannot remember how long we stayed in the rooms because we moved from one room to  
37 the other to seek company to allay our fears. We each went to our rooms, and when we realised there

1 was no one in our room we went to look for some other person in another room so that we could form a  
2 group. Accordingly, I cannot tell you how long we spent in our rooms. Initially, we each had a room for  
3 ourselves. But, subsequently, we all gathered in one room because we were afraid being alone. So  
4 there were people in the various rooms forming a group.

5 BY MR. BÂ:

6 Q. So, if I understand you correctly, there were dead bodies and then there were injured persons?

7 A. Correct.

8 Q. And what would be your estimate of the number of dead persons and the number of wounded persons?

9 A. It is difficult for me to give an estimate. I did not have time to count them. We were not able to see the  
10 attackers leave. They did not bid us farewell. We did not know whether they were hiding somewhere.  
11 There were injured persons in the community. There were other victims who were crying, shouting out.  
12 So it was difficult for me to give an estimate of the number of dead persons and the number of injured  
13 persons, more so, because it was not easy for us to count them. But, generally, there were many  
14 persons killed, many persons wounded.

15 Q. Would you say about 10?

16 MR. ST-LAURENT:

17 Objection. The witness just said that he was not able to estimate. Counsel for Prosecution is not  
18 satisfied. He wants him to repeat his answer. He wants to suggest numbers to me -- to him. That is  
19 not a proper manner of handling this.

20 MR. BÂ:

21 Well, if it was a unit, he can say that. If it was, like, a dozen, you can say that.

22 MR. PRESIDENT:

23 Counsel, you are engaging on an argument with the other counsel. You let him object. And the  
24 witness has answered "many". So "many" includes more than one. He says that he can't give an  
25 estimate. That does not mean that only one person was dead. He has given an answer. We  
26 understand, that "many" means many. We don't want five or six or 10.

27 MR. BÂ:

28 Well, I would live with that.

29 BY MR. BÂ:

30 Q. Were any brothers killed on that day?

31 A. No, sir, on that day, no brother was killed.

32 Q. Very well. And those persons who were killed or wounded, what did you do with them?

33 A. We tried to move the dead bodies in order to clear out the passage. Concerning those who were in the  
34 courtyard, their bodies remained in that location for some days because it was not easy for us to bury  
35 them. And we could not take the wounded persons to the hospital because it was not possible for us to  
36 leave, so we left them there. Those who were in agony subsequently died and the wounded persons  
37 remained there in their state. There was nothing we could do. We could only clear up the passage.

1 Q. And for how long did you stay with those dead bodies?

2 A. About three or four days, if I remember correctly. I think the bodies remained in the courtyard for about  
3 three or four days.

4 Q. How were those bodies disposed of or buried, do you know?

5 A. I recall that those bodies were carried away by vehicles of the Red Cross. They were thrown in a  
6 location I do not know. I do not quite remember how those vehicles came. All I know is that the drivers  
7 of those vehicles came and started loading the bodies on their vehicles. I believe Renzaho had ordered  
8 the evacuation of those bodies in order to avoid infections. It was, therefore, Red Cross vehicles that  
9 came to dispose of those bodies, to answer your question.

10 Q. Yes. After the day of the 8th, which I would describe as apocalyptic, or deadly, did you think of fleeing  
11 or leaving the centre?

12 A. As of that day, we started phoning \*\*\*\*\* , where the mother house, if I may say so, is  
13 situated; that is, the mother house of our community, that is, the headquarters of our general superior.  
14 We had requested them to organise the evacuation of the Nyamirambo \*\*\*\*\* . We asked them  
15 to negotiate with soldiers in Gitarama to facilitate such evacuation, but things happened very quickly.  
16 There were also some events in Gitarama and we were requested to stay put because nothing could be  
17 done. We were asked to stop calling.

18 Q. Didn't you fear subsequent attacks? Why didn't you try to flee?

19 A. We could not flee because we did not know where to go. The information we were receiving was to the  
20 effect that our centre was surrounded by five roadblocks. We, therefore, could not go out of the centre.  
21 Since we had identity cards with the inscription, those who had to go to Gitarama, passing through  
22 Nyabarongo river, said that on the Nyabarongo river bridge was a roadblock that was very dangerous,  
23 that people were being stopped there and being thrown into the river. So we could not go out of the  
24 centre because it was not easy for us to cross those roadblocks. By the way, if at all we had been able  
25 to cross that roadblock, we wouldn't have been able to cross the Nyabarongo roadblock.

26 Q. Well, after the attack on the 10th, were you visited by other religious (*sic*) belonging to other  
27 congregations?

28 A. We were experiencing the same situation, a critical situation. The other religious congregations -- or  
29 members of other religious congregations in Kigali were confined to their centres. They could not move  
30 around in the town. Apart from the killings committed by soldiers and *Interahamwe*, there was also a  
31 war going on, so we could not receive any visits from members of the various religious congregations.

32 Q. How did you spend the rest of the month in your congregation?

33 A. In our centre during the rest of the month of April, we witnessed a very serious situation. You could  
34 meet someone passing through and it would console us because we would say that the person was still  
35 alive. But, later on, telephone lines were cut; power and water was also cut. We, therefore, had to stay  
36 indoors silently up to the end of the month because we did not have any water. From that day up to the  
37 end of the month, the situation was very serious. That is a situation I would not like to go through

1 again. We did not have power; we did not have water; no phone lines; no food. So after that date, the  
2 situation we experienced was very difficult. Besides, at one time, it was said that it would have been  
3 preferable to be killed -- or, to have been killed by those who had been killed (*sic*) instead of going  
4 through such a fate.

5 Q. Didn't you have food reservations (*sic*) -- or, stocks in the centre?

6 A. In the centre was a warehouse belonging to our secondary school. The principal of that school had  
7 stored food in that warehouse. We used that food to feed ourselves, but that didn't go on for very long  
8 because all the *Interahamwe* and other members of the population in Kigali came and took the food. It  
9 was rice, beans and flour. Two days later, we had nothing to eat.

10 Q. When you ran out of food, how did you survive?

11 A. After the food was looted -- I forgot to point out that the Nyamirambo community centre was a provincial  
12 house, which means it was the headquarters of the brothers. That is where the bursar, provincial  
13 bursar, resided. The bursar, as such, had some money which he used to carry out various activities.  
14 He, therefore, used money. We had a brother superior who could go to the market to fetch some  
15 provisions, however scanty they were, and we ate the food. That enabled us to survive. But a few  
16 days later, the funds were depleted.

17 Q. The funds which you had at your disposal and which you used to go shopping in the market, could you  
18 explain further? You said a while ago that you couldn't go out of your lodgings. How did you manage  
19 to get to the market?

20 A. We did not leave the centre. It was impossible for us to leave. We had a brother superior, the one I  
21 referred to. His name was\*\*\*\*\*. He was, therefore, the brother superior. He was the only  
22 person who could go out of the centre to the market. He was also the bursar of that centre. He  
23 continued carrying out his activities as a bursar and he was a person who used to go to the market for  
24 shopping, but we could not go out to go to the market. So he went to the market up to the time when  
25 we ran out of funds.

26 THE ENGLISH INTERPRETER:

27 \*\*\*\*\* is No. 11 on the list of common names.

28 BY MR. BÂ:

29 Q. How come he, alone, could go out and you couldn't? Why could he go out, whereas you could not?

30 A. I did not put that question to him, but I believe that in order to cross the roadblocks, whenever a young  
31 person asked him to allow him or her to participate in the activities of roadblocks, or to kill -- \*\*\*\*\*  
32 was a person \*\*\*\*\*-- they couldn't ask him to participate in the killings. I, therefore, believe that he  
33 used such a stratagem to cross the roadblocks. By the way, he was a Hutu and that was indicated on  
34 his identity card. No one could stop him because he was an old man. Furthermore, he was a Hutu, so  
35 no one could stop him.

36 Q. When the funds you had were completely depleted, what did you do to survive?

37 A. We did not discuss that situation. We saw provisions being brought to us. And after we ran out of

1 money, the brother superior told us nothing. We spent the night hungry. A brother called \*\*\*\*\* told  
2 us, "Listen we are going to die of hunger. Besides, *Interahamwe* may come and kill us so what are we  
3 going to do?" And \*\*\*\*\* said, "I can do nothing for you. I have no money left." I believe that is  
4 what they said to themselves because they didn't say anything to us. \*\*\*\*\* left, and I believe  
5 \*\*\*\*\* was courageous enough to accompany him. They crossed the road and they went to  
6 \*\*\*\*\*'s house. Since \*\*\*\*\* was not worried they -- and hadn't bothered them, they told  
7 themselves maybe \*\*\*\*\* would give them something. \*\*\*\*\* gave them a bag of rice and a bag of  
8 beans, and since we were not accustomed to eating maize, the bag of maize was there for several  
9 days. So we used the bag of rice and a sack of rice and beans for food.

10 THE ENGLISH INTERPRETER:

11 It was not a bag of maize, corrects the witness.

12 BY MR. BÂ:

13 Q. Did we -- did you remain on the ground floor?

14 A. We were upstairs. There were no rooms in the basement or on the ground floor. There was a parlour,  
15 a store, and a kitchen -- so there was a parlour, a kitchen and stores. The rooms were upstairs.

16 Q. From those rooms upstairs, what view did you have over the Nyamirambo neighbourhood?

17 A. When you were in the rooms upstairs you could see part of the neighbourhood -- specifically, the place  
18 called *Chez Gaddafi* -- very close to the original stadium. We could also see the main road close to the  
19 centre. And when you moved to another part of the building, you could see another part of the town  
20 and the airport.

21 Q. And what were you able to see in the town, ending on the neighbouring roads and surrounding  
22 neighbourhoods?

23 A. We could not see the entire town, but the scene that was before our eyes was horrendous and frightful,  
24 such that it was as if the heavens had fallen over the earth. There was gunfire; roofs of houses had  
25 been removed; and rocket fire knocked down houses; and on the tarred road, we could see bodies lying  
26 along the road, a large number of bodies, and we wondered why those people had been killed. So we  
27 could only see part of the town and we could see those bodies.

28 *(Pages 1 to 20 by Verna Butler)*

29

30

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37

1 1045H

2 BY MR. BÂ:

3 Q. Were those bodies of soldiers or bodies of civilians?

4 A. They were corpses of civilians because on them were civilian clothes. Those bodies were brought to  
5 roadblocks around our centres.

6 MR. BLACK:

7 Excuse me, I object to that answer --

8 THE WITNESS:

9 We could see two of the roadblocks around our centre.

10 MR. BLACK:

11 I object to the answer, the question and the answer, because that's just his conclusion and speculation,  
12 purely. He did not check the I.D.s of those bodies. He doesn't know who they were, where they were  
13 from, and we know for sure that there were at least 10,000 RPF infiltrators in the city, in civilian clothes.  
14 And those bodies could have been dead RPF soldiers, killed in battle. So he can't conclude that.

15 MR. PRESIDENT:

16 What he said there, Mr. Black, is that from the clothing, he could say that they were civilians.

17 MR. BLACK:

18 No, he can't say that, sir. He's just speculating. They may be RPF soldiers in mufti, in disguise,  
19 infiltrators. He doesn't know they are civilians. All he can say is, "I saw bodies with civilian clothing."  
20 He can't go further to say they were civilians. He doesn't know that.

21 MR. PRESIDENT:

22 That is what, I think, he said.

23 MR. BLACK:

24 No, he went further and said they were civilians. He doesn't know that. He said, "I saw bodies with  
25 civilian clothing on," but who they were, he has no idea.

26 MR. PRESIDENT:

27 Okay.

28 MR. TAKU:

29 Your Honour, if I may say something, Your Honour. He hasn't told us from what distance he was able  
30 to see these corpses from the rooms in the upstairs in the room in the house where he was. I would  
31 like to know where he stands from which he saw and more -- at least give more precision as to this, the  
32 distance, and the amount of visibility, for us to be able to make a determination as to whether he was  
33 able to see the --

34 MR. PRESIDENT:

35 Yes, Counsel, I think you can ask all those questions from him at the correct time. Yes.

36 MR. BÂ:

37 Thank you, Mr. President.

1 BY MR. BÂ:

2 Q. During that month of April, did you receive any other refugees in the centre of the \*\*\*\*\* , that is,  
3 the centre where the congregation of \*\*\*\*\* resided, did you receive any other refugees?

4 A. I believe we have dealt with that subject. Refugees came, but you would understand that those  
5 refugees didn't come in agreement with one another. They came one after the other. Some had been  
6 wounded by traditional weapons, while others had been wounded by shrapnel from grenades. So  
7 refugees came to join others. They did not come all at the same time.

8 Q. What was the month of May like in that centre? How did you spend the month of May?

9 A. After some of the people who had been with us on the 8th at the centre had been massacred, there  
10 were no further massacres at the centre. There were massacres in other parts of the town. The  
11 assailants did not come to the centre where we were, to kill people. They came instead to loot and  
12 particularly to take vehicles because we had many vehicles. They also came to take spare parts  
13 because there were many vehicles.

14

15 During the month of May we lived in that centre under the circumstances I've just described to you. As  
16 a matter of fact, nothing changed. The circumstances of our stay as from the month of April 8th, as  
17 from the date -- from April 8th, the situation was same up till May.

18 Q. And how about the month of June, was the situation the same?

19 A. In June, from about the 3rd of June, some soldiers came. They entered the rooms. They inspected the  
20 premises. They saw the people who were there. They said, "Good morning" to us, and they left. And  
21 they would come another day and say, "We have come to see whether there aren't any *Inyenzi* hiding  
22 here. Open your bags, open your suitcases, so we can see what is in them." We told the soldiers that  
23 the *Inyenzi* could not be in the bags and in the suitcases, and they told us, "No, they could hide arms,  
24 weapons, in the bags and suitcases." So we opened our bags and suitcases. They would look inside  
25 and then leave. But they were actually coming to see whether there were other people hiding in our  
26 centre because they were all around us, and on every occasion they came to our house.

27

28 Subsequently, they came and took the rest of the refugees, apart from ourselves, the brothers who  
29 were residing there. So they took away the refugees remaining at the centre. That is on the 7th of  
30 June. So they put all those refugees on board their vehicles, took them away and killed them.

31 MR. BLACK:

32 Hold on. He can't say that, either. He doesn't know what happened to them. He stayed in the centre.  
33 He saw them taken away. He doesn't know whether they were taken to another camp for -- to be  
34 assisted. That's just nonsense.

35 MR. PRESIDENT:

36 He can say only that they were taken away, but never returned.

37 Yes, Counsel. Mr. Bâ, how long will you take? We can take a short break. If you are going to finish

1 with the witness in ten minutes, you can finish then.

2 MR. BÂ:

3 I still have some questions that would take about an hour or two.

4 MR. PRESIDENT:

5 So we will take a break now and then come back. Court is adjourned for ten minutes.

6 *(Court recessed from 1055H to 1120H)*

7 MR. PRESIDENT:

8 Before we commence, at the beginning, the witness mentioned his name. Only in French it was done.

9 So I direct that that portion should be deleted from the French version. It was not translated. So please  
10 keep that in mind. And even the press should not reveal his name.

11

12 Yes, Mr. Counsel.

13 BY MR. BA:

14 Q. Witness DBJ, we were talking about the day of the 7th of June, if I'm not mistaken.

15 A. I didn't quite understand your question.

16 Q. Before the break, we were talking about the 7th of June. I stand to be corrected.

17 A. That is correct; we were indeed talking about the 7th of June.

18 Q. And you said that there was an attack against you on that day; is that correct?

19 MR. BLACK:

20 No, that's not what he said.

21 THE WITNESS:

22 Yes, we can say that we were attacked.

23 MR. BLACK:

24 That's not what he said. He said the soldiers came and took the refugees away. That's not an attack.

25 He didn't describe it as an attack in any of his language, didn't use any description of an attack. He just  
26 said they came. He said the soldiers came several times, searched for *Inyenzi* in a relaxed way,  
27 searched bags, left. Then, on June 7th, they came and took the refugees away. That's all he knows.

28 He didn't say there was an attack. That's outrageous cross-examination, and I object to that strongly.

29 MR. BÂ:

30 Very well. I will go about this another way.

31 BY MR. BÂ:

32 Q. Did any outsiders visit you on the 7th of June; that is, in the premises of the St. Josephite institution?

33 Did you have -- were you visited by any outsiders?

34 MR. BLACK:

35 No, no, no, no. I object to that as well. He's already asked the question, Mr. President. He asked --  
36 and we've already discussed it in detail. He said who they were. Soldiers came, not just strangers. He  
37 said soldiers came, took the remaining refugees away. We know that. If he wants to continue on from

- 1           there and ask further questions about that event, fine. But to try to get him to say certain people came,  
2           tell us again who they were, is not correct. He wouldn't know who they were.
- 3 MR. PRESIDENT:
- 4           No, Mr. Black, can't he ask, apart from this witness, who else came?
- 5 MR. BLACK:
- 6           No, he can't say, because there is no "apart from." He said soldiers came. He can't now suggest there  
7           were others.
- 8 MR. PRESIDENT:
- 9           No, he's not suggesting. It is the question: Apart from them, did anybody else come?
- 10 MR. BLACK:
- 11          No, it doesn't flow from what the witness said. It's cross-examination then. The witness said soldiers  
12          came, took the refugees away. That's it. There's nothing to hint that maybe others were involved, and  
13          he wants to try to suggest that by opening -- asking a follow-up question. That becomes  
14          cross-examination of his own witness.
- 15 MR. PRESIDENT:
- 16          No, that is not cross-examination.
- 17 MR. BLACK:
- 18          Yes, it is, in my view.
- 19 MR. PRESIDENT:
- 20          No. Why can't he say that only soldiers came? Why can't counsel ask, apart from the soldiers, were  
21          there any others?
- 22 MR. BLACK:
- 23          Because then it becomes cross-examination. The witness said soldiers came on June 7th. If he then --  
24          if he then says, "Well, did others come," that means he's trying to suggest others came, when there's  
25          no mention of others coming. It didn't flow from the testimony in-chief.
- 26 MR. PRESIDENT:
- 27          If only soldiers came, he would say that only the soldiers came. No, that is not -- the question is  
28          permitted.
- 29
- 30          You can continue, yes.
- 31 MR. BÂ:
- 32          Well, I am pleased to go about it another way.
- 33 BY MR. BÂ:
- 34 Q.       Witness DBJ, how was your day like on the 7th of June in the centre of the \*\*\*\*\*? Were you  
35       visited by anybody whomsoever?
- 36
- 37 MR. BLACK:

1 This is -- this can't work. We've already got the witness saying who was there. He's acting as if he's  
2 never testified that somebody actually came. The testimony is concrete that the soldiers came. Why is  
3 he pretending that he's never said anything? He should say, "You said soldiers came on June the 7th  
4 to take away the refugees. Could you tell us how that took place?" That's a good question.

5 MR. PRESIDENT:

6 Mr. Witness, now you say that soldiers came there on the 7th. Did anybody else come, apart from the  
7 soldiers to your -- the premises on the 7th?

8 MR. BÂ:

9 I am still talking about the soldiers. Is he confirming that, on the 7th of June, soldiers came?

10 MR. ST-LAURENT:

11 He has already answered, Mr. President.

12 MR. BÂ:

13 But allow him to answer again. What is the problem with him answering ten times?

14 MR. ST-LAURENT:

15 Because I know where you are getting to. You have a question, and you have an answer.

16 MR. PRESIDENT:

17 Please, we must maintain decorum in this court. You are not having a debate with each other. So we  
18 will continue with that. So the simple question is whether the soldiers came. So let him answer that.  
19 We will go on.

20 MR. ST-LAURENT:

21 I didn't want to give you the impression that I had lost my cool, because I have not lost it at all. The  
22 witness said that, as from the 3rd of June, the soldiers came from time to time to see whether there  
23 were other people in the centre. And later on, on the 7th of June, they took away all the refugees. That  
24 is exactly what he said. So the question regarding whether the soldiers came on the 7th, the answer  
25 has already been given. Mr. Bâ has that answer. And if he keeps putting that same question, it's  
26 because he's looking for different answers. That is what I'm objecting to.

27 MR. BÂ:

28 I am not looking for anything, Mr. President. These answers were given before the break, and I simply  
29 want to be sure that that is exactly what he said.

30 MR. BLACK:

31 That's exactly what he can't do, Mr. President. He can't ask his witness to be sure about a previous  
32 answer. In examination-in-chief, you ask your witness a question, he gives an answer. You can't ask  
33 him again to be sure. That's outright cross-examination. It's outrageously -- you can't allow that to be  
34 asked.

35 MR. PRESIDENT:

36 Now, Counsel, I think there is nothing to prevent the counsel from asking the same question twice.

37 Because he may be doing that for the next question that he's asking, after getting a clear answer to the

1 earlier question. So now we know that he had -- the witness had said that the soldiers came. So we  
2 will permit him to go on with that.

3 MR. BLACK:

4 Well, with respect, Mr. President, it's not proper examination-in-chief. He can't do that. He can say,  
5 "Okay, you told us five minutes ago that soldiers came and took refugees away on June 7th. Could you  
6 tell us more about that?" That's fine. But he can't do it the way he's doing it, by asking the same  
7 question again.

8 MR. PRESIDENT:

9 Well, Counsel, I have made a ruling, so we will proceed with that.

10

11 Yes.

12 BY MR. BÂ:

13 Q. Witness DBJ, at what time did these soldiers arrive at the centre on the 7th of June? Approximately, of  
14 course.

15 A. They arrived between 2 p.m. and 3 p.m. In any case, it was in the afternoon; that is, 2:00 p.m. or  
16 2:30 p.m.

17 Q. Where were you at the time they arrived?

18 A. When they arrived, I was lying down. I was in my room.

19 Q. Were you alone in your room?

20 A. I was sleeping in my room. I was alone. My other colleagues were certainly moving about inside the  
21 centre. We had been in that centre for some time, that is, for about one month, and some people who  
22 wished to stretch their legs could move about inside the centre. So I was in my room and I was lying  
23 down on my bed.

24 Q. Still approximately, how many soldiers did you see come into your room?

25 A. It is possible that about three or four soldiers came into my room, but please understand that it is  
26 difficult for me to give you a figure because I did not count them. That was not my first reflex. I believe  
27 that three or four soldiers came to my room and others went to other rooms.

28 Q. How did they look? How were they dressed, if you remember?

29 A. They were wearing military uniform, and this means that they were soldiers. They were carrying  
30 firearms, and in fact, they were speaking quite softly, and we thought that they had something good to  
31 tell us. In any case, they were not aggressive. They were wearing their uniforms. They had firearms  
32 but they were behaving kindly.

33 Q. You said they were behaving gently. Does that mean that they were speaking to you?

34 A. As far as I'm concerned, one of the soldiers spoke to me and told me, "And what about you? What's  
35 happening to you? I can see that you are sleeping." I have told you that we did not have food at that  
36 time, but I looked quite healthy. And he asked me why I was in bed, and I told him that I was in bed  
37 because I had malaria. And he added nothing to that.

1 Q. What did they tell you or what did they ask you to do?

2 MR. ST-LAURENT:

3 I'm sorry, Mr. President, objection. If Mr. Bâ asks him what they asked him to do, that means they  
4 asked him to do something, so he has to rephrase that question.

5 MR. BÂ:

6 I'm going to do that. Thank you.

7 BY MR. BA:

8 Q. Apart from asking you what you were doing there, did they tell you anything else?

9 A. No. The room there which I was, was the room of the bursar. You had a stand or cupboard on which  
10 you had a radio set and bags, and then this closet could be closed. So he asked me that question and  
11 he opened the closet. He saw the -- they saw the radios and bags. The soldiers took those objects  
12 and left the room. They no longer spoke to me. And the fact is that I was feeling weak. I could not do  
13 anything; I could not intervene. They did what they wanted to do and they left. That's it.

14 Q. And you yourself, what did you do? Did you go back to bed or did you go after them? What did you  
15 do?

16 A. No, I did not leave my bed. And indeed, the soldiers did not ask me to leave the bed. I told them that I  
17 had malaria. And I just saw them grab the objects that I have referred to. And as far as I was  
18 concerned, those objects were not worth anything. What was important to me was my life. And they  
19 left me alive. We knew what they were up to. We knew that they were killing people, so I could not  
20 follow them. To go to where?

21 Q. So, after that, for how long did you stay in your room before leaving that room?

22 A. Thereafter, the soldiers went to other rooms and took out the refugees who had survived the first attack,  
23 and obviously they asked for the brother's identity cards and they took away the Tutsis to go and kill  
24 them. There is a certain \*\*\*\*\*, who is still alive, who came back after that. He was covered in blood.  
25 And he told me that, "All those people that you saw and that you know have been killed, and I am the  
26 only survivor." I started putting questions to him, and he told me, "All you need to know is that nobody  
27 remains here, apart from you and myself. The others have been killed."

28 MR. BÂ:

29 \*\*\*\*\* is number 6 on the list.

30 MR. BLACK:

31 I rise again, Mr. President, because I object to that. That's complete hearsay and shouldn't be allowed.  
32 I waited for his answer because I thought maybe it would explain some action he had taken, but it  
33 doesn't, there was no action taken. So it's just entered for the truth of its contents and no other  
34 purpose. And it can't be allowed for that purpose, in accordance with other decisions that you've  
35 made.

36

37 MR. BÂ:

1 When are you going to stop making such interventions? You have the transcripts of this witness from  
2 Military I. These questions were put in all sorts of ways and you did not -- there were no objections in  
3 Military I. And then here you want to make something special out of it. How do you base yourself  
4 before saying that one has -- this is supposed to be hearsay? It is not hearsay. You have the  
5 transcripts from Military I. Did you see that your colleagues made such objections during that trial?

6 MR. PRESIDENT:

7 Mr. Bâ, we have made a note. You can continue.

8 MR. BLACK:

9 Not without my having submissions made. He's asked me a question, and I want to answer,  
10 Mr. President. The fact is, the failure of counsel not to object to hearsay is not my problem. This is my  
11 trial, and I'm objecting to this, and it's hearsay. It should not be allowed. If other counsel failed to do  
12 their job, it's not my problem.

13 MR. PRESIDENT:

14 Now, Counsel, I think, hearsay, you can make those comments at the appropriate time. So he's only  
15 telling what he perceived and heard.

16 MR. BLACK:

17 No, but that's not why they're introducing that statement he just made. Before the break, it was quite  
18 clear that this witness could not -- he speculated about the fate of these refugees being taken away.  
19 He just knows that they were taken away. The soldiers could have taken them away to take them to a  
20 refugee camp, for all we know.

21

22 Now the break has taken place. Now they come back with other questions, and it's sort of strange.  
23 Now they want him to say okay, "What was told to you?" Now they've got some priest. He said nobody  
24 returned from that trip, before the break. Now he's changed and said, oh, some priest came back,  
25 covered in blood, and tells him all this, which is highly unlikely. But it's very strange it took place during  
26 the break. And it's only introduced to fill in the gap that they can't prove -- establish that these  
27 soldiers killed those refugees.

28 MR. PRESIDENT:

29 No, Mr. Black, you are suggesting that someone has tampered with this witness during the break. Why  
30 are you suggesting that?

31 MR. BLACK:

32 Well, it seems very strange to me, the sequence of events. Because that's what the question is for, is  
33 to fill in the gap they couldn't put there before the break.

34 MR. PRESIDENT:

35 I think the witness said that these -- the people who were taken away were killed.

36

37 MR. BLACK:

1 That's right.

2 MR. PRESIDENT:

3 That's all. So can't you ask, "How do you know that?"

4 MR. BLACK:

5 Because he was asked that before the break and we all agree it's only speculation. He couldn't say  
6 that.

7 MR. PRESIDENT:

8 The break was not taken -- to give him a breather, for all of us to take some sort of respite in ten  
9 minutes, not for the purpose of getting the witness. So I think you shouldn't comment on this. But,  
10 anyway, you have the opportunity to ask him, Mr. Black. We will permit him. He is now explaining as to  
11 what he said.

12 MR. BLACK:

13 Well, I've made my objections.

14 MR. PRESIDENT:

15 Yes. Mr. Black's objection is recorded.

16

17 Mr. Bâ, continue.

18 MR. TAKU:

19 Just one minute, Your Honours. My own intervention will be on something slightly different.

20

21 The witness states that this hearsay was recounted to him by a certain \*\*\*\*\*, if I understood him  
22 correctly. My worry is this: If this individual is alive -- he says he is alive -- the Prosecutor had an  
23 obligation to give more details about this particular individual, so as to help us to be able to present  
24 evidence to cross-examine. But if the witness is dead or is not alive, these circumstances would be  
25 made known. But for hearsay to be accepted or admissible in this instance, he has to give us -- to  
26 communicate or to disclose to the Defence more details about the particular individual. That's my  
27 concern.

28 MR. PRESIDENT:

29 All that depends on whether the witness -- whether the existence of this particular person was known to  
30 the counsel. So if it is not known to the counsel, like the witness says, no, he's there; he's alive. So  
31 now the witness says that he's alive.

32 MR. TAKU:

33 Yes, Your Honour, and that's what we're saying, that since that piece of hearsay is material, it's on a  
34 very, very material piece of evidence, it was the obligation of the Prosecutor to have communicated  
35 more details about this particular individual. So that if he doesn't call him, the Defence could call him,  
36 could interrogate him, in order to help Your Lordship do justice. But to the extent that he's alive and  
37 those details are not given to us, I think the details are inadmissible.

1 MR. PRESIDENT:

2 If he is available, I think -- either of you can call him. Now that you know that this witness is available,  
3 and alive, it is up to you to call him. Or if the Prosecution doesn't call him, you can make a comment on  
4 it.

5 MR. TAKU:

6 Yes, Your Honour. The rules of procedure made it clear that they will give us all the details. And all I  
7 have been given in witness statements, "There were seven of us." And now we hear that he is alive.  
8 We do not have those details. We came here not knowing that this individual is alive or any details  
9 about him and his whereabouts. It cannot be in the course of giving evidence in-chief that they will say  
10 -- talk about this individual without giving the specific details, specific enough -- specific enough to the  
11 extent of Exhibit P. 45, the information contained therein, so that we can verify if an individual of that  
12 nature ever existed.

13  
14 Hearsay would be admissible if we had those details, but I'm afraid, from the witness statements that  
15 were served, we do not have those details. We are just hearing about the name and hear he's alive,  
16 and that's all. How can we call somebody to come and testify or even to verify the testimony?

17 MR. PRESIDENT:

18 Yes, we can ask the witness as to how he knows that this witness is alive so that all the details of this  
19 particular person can be got from him.

20 MR. BÂ:

21 If they had allowed me to put my questions, then they may have heard the answers. And I realise one  
22 thing: They do not even read the documents that they are asking for us. Since September last year,  
23 that is almost one year, we disclosed the transcripts from Military I. He had testified in 24 to 25th  
24 September, 2003 -- November 2003. So I disclosed this transcript. So what is the point of disclosing  
25 documents to you when you do not even read them? Because he has spoken about all this in those  
26 transcripts. You have to read your documents and you find that regarding his testimony in  
27 Trial Chamber I.

28 MR. PRESIDENT:

29 Mr. Bâ, continue on.

30 BY MR. BÂ:

31 Q. Witness DBJ, you have told us that the soldiers left your room to go into other rooms. Is that correct?

32 A. Given that I stayed in my bed, in my room, I am not in a position to confirm that they went into other  
33 rooms after leaving my room. But that is obvious because the last people who were abducted or taken  
34 away were taken away by those soldiers, and that means that the soldiers who came out of my room  
35 went along with the other soldiers to abduct the people who were in our centre. That is why I said that  
36 they went into other rooms after leaving my room, even though I do not have any further proof for that.

37 Q. You also said that a brother by the name of \*\*\*\*\* -- and you'll correct me if I'm mistaken -- you said

1 that he came back wearing clothes covered in blood. Is that what happened?

2 A. Yes, that is indeed what happened. He had been taken away along with the other people who were  
3 killed, and when the soldiers killed their victims, the bodies fell on\*\*\*\*\* , and when they wanted to  
4 finish off those who were still breathing, \*\*\*\*\* asked the soldier who was going to kill him with a knife  
5 to spare his life. And the soldier was surprised by the fact that \*\*\*\*\* was still alive, and he told him,  
6 "Since you were not killed by the bullets, I'm going to spare you." And it is was in this way that Brother  
7 \*\*\*\*\* managed to stay alive.

8 Q. And was it on the same day that he came to tell you about that? Was it the same afternoon?

9 A. It was immediately after the operation.

10 THE ENGLISH INTERPRETER:

11 And the witness said in French:

12 THE WITNESS:

13 Well, after those people were taken away and killed, he came back and he told me about it. I also  
14 believe that he went to the other rooms, but he did not find anyone. He found only me alive. And in  
15 fact, after telling me his story, he did not stay with me. He went to other rooms. But I believe he did not  
16 find anyone. He was crying, and he wanted to talk about what had happened to him to everyone that  
17 he met. So he had been taken away. There were those killings. He survived. He came back and he  
18 talked to me about what happened.

19 MR. ST-LAURENT:

20 I'm sorry, Mr. President. What the witness is doing is giving the testimony of \*\*\*\*\* through his own  
21 mouth. And you will understand that the rules of procedure imply that if this part of the testimony which  
22 should have been made by \*\*\*\*\* is not done by \*\*\*\*\* but by this witness, it should not be  
23 admissible. So there is hearsay. There is a sentence in which the witness said that \*\*\*\*\* came back  
24 and said that he was the only survivor; the others had been killed. And if you put together all those  
25 sentences, this will constitute \*\*\*\*\*'s testimony, and this is why I'm saying that this is not admissible  
26 in evidence.

27 MR. BÂ:

28 Please allow us with our intangible evidence. It will facilitate your task later on. You can destroy it  
29 afterwards. If you see that it is not worth anything, then you can do what you want with it, but allow us  
30 to adduce our evidence.

31 MR. PRESIDENT:

32 Yes, Counsel, the appropriate weight will be given and the evidence will be weighed at the appropriate  
33 time.

34

35 Yes, continue.

36

37 MR. BÂ:

1 Very well.

2 BY MR. BÂ:

3 Q. Is\*\*\*\*\* , is he still alive?

4 A. \*\*\*\*\* is still alive, but he's no longer a brother. I do not know whether that last part of my answer  
5 was necessary, but I do not wish for you to go looking for him amongst the brothers. That is why I have  
6 pointed out that he's still alive but he's no longer a brother.

7 Q. And what was his ethnicity?

8 A. Narcisse is a Tutsi.

9 Q. Would you know whether, when the soldiers arrived, they checked people's identities?

10 A. They checked the identity cards of the people who were taken away because amongst all the people  
11 who were taken away, there was no Hutu. So I think they could not make a distinction between Hutus  
12 and Tutsis only to take Tutsis if they had not checked their identity cards. It is true that I did not witness  
13 that exercise. But I think they checked identity cards because, if they had not done so amongst the  
14 people they took away, they could also have taken Hutus. But that was not the case.

15 Q. Personally, you were a Tutsi, right?

16 A. Right, I'm a Tutsi.

17 Q. Was your identity card checked?

18 A. In the beginning when they came to kill, I have already told you that one of the soldiers asked for my  
19 identity card, and even the Presidential Guard member I had talked about asked for my identity card.  
20 But my answer was that I had lost my identity card when we were fleeing from the *Inyenzi* attack on the  
21 Bicumbi hill. Perhaps there are certain details which I have not given you. However, my answer was  
22 that I had lost my identity card. And subsequently, no one else asked for my identity card. Even the  
23 day when those people were taken away by the soldiers, no one asked for my identity card. I do not  
24 know why they did not think about asking for my identity card. In any case, that is how I remained alive.

25 Q. Can you explain or can you attempt an explanation as to why you were not asked to show your identity  
26 card?

27 A. Well, I have no explanation to give. I have no explanation which may be satisfactory to you. But I think  
28 that they had their own sort of description of the Tutsis and they equally had some sort of an image of a  
29 Hutu. So when you look at my physique, there are many features which could lead someone to think I  
30 am a Hutu. That is the reason why many people did not want to ask for my identity card. They did not  
31 focus on me because, from my physique, one could not think I was a Tutsi.

32 Q. What in your physical build may give someone the impression you were not a Tutsi? How is the Tutsi  
33 identified? How is the Hutu identified in the common understanding, if that is the case?

34 A. Well, I am sorry because I may be very long. It is as if I would have to give you the entire history of our  
35 country. But I think that if you go to Rwanda, you will not be able to make a distinction between the  
36 Hutu and the Tutsi. But if Hutus and Tutsis are put together, it would be difficult to make a distinction  
37 between any of the groups. Even if you are born Tutsi and from your childhood you are told that you

1 are of another ethnic group, you will believe it, because there is no real difference between Hutus and  
2 Tutsis. But from what we learnt in our history lessons, we were told Tutsis were tall, with aquiline  
3 noses, that we are not too stocky but we are rather thin.

4 It is true that at the time people did not really focus on that external appearance of fragility, but there are  
5 people, children, who could say that this was a Tutsi or a Hutu on the basis of those features.

6  
7 In my case, I was not tall. I did not have an aquiline nose. That is why those features, physical  
8 features, could not give the impression that I was a Tutsi. I am quite stocky, and this is a feature which  
9 is not characteristic of Tutsis. And all those who entered our community did not have to make other  
10 checks because I did not look like a Tutsi. They, rather, wondered why I did not go and help them in  
11 their killing task. But, as a matter of fact, it was my personal conscience that told me I was a Tutsi;  
12 therefore, I could not gang up with those killers. Perhaps they had their own understanding of the  
13 situation. They had their own idea, which was different from the reality. Perhaps I think I should end  
14 here, otherwise, I will be extremely lengthy.

15 Q. Yes, that is enough. Those people you told us were taken to be killed, how did you come about such  
16 information? Who told you they were taken away? Who told you they were killed?

17 A. It was very easy to have that information. We are talking about events which had taken place. Bodies  
18 were exhumed for some decent -- more decent burial. And let me even state that Narcisse himself  
19 survived the killing. He came back and told us what had happened. So I think we do not need much  
20 more evidence beyond this. And, by the way, they were not taken far away. They were killed just  
21 behind our fence. That is where they were lined up and killed.

22  
23 Subsequently, the bodies were exhumed and buried. That was the practice. When a mass grave is  
24 discovered, the bodies are exhumed and then decently buried in the presence of the family members.  
25 When only the bones remain, they are gathered and given a burial with honour. This happened. That  
26 is why I am not mistaken about the fact that those people were taken away and killed.

27 Q. How did you know that those people were killed at that place?

28 A. I so confirm because there was a survivor, because that is what Narcisse told me. So I am repeating  
29 what Narcisse told me. It is as if he was to die with the others, but he was able to survive.

30  
31 Now, when the bodies were exhumed, they were exhumed at the place Narcisse had told us those  
32 people had been buried. And the practice was that under such circumstances people were killed in  
33 places where people could be buried. Mass graves -- there were mass graves on various positions,  
34 and it was said that there were mass graves that had been prepared for those bodies.

35 Q. Amongst the people who were killed on that day, on the day of the 7th of June at the Josephite centre,  
36 were there brothers amongst the victims?

37 A. Yes. Amongst the people who were with me at Nyamirambo, some were killed. Actually, they were

- 1 taken away with seven brothers, so seven brothers died in that group.
- 2 Q. Do you remember the brothers who were killed on that day? Do you know their names?
- 3 A. Yes, I remember their names because those are people who had lived with me in the same community.
- 4 Some of those brothers were even older than me, but some of them were as young as me. We had
- 5 lived for some time within the same community.
- 6 Q. Can you give the names, one after the other, so that we can note them down, the names of the brothers
- 7 that were killed on that day at the Josephite centre?
- 8 A. They took away a brother called Elie Gérard Rwaka.
- 9 Q. Let me check if the name is here. Can you spell that name, please?
- 10 A. It is spelt R-W-A-K-A, Rwaka.
- 11 Q. Yes.
- 12 THE ENGLISH INTERPRETER:
- 13 The witness is repeating the spelling of Rwaka,.
- 14 BY MR. BÂ:
- 15 Q. And who else?
- 16 A. There was also a brother called Louis Kaneza. Kaneza is spelt K-A-N-E-Z-A.
- 17 Q. And who else that you remember?
- 18 A. There was also Itangishaka, whose first name I no longer remember. We usually referred to him by his
- 19 nickname, known as Kajagali. His first name can't come to my mind immediately. We usually called
- 20 him by his nickname. He was called Itangishaka, which is spelt I-T-A-N-G-I-S-H-A-K-A.
- 21 Q. That is a third person. Was there someone else?
- 22 A. There was also Brother Alexander Kayitera, which is spelt K-A-Y-I-T-E-R-A, first name, Alexander.
- 23 Q. That is the fourth person. Was that all?
- 24 A. There was also Gofi, which is spelt G-O-F-I, first name, Stanislas.
- 25 Q. That is the fifth person. Anyone else? Well, if you can't remember, simply tell us, if you can't remember
- 26 the names, and we'll move forward.
- 27 A. There was also Louis Rwahiga.
- 28 Q. Well, let's end the numbering there. So you, as well as others, survived, correct?
- 29 A. Yes, I survived at the same time as others. As a matter of fact, we remained in the group of survivors.
- 30 There were Tutsis and Hutus.
- 31 Q. And what would be your estimate of the number of persons killed on that day at the centre, that is, if
- 32 you can give an estimate? Otherwise, simply tell us.
- 33 A. It is difficult, but judging from the movement of people which could be noticed in the centre, I would say
- 34 more than 100. But later on, we were told that 100 persons had been taken away, and if we consider
- 35 that Narcisse survived, then 99 persons were killed, but this figure I got subsequently, because before I
- 36 got the information, I gave an estimate of more than 100.
- 37 Q. Did you see the bodies of the persons who were killed?

1 A. I did not see the bodies after the killing because I could not get out of my room. We were still in the  
2 premises because we were scared of being killed if we got out. We -- even though we could still be  
3 killed within the premises, we preferred being killed within the premises instead of giving ourselves up  
4 to those killers. I saw the bodies later on when we were burying them, although I no longer remember  
5 the date when we conducted the burial. But those dates are recorded somewhere, and if I had been  
6 able to consult my documents, I could remember the date. Otherwise, I saw the dead bodies when we  
7 were burying them.

8  
9 Subsequently, they were exhumed to be given a decent burial. And when they were exhumed, it was  
10 still possible for bodies to be identified or recognised. For instance, the bodies of Kaneza, Kayitera,  
11 could be identified from their shoes. With regard to Gérard, his bald head could still be identified, so  
12 much so that at the end of the exercise, we were able to identify all our fellow brothers who had been  
13 killed. So it was during the burial that I was able to see the bodies. Otherwise, I was not able to see  
14 them immediately after they had been killed.

15 THE ENGLISH INTERPRETER:

16 And the witness adds:

17 THE WITNESS:

18 Excuse me, amongst the people who were taken away, I should not include Kayitera because he was  
19 killed within the premises. With regard to Rwahiga, he was an old man, aged about 89 years. He was  
20 pushed off his bed and immediately died because he was gravely ill. He had malaria. So his body, as  
21 well as the body of Kayitera, were taken outside and added to the others.

22  
23 I remember that when I got out of the premises, I was able to see his body, as well as the body of  
24 Kayitera, because certain of the members of the group of persons who had been taken away, they were  
25 taken a little bit further away.

26 BY MR. BÂ:

27 Q. And what did you do subsequently, still on the 7th of June 1994? Did you remain in that compound?

28 A. After the killing, soldiers arrived and told us -- or wanted to know whether there were other persons, and  
29 I even think that they wanted to know whether there were other people who were to be killed. So they  
30 told us that if there were still other people alive and in this centre, they should go down to the parish  
31 because some military operations would be conducted on the centre. So I went out. I equally saw  
32 Brother Nepo go out. I equally saw a lady and two or three other girls. As a matter of fact, people were  
33 taken out without knowing where they were being taken out from. I saw Brother\*\*\*\*\*.

34 Q. Well, go at it softly, one after the other. You went out with who?

35 A. I went out with the other brothers who were still alive.

36 Q. And who are they?

37 A. There was Brother\*\*\*\*\*. I've already given that name.

1 Q. But just to repeat the full name, please.

2 A. That is \*\*\*\*\* , which is spelt --

3 Q. That is number 11 on the list. Who else?

4 A. \*\*\*\*\*

5 \*\*\*\*\*

6 Q. Well, needless spelling it. That is number 1 on the list.

7 A. There was also \*\*\*\*\* . His first  
8 name was\*\*\*\*\* .

9 Q. Was there someone else?

10 A. There was\*\*\*\*\* .

11 Q. Well, we have that one.

12 A. There was \*\*\*\*\* .

13 MR. BÂ:

14 That is number 14 on the list.

15 THE WITNESS:

16 I think those are all the people, the brothers, with whom I went out. But actually, we did not move in a  
17 group. We were asked to go. So some of us would pick up a bag or a small box and we then crossed  
18 the road to go to the \*\*\*\*\*'s.

19 BY MR. BÂ:

20 Q. You said soldiers asked you to leave the premises?

21 A. Correct.

22 Q. And where did you go to?

23 A. We left the centre, crossed the road and went to the \*\*\*\*\* parish with \*\*\*\*\* , to \*\*\*\*\*'s  
24 place.

25 MR. BÂ:

26 \*\*\*\*\* is number 8, as well as number 2 on the list for groups and places.

27 BY MR. BÂ:

28 Q. And who did you say was head of that parish?

29 A. There were two reverend fathers, namely,\*\*\*\*\* .

30 Q. On which day did you go there? Did you go there on the 7th of June?

31 A. After the killings, we did not remain in our centre. We went to \*\*\*\*\*'s place, and that was on the 7th  
32 of June.

33 Q. And where is this \*\*\*\*\* parish located, vis-à-vis the\*\*\*\*\*?

34 A. Well, not far away. The fence of our community faces the road directly, and once you cross the road,  
35 you go directly to the parish buildings. So there is only the road separating our centre and the parish  
36 buildings.

37 Q. While going there, did you go by the St. André college?

1 A. No. We could not go through the St. André college because the St. André college is below the parish  
2 buildings. So you go through the \*\*\*\*\* before reaching the St. André college. So we  
3 went directly to the parish buildings because St. André college is located further below the parish  
4 buildings.

5 Q. And how were you received at the \*\*\*\*\* parish?

6 A. We were well received. We were received as refugees. We found other refugees there who were  
7 being properly taken care of by \*\*\*\*\*. \*\*\*\*\* had done everything to take good care of them. So  
8 he integrated us in the group of refugees. And by the way, he knew us because we were members of a  
9 community of religious people, so we were welcomed in that parish.

10 Q. You said you found other refugees there. Do you know where the refugees were coming from, what  
11 their ethnicity was, and why they were there? If you do not know, tell us you do not know.

12 A. Most of the refugees were in the buildings where women, and children below eight -- there were also  
13 about five to eight men who were in a room. The refugees were Tutsi women.

14 Q. And how was your stay at this \*\*\*\*\* parish? How long did you stay there?

15 A. I cannot say we were ill-treated. There was no reason why we would be ill-treated. \*\*\*\*\* was a  
16 reverend father, and he was unable -- he gave us what he could. We stayed the night at the parish.  
17 We spent the following day, and another night at that parish. So I think we spent two consecutive  
18 nights there. So I would say we were properly received. Father \*\*\*\*\* gave us what he had.

19 THE ENGLISH INTERPRETER:

20 And the witness says in French that "We had a warm welcome."

21 BY MR. BÂ:

22 Q. And for how long were you at that parish? When did you leave that parish?

23 A. Personally, I had lost all sense of time. I could not know what day it was. I would say perhaps on the  
24 15th, but I cannot be sure. And, by the way, I do not know how the date of the 7th came to my mind. I  
25 remember we spent the night of the 7th at that place. We spent the day of the 8th and we left that  
26 parish between the 9th and the 10th, if I remember correctly. Not beyond the 10th.

27

28 Perhaps we stayed there for two or three nights. I remember the date of the 9th.

29 Q. And why did you leave that place where you were relatively properly taken care of? Did you get  
30 something better somewhere else?

31 A. No, we did not get something better somewhere. As I said, there was no other place where we could  
32 feel better at ease. As I said, we spent the night at that place. Then *Interahamwes* attacked that place.  
33 They used the butts of rifles to break the windows and then threw tear gas. We were not able to  
34 breathe. UNAMIR soldiers came to take photographs, and the *Interahamwes* came after the UNAMIR  
35 soldiers, shot at, and wounded, one UNAMIR officer. But afterwards they started shooting at us. They  
36 came in trucks. We were able to get an outlet, a door, which we used to escape. We broke down the  
37 door and fled. Women and children were taken on board the trucks. When we got outside we found

1 many soldiers, a few gendarmes, and *Interahamwes*. We met a high-ranking soldier called Munyakazi,  
2 and we stayed outside.

3 Q. Why were you, yourself, not taken away in that truck?

4 A. Only the women who were at \*\*\*\*\*'s place were taken away in that truck. As for me, there is one  
5 person whose name I did not mention, a person called Kigingi, who was very influential in the  
6 *Interahamwe* group. It was said he was the one superintending -- supervising Nyamirambo. He was  
7 the *Interahamwe* commander in that neighbourhood. He was heading the group of *Interahamwes* who  
8 attacked that parish and who had come with the truck to take away the refugees. When they arrived at  
9 the parish, they started shooting. Afterwards, Munyakazi came with gendarmes. Whenever there was  
10 such an operation, gendarmes would come, perhaps to ensure the smooth functioning of the operation.  
11 Munyakazi is a soldier currently serving in Rwanda.

12  
13 When people started being taken in the truck, I put the question to Kigingi, I asked him, "But what do  
14 you want? Why do you want to kill us?" So he answered, "But you, what are you doing here? How did  
15 you get here?" I told him, "You see, we left our centre, and you know the circumstances under which  
16 we had to leave our centre. It is because soldiers asked us to leave the centre because military  
17 operations had to take place there." So he told me, "But why did you come to take shelter in the midst  
18 of *Inyenzis* whereas you are a Hutu?" So he asked me, "Are you a Hutu? I said, "Yes, of course, I am  
19 a Hutu."

20  
21 Thereafter, I went to Munyakazi and told him, "Colonel" -- I do not even know whether he was a colonel  
22 or a lieutenant colonel. I told him, "Colonel, we will be killed." He said, "But what is your problem?" So  
23 I told him, "I want you to help me." He asked me whether I was a Hutu. I answered in the affirmative.  
24 So he asked me to stand aside. He saw a brother called\*\*\*\*\* , who was a lecturer in a  
25 university, and he told me this Brother \*\*\*\*\* is a lecturer and a psychologist. You cannot kill him  
26 because he has served the country. Those who wanted to take \*\*\*\*\* away decided not to do it, so  
27 he was spared. I was with Narcisse and he came and stood near me. I am talking about Narcisse who  
28 survived the killing.

29  
30 Thereafter, Munyakazi asked me who the brothers were, and I pointed them out to him. So he said,  
31 "\*\*\*\*\* and the other brothers, stand aside." So the other people who were there were taken away. I  
32 do not know where they were taken to. All what I saw was that they took the direction to  
33 Mount Kigali. The other brothers and I were taken away in Munyakazi's vehicle.

34 (*Pages 21 to 38 by Karen Holm*)

35

36

1 1230H

2 BY MR. BÂ:

3 Q. One minute, one minute. Colonel Munyakazi is number 10. Jean Demascène Ndayambaje is  
4 number 13.

5  
6 Let us give a recap of what has been done, and even though the Defence may not be in favour of this;  
7 in company of which brothers were you at\*\*\*\*\* parish? That is, with this scene you have  
8 described, Munyakazi, Kagingi, who were the brothers in your company?

9 A. We arrived at the parish separately. People could leave the parish and go. When Munyakazi and  
10 Kigingi came, I was with\*\*\*\*\* , \*\*\*\*\*-- that is, the other brothers had left.

11 Q. When you refer to \*\*\*\*\* , can you please give us his full name?

12 A. \*\*\*\*\* .

13 Q. When you refer to\*\*\*\*\* , which \*\*\*\*\* are you referring to?

14 A. I'm referring to\*\*\*\*\* . I would also like to add \*\*\*\*\*?

15 Q. That Colonel Munyakazi, was he the only military officer who came to see you at \*\*\*\*\*  
16 parish? Was that the only military officer who became to came to see you at \*\*\*\*\*  
17 parish?

18 A. Well, I don't know whether he came to see us. Whenever *Interahamwe* moved towards a particular  
19 location, they were accompanied by soldiers. And we had the impression that they were coming to  
20 save people, but things happened otherwise. And they witnessed what was going on.

21  
22 He was not the only soldier. In his company were gendarmes wearing the same uniform as him, but  
23 he had his stripes and we had the impression that he was the most high-ranking officer in that group.

24 Q. So after the civilians were taken away on board trucks, what did you and the other brothers do?

25 A. We were put on board Munyakazi's vehicle, it was a double-cabin pickup. He was the person who  
26 took us away. He was sitting with a soldier in front, and\*\*\*\*\* , \*\*\*\*\*and myself were  
27 behind; there was also a driver.

28 Q. Was a brother killed or wounded at\*\*\*\*\*?

29 A. When the *Interahamwe* attacked the parish, when they shot through windows and they threw tear gas  
30 or fired at UNAMIR officers we were with a brother called Gacamumakuba, I don't know whether I  
31 made reference to that person, Pierre Gacamumakuba. I don't know if I referred to that brother, I may  
32 have missed that point. He was an old man called Gacamumakuba, Pierre.

33  
34 So when those assailants were shooting, throwing tear gas, they shot at the lower part of that  
35 brother's body. And when we passed near him he said, "You are abandoning me to my fate." And we  
36 left. As you know, he was a member of our congregation. And we told ourselves that we would come  
37 back to fetch him. But, subsequently, we heard that he had been shot at, and he died with the other

1 people killed at that location. He was the only brother who died at that place.

2 Q. And accompanied by Munyakazi, where did you go?

3 A. We went down a little, farther on we found a roadblock which had been very very much reinforced.  
4 Kigini said it would be difficult for us to pass through that roadblock. He asked the *Interahamwe* to fire  
5 into the air. And Kigini came towards our vehicle and said, "These *Inyenzi* will not pass." And we  
6 said, "We are not *Inyenzi*." So he approached \*\*\*\*\* and told him, "Listen, tell me the truth, is it not  
7 true that you are Tutsi". And he said, "Listen I will shoot you because you are a Tutsi." I was lying  
8 down, I was covered in a cloth. And \*\*\*\*\* told me, "Listen, Kigingi will shoot you." So, I said,  
9 "What do you want me to do?" I said, "I know he has shot many people, there is nothing I can do."

10  
11 And since there was sustained gunfire, Kigingi could not follow our conversation. I told him, "Listen, if  
12 you shoot I will die like everyone else, but if you have good luck, you will survive." He prevented  
13 gendarmes from shooting at the vehicle. He asked Kigingi to spare our lives; but Kigingi insisted,  
14 saying that he wanted to kill \*\*\*\*\* because he was a Tutsi. \*\*\*\*\* had the presence of mind to  
15 say, "Listen, I am not a Tutsi. I am from Cyangugu, that is the same area of Bucyana. I believe you  
16 know Bucyana, ask one of the *Interahamwe* from Cyangugu, and if he says that he doesn't know me  
17 then you can shoot me. I therefore believe that they spared my life because they knew Bucyana was  
18 an influential member of the CDR.

19  
20 So that person's life was saved because he said he was from the same area as Bucyana. And Kigingi  
21 told him, "Go therefore, in any case I will find you and kill you." So we continued our journey right up  
22 to St. Paul's parish. And in the meantime, we did not come across any other roadblock.

23  
24 I do not quite remember the exact question you put to me. I don't know whether I have properly  
25 answered your question

26 Q. You answered my question correctly. So you went towards St. Paul's parish?

27 A. Yes, we went to St. Paul centre, it is not a parish, it is a training centre. So we went to St. Paul's  
28 parish -- or St. Paul's centre, rather. There were a large number of people there. There was a priest  
29 called Celestin, he was there.

30 MR. PRESIDENT:

31 How long will you take with this witness?

32 MR. BÂ:

33 About 30 minutes, 45 minutes.

34 MR. PRESIDENT:

35 So, we will take lunch and come back.

36

37 MR. BÂ:

1 All right.

2 MR. PRESIDENT:

3 Court is adjourned until 2:30.

4 *(Court recessed from 1240H to 1432H)*

5 MR. PRESIDENT:

6 Yes, Counsel, you may continue.

7 MR. BÂ:

8 Much obliged, Mr. President. I will not take very long this afternoon. I think we are going to go a bit  
9 faster.

10 BY MR. BÂ:

11 Q. Now Witness DBJ, we were talking about the time when you went to the St. Paul centre in the  
12 company of Colonel Munyakazi; is that correct?

13 A. Yes, that is correct.

14 Q. And when you arrived at the St. Paul centre did you find the refuge that you were seeking there?

15 A. We did not find any space at the St. Paul centre. We were instead led to the St. Famille parish and  
16 these premises were adjacent, and you could cross over to the St. Famille parish, and that is where  
17 we were given rooms.

18 Q. Where exactly in the St. Famille parish?

19 A. St. Famille is a parish, and inside of this parish you had a guest house where visitors were given  
20 rooms, that is visitors who were not staying for long. And there were rooms there and we were given  
21 rooms. And the St. Famille parish is below around about in Kigali for those who know Kigali town.

22 Q. Correct me if I am wrong, the St. Paul centre and the St. Famille parish are they inside of the same  
23 enclosure or are they different?

24 A. These are two different centres or premises but built next to each other. The St. Paul centre is below  
25 the buildings of the St. Famille parish. And you can leave the St. Paul centre and enter directly into  
26 the buildings of the St. Famille parish without actually going outside because there is a separating  
27 wall between the two premises. And in the St. Paul centre there are facilities for organising meetings,  
28 conferences; whereas in the St. Famille parish there is a centre known as procure (*phonetic*) where  
29 visitors could be received. I don't know whether I made myself understood.

30 Q. Thank you Witness DBJ. In the St. Paul centre and the St. Famille parish, who did you find there?  
31 Did you have refugees or were there other people?

32 A. When we entered the house in the St. Paul centre we found priests who were seated, but I knew only  
33 one of them and that was Father Anaclet, and there was another called Célestin, but did I not know  
34 the names of the others. But given that there were no free rooms there, we spent some time there.  
35 And Célestin went to check whether there were free rooms in the St. Famille parish. And that is how  
36 come we were led to the St. Famille parish.

37 So, there were clergymen in the centre because St. Paul centre is managed by priests.

1 Q. Did you see only clergymen or religious persons there?

2 A. At the St. Paul centre there were a lot of people and there were also a lot of people in the St. Famille  
3 parish. The people there were more than those who had been at the place that we had left. There  
4 were about 1,000 people there. And we were told that we could not have any place at that  
5 St. Paul centre.

6  
7 Similarly, in the St. Famille parish there were a lot of people, and these were many people of all of the  
8 various ethnic groups. And people had even organised a sort of market inside of that parish. There  
9 were Hutus there and they told us that they had fled from *Inkotanyi* attacks in Bicumbi and Gikoro  
10 *communes*. And there were others who had come from the Gisozi neighbourhood which was closer  
11 to Kigali town. And they had come to join the Tutsi who had sought refuge at the St. Famille parish.  
12 So it was a mixed group of people.

13  
14 At the St. Paul centre, there were many more Tutsi who had found refuge there. And I believe that  
15 the attackers came and abducted people regularly there, and they took them away and killed them,  
16 but there were also others who survived in the St. Paul centre. You will excuse me if that is not the  
17 answer that you wanted from me.

18 Q. Thank you. You have answered my question. So, how was your stay at the St. Famille parish? First  
19 of all, how much time did you spend there?

20 A. We spent about nine days at the St. Famille parish, between eight and nine days.

21 Q. And while you were at St. Famille, was there any event that occurred that you could tell the Court;  
22 anything that you observed in particular?

23 MR. BLACK:

24 Excuse me. There can't be any event which this witness can testify to because it has not been  
25 disclosed to us, so why is he asking that question? There is only one line reference to the St. Famille,  
26 them being at St. Famille that day, those days, it doesn't mention anything about any event. So, if this  
27 witness is going to speak about the event, we have not had it disclosed to us so it is not proper.

28 MR. PRESIDENT:

29 Any response to that, Mr. Bâ?

30 MR. BÂ:

31 Please remember that I disclosed to you the statement of this witness, as well as the transcripts of  
32 Military I during which he testified on the same facts. And if you want, I can refer to you the relevant  
33 passages of this document which you have with you since one year now.

34 BY MR. BÂ:

35 Q. So, Witness DBJ –

36

37 MR. BLACK:

1 Let me respond to that, Mr. Bâ.

2

3 First of all, the only disclosure is the statements we got about what this witness intends to state in this  
4 trial, not what he said in Military I; that is not disclosure. What he is going to say against our Accused  
5 is what is disclosure. And why you want to refer to what he said in the Military I case is beyond me  
6 because he completely contradicts everything he said here. So, there is no disclosure. You can't  
7 lead anything about anything happening at St. Famille concerning our client because it has not been  
8 disclosed to us.

9 MR. BÂ:

10 I really do not understand. In that trial he described at length what he observed at St. Famille. And  
11 he is going to describe the same things here, and you have had that document since  
12 September 2004. I can show you a CD ROM that I used to communicate to you court records or the  
13 transcripts.

14 BY MR. BÂ:

15 Q. So, how was your stay at St. Famille, Witness DBJ; were you attacked there?

16 MR. BLACK:

17 First, that is a leading question right there he can't ask. He can only ask what he saw there, not  
18 whether he did something you suggest. But it is not in the statement. The only statement we have  
19 got which was disclosed to us relevant to this case is the statement you have given to us.

20 MR. PRESIDENT:

21 Now, Mr. Black --

22 MR. BLACK:

23 What he may have said in some other trial, which is completely contradicted by what he says here  
24 anyway, is not disclosure. It helps us in cross-examining him, but it is not disclosure about what he is  
25 going to say here, because he says something totally different in the Military I trial about all of these  
26 events.

27 MR. PRESIDENT:

28 Mr. Black, I think disclosure --

29 MR. BÂ:

30 *(No interpretation)*

31 MR. PRESIDENT:

32 Mr. Black, disclosure does not mean only his statement, disclosure is to put you on alert that this  
33 witness will speak of various things. So in that respect, Mr. Bâ has given you the earlier statement or  
34 earlier evidence in another case where this witness has spoken with regard to the same event. So  
35 that is why he need not confine his evidence only to this, because disclosure is to put you on alert.

36

37 MR. BLACK:

1 Well I agree with that, but what -- if you read the transcripts in the Military I, he says completely  
2 different things.

3 MR. PRESIDENT:

4 Well, that is to your advantage. Can you --

5 MR. BLACK:

6 That is true. The statement he has given to us -- the only statement he says he made, there is no  
7 mention of any events at St. Famille. So it is not disclosed to us in the statement relevant to this  
8 case. I don't -- I mean, was it disclosed to the Military I Defense counsel that things happened at  
9 St. Famille or he just threw that in and they are trying to do it now and they didn't bother --

10 MR. BÂ:

11 You are telling stories, Mr. Black. I will refer you to the statement of 29 July '99, paragraph four, I'm  
12 talking about the French version. On the English version, I will give you the reference, page five of  
13 the English version, K0107859, and that is also the last paragraph. Can you tell me that he didn't talk  
14 about these things, he didn't mention it?

15 MR. BLACK:

16 I have no idea what you are talking about. I have only got in the French version page 4, one line  
17 mentioning St. Famille. And it mentions nothing about anything happening there. Things happen at  
18 St. Paul, he tells of things happening there, but nothing at St. Famille, nothing at all.

19 MR. BÂ:

20 Do you have the French or English version so that we should understand each other?

21 MR. BLACK:

22 I just said that I have the French version, Mr. Bâ.

23 MR. BÂ:

24 Page 4, last paragraph in that version, isn't he talking about something that happened in St. Famille?  
25 Please read.

26 MR. BLACK:

27 No, he is not, if you read it correctly -- I will read it to you.

28 MR. BÂ:

29 *(Microphone overlapping)*

30 MR. BLACK:

31 *(No interpretation)*

32 MR. BÂ:

33 *(No interpretation)*

34 MR. BLACK:

35 The same page.

36

37 THE ENGLISH INTERPRETER:

1 Mr. President, there is a lot of overlap because they are just --

2 MR. PRESIDENT:

3 Yes, translations find it difficult when you have a cross talk like that. You say there is a difference in  
4 the English one?

5 MR. BÂ:

6 In the English and in the French. In the English I will give you.

7 MR. PRESIDENT:

8 Mr. Black, maybe we can cut short this matter if you read the English one, he said it is there.

9 MR. BLACK:

10 All right. Okay, I was going to do it in French.

11 MR. PRESIDENT:

12 You are served with both and you can do it with --

13 MR. BLACK:

14 It is a matter of finding it, Mr. President. So, in English I will read it to you, it says, "The colonel" -- that  
15 is Munyakazi, "interceded, and Kigina led us through. Upon reaching St. Paul we missed places and  
16 were taken instead to St. Famille which is right next door to St. Paul. We stayed there roughly about  
17 one week and a half. Later we were evacuated to *Hotel des Mille Collines*."

18

19 The last paragraph which he says, of course, St. Famille, again says, "I remember another incident  
20 when the refugees camped at St. Paul were rescued by the *Inkotanyi* RPF forces. The very next day,  
21 early in the morning *Interahamwe* came to threaten us saying, 'we were to be killed as *Inkotani* had  
22 rescued refugees from St. Paul, and it did not want the same thing to happen at St. Famille.'" That is  
23 all it says. There is nothing about an attack.

24 MR. BÂ:

25 No, continue, the last sentence.

26 MR. BLACK:

27 They did not want the same thing to happen at St. Famille.

28 MR. BÂ:

29 And, thereafter --

30 MR. BLACK:

31 Yes, at St. Paul. "Thereafter, the *Interahamwe* set upon the refugees" --

32 MR. BÂ:

33 *(No interpretation)*

34 MR. BLACK:

35 "And killed 60 persons, including men, women and children." This is in reference to him saying, "I  
36 remember another incident when the refugees came to St. Paul." That last line refers to an incident at  
37 St. Paul, not St. Famille. You are not even reading your own file properly.

1 MR. BÂ:

2 But he is omitting the last sentence. "Sixty persons, including men, women and children --"

3 MR. BLACK:

4 At St. Paul. The reference in the first line is, "I remember another incident --"

5 MR. PRESIDENT:

6 Mr. Black --

7 MR. BLACK:

8 "When the refugees came to St. Paul," and he goes on to say 60 people were killed there, not  
9 St. Famille.

10 MR. PRESIDENT:

11 Mr. Black, I think if it is at St. Paul then you can object or he will say that it is at St. Paul.

12 MR. BLACK:

13 That is fine.

14 MR. PRESIDENT:

15 You will see what he is going to say.

16 MR. BLACK:

17 That is okay, as long as he asked about St. Paul, not St. Famille.

18 MR. PRESIDENT:

19 Yes, Mr. Bâ, continue.

20 BY MR. BÂ:

21 Q. Witness DBJ, did anything in particular happen while you were staying at St. Famille?

22 A. During that time that we spent at the St. Famille parish, there was a certain number of incidents. And  
23 we had to have food to eat and water to drink. We were led to the St. Famille parish by the priests of  
24 St. Paul, but they continued giving us provisions. So we stayed at the St. Famille parish without any  
25 threats. But on the last day, we left that place because some unfortunate events had happened. And  
26 as was the case, at all times we would leave any place where unfortunate events had taken place.

27

28 So at a date that I no longer remember, RPF soldiers came during the night to the St. Paul centre and  
29 they took away the refugees of the St. Paul centre. And I think at that time they took away all of the  
30 refugees. And during the night, the *Interahamwes* learned about what had happened. It could not be  
31 a secret because in the morning the centre was empty; whereas, the previous day it had been full of  
32 refugees. So the *Interahamwe* said that since the refugees of the St. Paul centre had been saved by  
33 the RPF that should not happen again at St. Famille. So they said that they had to go and kill them.

34

35 At about 9 a.m. *Interahamwes* came to the St. Famille parish and they decided that they were going  
36 to attack the refugees and shoot at them. They penetrated the premises and they killed about 60  
37 people and their bodies were lined up thereafter.

1  
2 After that, Bernard Kouchner came to the parish, but they locked him outside. And they, first of all,  
3 covered the bodies of the people that they had killed and left through another door. And it was only  
4 then that they allowed Kouchner to enter the premises. He came in and observed the killings that had  
5 taken place, but they had had problems killing people because people from the various ethnic groups  
6 were all mixed up, and they were not able to separate the members of the two ethnic groups. So they  
7 could not shoot randomly at all of the refugees, only the refugees who had been denounced and  
8 whose ethnic groups had been revealed, were killed.

9  
10 In the evening of that same day, the RPF soldiers based on a hill eight kilometres away from there,  
11 continued shooting. And the soldiers were telling us that the *Inyenzi* has started shooting even at the  
12 town. It was at that time that a young officer called Sekamana arrived. I remember him because he  
13 had a rather jovial attitude.

14 Q. Before going further, Witness, these killings that you are talking about, did you personally observe  
15 them or witness them?

16 A. No, it was not possible for me to witness those killings, I could not have been strong enough to go and  
17 witness them, and I did not have the habit of doing that. And furthermore, I had to hide myself, to  
18 conceal myself so as not to be killed. I had a room in which I was staying, and the attackers attacked  
19 people who had taken refuge in the church, they were the people that they could see easily because  
20 they were scattered all over the premises. And I did not want to witness that scene. It was not of  
21 interest to me. And besides that, I was afraid of being killed.

22  
23 A short while later when Kouchner arrived, we all came out to look at the bodies. There were some of  
24 the people who were in the death throws, but most of them were dead so we were able to see the  
25 bodies a few minutes only after the killings. Otherwise, I did not directly observe the killings  
26 themselves. I could hear the gunshots, and it was after the killings that I came out to see the bodies  
27 lying on the ground.

28 Q. If I understand you well, you were in your room during the killings?

29 A. Yes, I was in my room.

30 Q. And where were the refugees?

31 A. Refugees were spread all over the buildings of the parish. There was no place inside where all of  
32 them could have stayed together, so they were moving about inside of the parish. And you will  
33 remember that I have told you that they had even organised a market inside of the parish. The Hutus  
34 who could go outside of the premises would go and purchase provisions and then supply them to that  
35 market inside of the premises.

36 Q. You said that when this person called Kouchner arrived you came out of your rooms and you were  
37 able to see the bodies; is that correct?

1 A. That is indeed correct. Even the other refugees who were elsewhere, either in the church or in the  
2 market abandoned their stalls and came to see what had happened, because everybody had heard  
3 the gunshots. And when we arrived at that place, we found a white man who was there. And we  
4 were told that he was called Kouchner, and that he was a human rights officer. I did not know him  
5 personally, but he used to visit Kigali from time to time. So he counted the dead bodies, he took  
6 some notes; then he left. And since we could not do anything ourselves, we left the bodies there,  
7 covered with blankets. It was at that time that I saw that person called Kouchner that is when he  
8 came to see what had happened at the St. Famille parish

9 Q. Did you continue staying at St. Famille after those killings?

10 A. Each time that there were killings, we were frightened because we felt that it could be our turn the  
11 next time and we tried to go elsewhere. So, we continued trying to discuss regarding where we could  
12 go. And since we were with these Carmelites, we discussed with them regarding where we could go.  
13 The sisters proposed that we should ask to be led to the St. Michelle cathedral.

14

15 Thereafter, while we were discussing it a soldier arrived. And that soldier came in because they had  
16 the right to move about everywhere. And in the parish there was a soldier who collaborated with other  
17 soldiers, that is how come Sekamana arrived there. The sisters approached him and told him how  
18 they had been threatened, and it was said that the RPF was shooting in the parish.

19

20 So Sekamana instead proposed that they should be patient. It was getting late. He went out, and a  
21 short time after that he came back and took the Carmelite sisters who were saying that they were  
22 going to the St. Michelle cathedral, but he had proposed that he was coming to take us also; but the  
23 *Interahamwe* had said that if they took the *Inyenzi*, he would be killed along with them.

24

25 But that young soldier came back. He must have been a second lieutenant and he was 20 something  
26 years old. He told us that it was evening, and that the *Interahamwe* must have dropped (*sic*)  
27 themselves, and they could kill us. So he proposed that we should stay there so he should come and  
28 take us away the following morning. We agreed to that, and asked him to come and assist us if we  
29 managed to survive right up to the following morning.

30

31 At about 5 a.m. the young soldier came and he made us board a vehicle. And we observed that he  
32 had taken the sisters to the St. Michelle cathedral as the arch bishop went. And when we left with  
33 him, he went and he led us to the cathedral without any problem because the roadblocks had not yet  
34 been erected on the road. And we found Karibushi at the St. Michelle cathedral who received us

35 Q. Now, approximately on which date did this event take place, still in the month of June?

36 A. I no longer remember the exact dates, but it was certainly in the month of June because that event  
37 came closely after the other events that I have already recounted. I think it was still in the month of

1 June, towards the end of the month of June.

2 Q. And how was your stay at the St. Michelle cathedral or parish, I don't know how you refer to it?

3 A. It is a parish situated downtown, known as the St. Michelle parish. So Father Karibushi received us,  
4 so we shared what was available. We did not have any problem at that place. But opposite the  
5 parish there was a roadblock which had been strengthened. It was manned by soldiers who got along  
6 with him, there they used to have discussions; the soldiers never came to the parish. They never  
7 talked about searching the buildings at the parish to threaten us. I do not even think that they knew  
8 that there were refugees in the parish building. So he received us there, and we spent some days in  
9 the parish. I think -- but, personally, I spent just one night. I know the following day I left.

10 Q. So, were you received there at the same time as the Carmelite sisters?

11 A. The Carmelites set up at a house which was located below the house we were lodge at. They were  
12 located closer to Arch Bishop Nsengiyumva, whereas we were occupying a house within the parish  
13 premises, but they were within the arch Bishop building. Rather, I got there at the same time as  
14 brothers\*\*\*\*\*.

15 Q. And is it your testimony that you personally spent just one night there?

16 A. That is correct, I spent just one night there.

17 Q. Why and how did you leave that place?

18 A. The situation was such that at every new location we did not notice any notable change. And when it  
19 was possible for us to move, we would move to another refuge. So, we spent the night at the parish.  
20 But the friend who was with us, Jean Nepo was able to reach the *Hotel des Mille Collines*. He sent a  
21 message to us, via a father known as Jean Chrisostome, in which message he told us refugees at the  
22 *Hotel des Mille Collines* were being evacuated. And if it was possible to reach that hotel, we could  
23 equally be evacuated.

24  
25 Once I read the message, I asked Father Jean Chrisostome whether he could move me right up to  
26 *Hotel des Mille Collines* which was close by. So I asked Father Jean Chrisostome whether he could  
27 help me. So, he offered to lead me there since he had a car and he could move around without any  
28 problem, because there was a roadblock near the *Hotel des Mille Collines*. So he took me right up to  
29 the hotel. And when we arrived at the roadblock, he stopped, greeted the soldiers of the presidential  
30 guard who manned that roadblock. I was about to greet them. So he told the soldiers we were going  
31 to the market, but instead of going to the market we took the direction of the *Hotel des Mille Collines*.  
32 But unfortunately, by the time we got there, the last group of refugees had already been evacuated.  
33 At that time, we were with Brother Hazirerero who decided to return to the St. Michelle cathedral. His  
34 argument was that there he could get food and water which he could not get at the hotel.

35  
36 So I told him that, personally, I could not go back to the St. Michelle cathedral because I had already  
37 crossed that roadblock, thanks to Jean Chrisostome, and I had ran the risk of being stopped if I were

1 to go back. That is how Brother Hazirereo went back to the cathedral. But Jean Demascène joined  
2 me subsequently.

3 Q. You said you were evacuated by the father called Jean Chrisostome. Do you know his complete  
4 names, his full names?

5 A. I can't quite remember his name, his full names. I do not know whether his name was Uwimana. As  
6 a matter of fact, I had not known him before; it was under those circumstances that I got to know him.

7 Q. And do you know where he served as a reverend father?

8 A. At the time he was principle of the St. Andre complex, as well as parish priest of the St. Andre parish.  
9 He is the one who evacuated the Carmelite sisters to the place we have talked about.

10 Q. And when you arrived at the *Hotel des Mille Collines*, whom did you meet there, civilians, soldiers,  
11 elderly persons, young persons, women, children, men; whom did you meet there?

12 A. When we arrived at the Mille Collines Hotel, it was said that there had been many people there, but  
13 UNAMIR had been able to evacuate them to RPF-controlled territory because that was the area that  
14 they had chosen. We arrived at the end of the refugee evacuation exercises. However, there were  
15 some ladies and a few refugees who had been able to sneak in through the fence into the Mille  
16 Collines hotel. The ladies we found there were ladies who had been brought there by their husbands,  
17 who were Hutu; but those women were Tutsi women. We found the women at the *Hotel des Mille  
18 Collines*, and there we stayed with them.

19 Q. Were you in the company of women only; were there no other refugees of the other gender who came  
20 there either before or after you?

21 A. I just talked to you about refugees, which refugees were hiding there, thinking they would be able to  
22 be evacuated by UNAMIR. There were not many, there were about 30 of them. Among them were  
23 men, young people and women. They stayed with us for about two days, then they were taken away  
24 to be killed. However, one old man and his wife were spared.

25  
26 That old man had sons who were heavy built; the attackers asked them whether they were girls or  
27 boys. And his wife said they were girls. The attackers said if they were girls they would be spared,  
28 whereas they were boys. That old man was a medical assistant, and his wife worked in the ministry  
29 of education; their children survived.

30  
31 With regard to the refugees who subsequently came there thinking they would be evacuated by  
32 UNAMIR, they were subsequently killed by the attackers.

33 Q. By which attackers?

34 A. Soldiers, soldiers who got into the hotel compound; they were not *Interahamwe*. They came there  
35 counted the people who were in the hotel. As a matter of fact, it was realised that they had a  
36 comprehensive programme. They counted the hotel occupants, starting with the employees. Then  
37 they placed the refugees aside and they asked the refugees to stand at a particular place; and in the

1 evening they were taken away to be killed.

2 MR. PRESIDENT:

3 Mr. Black.

4 MR. BLACK:

5 I rise, Mr. President, again in the only statement we have from this witness there is not one mention  
6 about this happening at the Mille Collines, not anything about these deaths or attacks, nothing. In  
7 fact, he says -- there is no mention of him even being taken to cathedral St. Michelle. He was  
8 evacuated to *Hotel Milles Collines* in his statement there never even appeared here a cathedral  
9 St. Michelle. So, since there is no disclosure and now there is a new charge, basically, that is  
10 supposed to involve some sort of attack at the *Hotel Mille Collines* which is not anywhere found in  
11 disclosure, we can't have any of this, and my friends knows it. So, why is he leading questions on  
12 this? It is not in the indictment, it is not anywhere.

13 MR. PRESIDENT:

14 Mr. Bâ.

15 MR. BÂ:

16 But this means you did not read anything. On the penultimate paragraph in the French, after talking  
17 about the evacuation to the Mille Collines, this is what he said. "At that time a new wave of refugees  
18 had already arrived at the Mille Collines. Soldiers came to hear about this, so they came to kill them."

19  
20 Once again, this is just a statement, just a precept. I will refer you to the Military I transcript. This is  
21 the same witness, not somebody else, and he is talking about the same thing --

22 MR. PRESIDENT:

23 *(Microphone overlapping)*. You may continue.

24 MR. BÂ:

25 Obliged.

26 BY MR. BÂ:

27 Q. Witness DBJ, for how long were you at the Mille Collines?

28 A. You see we did not count the days. I can't know whether -- or I couldn't know whether it was a  
29 Monday or a Tuesday. When we were at a place where one felt safe and one thought one would not  
30 be killed or attacked, one could sleep, even through there was a risk of being taken by surprise by the  
31 attackers in one's sleep. However I did not count days. I had lost all count of days. I was about to  
32 fetch water to bath and to drink. And if I had tried to estimate the duration of my stay there, I would  
33 say one week; in any case, not more than one week. Very early every morning I would get up to go  
34 and fetch water from the pool, swimming pool. However, I did not count the number of days I stayed  
35 at that hotel.

36 Q. Let me try to help you there. Did you leave late June or early July, if you remember? Now, if you  
37 don't remember, simply say you don't remember?

1 A. With regard to what you just said, I remember that at the Mille Collines Hotel one day at about 10 p.m.  
2 soldiers arrived. You see there are certain events that one can never forget. Soldiers arrived and told  
3 us that the army would carry out its operation from the Mille Colline Hotel. We have vehicles at the  
4 *préfecture* office which will evacuate you to Gisenyi. So, they ordered us out. We started wondering,  
5 asking questions. They ordered us to pack up our things.

6  
7 Someone told me that a soldier had told him they were going to evacuate Kigali city because it had  
8 been surrounded. So, the soldiers had to go to Gisenyi, actually they had to flee. So I wondered how  
9 one would get to Gisenyi without being killed, so I told him I said "Listen, we will go back to  
10 St. Michelle because St. Michelle is located very near the *préfecture* office where the trucks are  
11 located. So, I told them, we will make as though we are going to the *préfecture* office and then go  
12 rather to St. Michelle.

13  
14 I left with \*\*\*\*\* because \*\*\*\*\* had left before us, and he was already at the St.  
15 Michelle church. I and \*\*\*\*\* went to the church; there were no beds so we were not able to sleep.  
16 By the way, we did not plan to sleep. We remained seated right up to the wee hours of the morning.  
17 At that time we saw soldiers, RPF soldiers. It was on the 4th, on the morning of the 4th there were  
18 many RPF soldiers. If this was on the 4th, it meant we left the *Hotel Mille Collines* on the 3rd. So on  
19 the 4th we saw the RPF soldiers. These were soldiers who were not hunting down and killing people,  
20 so I can surmise that we left the Mille Collines Hotel on the 3rd.

21 Q. Witness DBJ, during the months of April, May, June and even early July, did you have a radio set?  
22 Did you listen to radio or were you able to watch the TV?

23 A. Before the war, before 1993, Rwandan television started broadcasting, but it was not properly  
24 operational. It opened for operation only on Saturdays, if I remember properly. In any case, it was  
25 just once a week and very few people had television sets, so we did not have a television set.

26  
27 Now, we had radio sets with which we could listen to Radio Rwanda, RTLM radio, Radio Muhabura  
28 and especially Radio France International which enabled us to listen to information or news, because  
29 it was the most informed. And besides that, after that attackers looted our radio sets and we were not  
30 able to listen to the news. You would understand that we left our various radio sets at the various  
31 places we had taken refuge at.

32 Q. I'm familiar with Radio France International, but what about Radio RTLM and Radio Muhabura, who  
33 controlled them, who managed them?

34 A. RTLM was a new radio station that had just been set up in Rwanda.

35 MR. BLACK:

36 I object, Mr. President. This man is not an expert on the media trial. He has no idea who owned  
37 RTLM; he hasn't got any documents to prove who the shareowners were. He can't say who owned