

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

CASE NO. : ICTR-97-31-T
CHAMBER I

THE PROSECUTOR
OF THE TRIBUNAL
v.
THARCISSE RENZAHO

TUESDAY, 6 FEBRUARY 2007
0845H
CONTINUED TRIAL

Before the Judges:

Erik Møse, Presiding
Sergei A. Egorov
Florence Arrey

For the Registry:

Ms. Marianne Ben Salimo
Mr. Edward E. Matemanga

For the Prosecution:

Mr. Jonathan Moses
Ms. Katya Melliush

For the Accused Tharcisse Renzaho:

Mr. François Cantier
Mr. Barnabé Nekuie

Court Reporters:

Ms. Vicki Eastvold
Ms. Jean Baigent
Mr. Sheriffo Jammeh
Ms. Kirstin McLean
Ms. Judith Baverstock

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MR. PRESIDENT:

Good morning. The Court is in session. Good morning, Mr. Witness.

THE WITNESS:

Good morning, Mr. President.

MR. PRESIDENT:

You will now be cross examined by the Defence.

MR. CANTIER:

Thank you, Mr. President.

Good morning, Witness.

Mr. President, Your Honours, may I start with a few matters pertaining to the witness himself? And perhaps we should sit in a closed session for a few moments.

MR. PRESIDENT:

Yes. Let's do that.

(At this point in the proceedings, a portion of the transcript [pages 2 to 3] was extracted and sealed under separate cover, as the session was heard in camera)

(Page 1 by Vicki Eastvold)

1 MR. PRESIDENT:

2 Witness UI, we are now in open session and we will continue your cross-examination.

3 BY MR. CANTIER:

4 Q. Yes, Witness, I did not quite understand the date you provided for the departure of the White Fathers.
5 Could you please remind the Trial Chamber of that date?

6 A. Thank you, Counsel, but I don't believe you put the question to me regarding the date. I stated that
7 they had not left on the 7th of April, but rather left on the 12th of April 1994. And it is that date that I had
8 provided yesterday.

9 Q. Yes, thank you, Witness. Witness --

10 MR. CANTIER:

11 And if I may, Mr. President, I wish to address the witness for one second.

12 BY MR. CANTIER:

13 Q. Witness, we are -- we sometimes put questions to you that you have already answered. Sometimes it's
14 because our memory fails us, but on other occasions it's because we wish to be certain that this was
15 indeed your answer and we wish for further clarification. So please forgive us if our questions might
16 seem redundant to you.

17
18 Witness, I would now like to move on to a matter which is problematic, as far as I'm concerned, and
19 which is that of the weapons. You testified that you had discovered these weapons in the room of
20 Father Jeff Vleugls, am I correct?

21 A. It is in a room which was adjacent to the office of this father. I would say that it was in his apartment,
22 but not in his room itself.

23 Q. Witness, do you recall the date on which you discovered such weapons?

24 A. I do not recall the date, or -- the exact date, but I would say that it was around the 13th. The 13th, or on
25 the day they left.

26 Q. Witness, did you tell Father Jeff about your discovery, since, from what you testified, you spoke to him
27 on the telephone on several occasions?

28 A. No, I made no mention of that, because for me it was not necessary for me to talk about what he was
29 keeping in his apartment. I thought he was well aware of what was there, much more than me. And
30 there were many things in his apartment apart from the weapons.

31 Q. But, Witness, normally if you discover weapons in the apartment of a priest, it might seem somewhat
32 unusual, don't you think?

33 A. I did not find it strange at all, because ever since I have seen white priests in Rwanda, they always had
34 weapons. I don't see any difference between owning a weapon and owning a car. What might have
35 seemed unusual was perhaps to have a weapon without any permit.

36 Q. Witness, and the pistol which, according to you, was loaded, did that also seem normal to you?

37 A. Counsel, perhaps you should see what the context at the time was. At the time, one would not wonder

whether it was normal or not normal, but we're doing so today because we have the necessary hindsight. But at the time, one would not think that way.

Q. So, Witness, you stated that you had seen permits, am I correct, for these weapons?

A. Yes, Counsel.

Q. Which authority had issued such permits?

A. The permits had been issued by some authority, but I must say I did not pay attention to the signature on the permits.

Q. And, Witness, who were the people to whom such permits had been issued?

A. I do not recall the names. What I do recall is that the names were names of priests.

Q. So there were several names on the permits, Witness?

A. There were three permits, and there was a different name on each permit.

Q. You testified that you knew the priests of this institution; that that is where you attended mass. Could you remind the Trial Chamber of the names of the three priests to whom such permits had been issued, Witness?

A. Counsel, let me just say that those were names of priests that I knew, but I'm not in a position to give you the names right now. But if you want me to give you the names of the priests I remember as being in this centre, I'm ready to do so.

Q. Witness, as you well understand, what I'm interested in right now is to know which names were on the permits you saw, so kindly give us those names.

MR. MOSES:

The question's been asked already about three questions ago, and answered by the witness. The witness said he doesn't remember the names of the persons who -- on the permits. He said he can give the names of priests at the place. But my learned friend's just simply repeated a question which was asked about two minutes ago, and I object on the basis it's been asked and answered.

MR. PRESIDENT:

Yes. Is there anything you want to solicit which we have not already clarified, Defence? We have heard the answer of the witness.

MR. CANTIER:

Mr. President, I wished for the witness to give us the names of the three priests he is thinking about right now.

BY MR. CANTIER:

Q. Witness, could you remind us of the names of those three priests?

MR. CANTIER:

That was the purpose of my question, Mr. President.

THE WITNESS:

Counsel, I told you that I did not remember those names. I understand that you might want to know the names, but I solemnly declared that I would speak the truth, and I'm not in a position to give you those

1 names, because I do not remember them.

2 MR. PRESIDENT:

3 So you do not remember the three names of the priests at the institution, nor the three names on any
4 permits, if there were three names. Is that the evidence?

5 THE WITNESS:

6 Mr. President, I said that I did not remember the three names that were on the three permits.

7 MR. PRESIDENT:

8 And that's understood. Now, do you want the three names of the persons in the institution, Defence
9 Counsel?

10 MR. CANTIER:

11 Mr. President, the answers that were provided to us are sufficient, as far as I'm concerned. I thank you.

12 BY MR. CANTIER:

13 Q. Witness, how many, exactly, were there of those weapons?

14 A. I saw three weapons.

15 Q. Very well. So one pistol, and two hunting guns, am I correct?

16 A. Yes, Counsel.

17 Q. You took the pistol, am I correct?

18 A. That is correct.

19 Q. What about the hunting guns, Witness?

20 A. We left them where we had found them.

21 Q. Witness, this is what you are stating today, but it is not what you stated before the investigators of the
22 ICTR.

23 MR. CANTIER:

24 Mr. President, I wish to refer to the first statement of this witness signed on the 17th of April 1997, on
25 page 2, handwritten. I believe it would be the same reference in the English version.

26 BY MR. CANTIER:

27 Q. "At CELA I was armed with a revolver, and a few others had rifles but no bullets". Witness -- and then I
28 shall put a question to you -- in your second witness statement, dated March 11 1998 --

29 MR. CANTIER:

30 Mr. President, Your Honours, on page 3, second paragraph, last but one sentence of that paragraph.

31 BY MR. CANTIER:

32 Q. "I had a revolver, and some other people had rifles without bullets".

33

34 So, Witness, are you sure that the rifles were not distributed?

35 A. I am positive. Let me say that when we discovered the weapons, I was not alone. I was in the
36 company of another person who took one of the two rifles, but he put the rifle back immediately
37 afterwards because we thought -- we had thought that it might be useful to make use of such weapons,

1 but then we changed our minds. So the person who had taken the rifle put it back where we had found
2 the firearms.

3 Q. Witness, are you sure that you indeed found the weapons in Father Jeff's bedroom?

4 A. Yes, I confirm that, and I believe the fathers themselves could confirm this information if you would put
5 questions to them.

6 Q. Witness, a moment ago I asked you whether you had mentioned this discovery to the priests, and your
7 answer was "no". Did you subsequently mention that question to -- that matter, rather, to the priests,
8 Witness?

9 A. Counsel, could you be more specific? When you're saying "later on", could you be more specific so
10 that I might answer your question?

11 Q. Well, after the 22nd of April of 1994, after you sought refuge at the Saint Paul parish, did you mention
12 this matter of the weapons with the White Fathers?

13 A. I believe I only discussed this issue with one of the fathers one year ago.

14 Q. Witness, do you remember whether you told the investigators that you had found the weapons in
15 Father Jeff's room immediately?

16 A. I remember very well that I told them about the weapons.

17 MR. CANTIER:

18 Mr. President, Your Honours, I wish once again to refer to the first two statements of this witness before
19 the investigators of ICTR.

20 MR. PRESIDENT:

21 Did you understand the question, Mr. Witness? The question was whether you, to the investigators, not
22 only referred to the weapons, but to the fact that you had found them at Father Jeff's place. Did you
23 mention that element to the investigators?

24 THE WITNESS:

25 Mr. President, I believe I did refer to the weapons before the investigators. I do not know whether this
26 was taken note of, but I do believe I did mention it to the investigators.

27 MR. MOSES:

28 Your Honours, can I -- it's an objection that only two of the statements are being put to the witness.
29 There was a third which was made as far back as 1998 which has reference to the specific element,
30 and I think it's unfair to only have two statements made earlier in 1998 without the third one being put
31 before the witness for him to comment on. It's not giving a completely clear picture of events. Thank
32 you.

33 MR. PRESIDENT:

34 That's something the Prosecution will raise in its re-examination. But it's being put that it's taken out of
35 context if you do not also acknowledge that this was mentioned in the third statement.

36

37 Do you have any comment on that, Defence?

1 MR. CANTIER:

2 No, Mr. President. The Defence doesn't sort out any of the statements. What I wish to demonstrate
3 was that at first no reference was made to the discovery of such weapons, and it only was mentioned in
4 the third statement.

5 BY MR. CANTIER:

6 Q. So, Witness, I put it to you that you did not mention where the weapons came from in your first two
7 statements before the investigators of ICTR on the 17th of April 1997 --

8 MR. CANTIER:

9 Mr. President, it's the same reference as previously.

10 BY MR. CANTIER:

11 Q. "At CELA I had a revolver, and a few others had rifles but with no bullets". So that is for the first
12 statement. And in the second statement -- or following the chronological order, 11th of March 1998,
13 first page, "I had a revolver, and a few others had rifles without bullets".

14

15 Witness, what do you say to this reference to the two earlier statements?

16 A. Well, there's no contradiction because I told you where the weapons came from, and I believe we
17 should not waste any time on this matter. All one needs to do is to check with those who had these
18 weapons and who had been issued with permits. They are still alive, and you can check the
19 information with them.

20 Q. Witness, still with regard to the firearms, who knew that they were in your possession?

21 A. I would say that nobody else knew that we had the weapons.

22 Q. Did you make use of them?

23 A. No, we did not. And even amongst the group of refugees, nobody knew that we had those weapons,
24 apart, of course, from that other person who was with me in the room where the weapons were.

25 Q. Witness, let me refer you to those statements you made to the investigators and which are in
26 contradiction with your testimony today.

27 MR. CANTIER:

28 Mr. President, Your Honours, I wish to refer once again to the first statement, the one dated
29 17 of April 1997, as well as the statement of the 11th of March 1998.

30 BY MR. CANTIER:

31 Q. Witness, you stated, "At CELA I was armed with a revolver, and a few others had rifles but no bullets".

32 MR. CANTIER:

33 That is the first statement, Mr. President, Your Honours.

34 BY MR. CANTIER:

35 Q. "We made the militiamen believe the weapons were loaded".

36

37 And in your second statement, Witness, what you say is quite similar. Same reference for the

1 statement of March 11, 1998. "I had a revolver, and a few others had rifles but no guns" (*sic*). We
2 would make the militiamen believe that the weapons were loaded.

3
4 What do you say to that, Witness? What do you have to say about such contradictions?

5 A. Counsel, you have the statements before me (*sic*), and I would request that they be given to me. In
6 addition, let me say that I don't see any contradiction. We wanted the militiamen to believe that we
7 were armed, but the militiamen did not know what type of weapons we had. No one else knew that we
8 had weapons. It is quite easy to have someone believe that you are armed, even though you're not.
9 So let me say that as far as I'm concerned, there's no contradiction between my previous statements
10 and my testimony before the Trial Chamber.

11 Q. Very well, Witness. The Trial Chamber will assess your evidence.

12 A. I have trust in the Judges.

13 Q. Witness, the statements I have just referred you to prove that the situation prior to the
14 22nd of April 1994 around CELA was tense. Am I correct?

15 A. Yes, you are correct.

16 Q. Witness, prior to the 22nd of April 1994, was the site of CELA guarded?

17 A. I thank you. No one was protecting the CELA centre, but the town of Kigali was protected. I believe
18 this is a question you should have put to your client, Mr. Renzaho.

19 Q. Witness, were the neighbouring sites of Saint Paul and *Sainte Famille* protected?

20 A. Counsel, I think you're discarding the fact that I was a refugee, I was not moving about. In a nutshell, I
21 did not know under what circumstances the sites you are referring to were protected.

22 MR. CANTIER:

23 Mr. President, Your Honours, I'm having a problem with my earphones, and with your leave I may need
24 to change them because I can't hear what is being said any longer.

25 BY MR. CANTIER:

26 Q. Witness, since the situation was tense -- I'm referring to the days prior to the 22nd of April -- and since
27 you felt threatened by the militia, did you call the gendarmerie services for assistance?

28 A. Counsel, from the 7th of April on, the administration of Kigali-ville and all the authorities had requested
29 everyone to stay indoors. How do you want us to have the possibility of going to the gendarmerie?

30 Q. Witness, I'm putting this question to you because you explained to us that you were in the sitting room
31 of the PGF (*sic*) and you heard a telephone of Father Jeff. So my question to you was to know whether
32 under such circumstances you contacted the gendarmerie services? Yes or no?

33 A. My answer to you is no. Perhaps the priests who were accommodating us attempted to do so, but we
34 did not make such an attempt.

35 THE ENGLISH INTERPRETER:

36 And for the record, counsel referred to Father Jeff, not PGF.

1 BY MR. CANTIER:

2 Q. So, Witness, you did not seek the assistance of any law enforcement agency? I'm referring to the
3 period following the departure of the White Fathers up until the 22nd of April.

4 A. Counsel, to make things easy for you, let me remind you that on that day, the 22nd of April, the people
5 who killed the young girls at CELA were law enforcement officials, state law enforcement agents.

6 Q. Thank you. Did you try to contact UNAMIR for assistance?

7 A. We tried, but it was proven that UNAMIR was unable to do anything whatsoever.

8 Q. Witness, kindly tell us who from UNAMIR did you call, and when did you place that call?

9 A. Very early on the morning of the 7th we spoke to one Cyprien Rugamba, who had contacts at UNAMIR,
10 and he tried to contact UNAMIR.

11 MR. PRESIDENT:

12 He's not on the list, is he? Cyprien? Cyprien is easy, but the last name, can you spell it, please?

13 THE WITNESS:

14 R-U-G-A-M-B-A. Rugamba.

15 MR. PRESIDENT:

16 Thank you.

17 BY MR. CANTIER:

18 Q. Witness, I have a few questions for you regarding your role. You had explained to us that it was by
19 chance that Father Jeff had spoken to you and handed over to you the keys of the centre. Is that the
20 case?

21 A. Yes, such was my understanding. And I believe -- or I think that such should also be your
22 understanding. If you need further explanations, then you can ask him.

23 Q. But for now, Witness, my questions are for you. Did you approach Father Jeff? How did the meeting
24 take place? There were two or three hundred people, as you said. I would like to know how it came
25 about that you were the one in charge of CELA, the custodian of the keys, and also of the weapons at
26 CELA. That is my question.

27 A. Counsel, when I asked you to ask Father Jeff that question, that was a way of helping you. Concerning
28 the keys and the fact that I may have been a leader at CELA, those are two distinct questions.

29 Normally when you have many people in a given place, they try to organise themselves, which is what
30 we did. I and Albert tried to work together to organise ourselves such that we would not disturb the
31 fathers who were within that vicinity. Now, if you show me the sketch which we used yesterday, I can
32 be of further assistance to you. Also, we tried to prevent the refugees from going to the priests'
33 quarters so as not to disturb them. That was the reason why I and Albert decided to go to the priests'
34 quarters, not for any other reason. Now, if the priest threw the key between me and Albert, I wouldn't
35 know for what reason, and I cannot guess. Thank you.

36 Q. So if we understand you properly, Witness, it is quite a commendable move on your part. You and
37 Albert decided to steer things; that is how you found yourself in contact with Father Jeff. Was that the

1 case?

2 A. Yes, you can say that we did.

3 Q. Very well, Witness. Let us now look at the 22nd of April 1994, the incident wherein you involve
4 Mr. Renzaho. You told us yesterday, Witness, that you were hiding, you were called, you went out, and
5 you went and saw Mr. Renzaho. Was that what happened, in broad strokes?

6 A. Yes. And you can ask him.

7 Q. Witness, there again, you did not give an identical account of this story.

8 MR. CANTIER:

9 And here, Mr. President, Your Honours, we are talking about the witness statement of
10 19th of September 1998. It is actually the third statement of this witness. Page 5. The document
11 K0056482, page 5, ultimate paragraph.

12 BY MR. CANTIER:

13 Q. And this is what you say, Witness: "I can state that Renzaho was requesting to see the person in
14 charge, and it was one of the watchmen at CELA who took the soldiers towards the office of Father Jeff
15 where I was communicating with the people of the Red Cross. Renzaho asked me why I was the one
16 in charge of that refugee site".

17

18 So, Witness, on the morning of the 20th of April, where did you first meet Mr. Renzaho?

19 A. Mr. President, can I take a look at that document, just right out? I am asking if it's possible for me to
20 take a look at that statement.

21 MR. PRESIDENT:

22 I have marked with blue the portion which was just read out to you, Mr. Witness, in French.

23 THE WITNESS:

24 Thank you. I met Renzaho on the road.

25 BY MR. CANTIER:

26 Q. We take note of that, Witness. Now, Witness, yesterday you explained to us that you had gone to hide
27 in the chapel.

28 MR. CANTIER:

29 Mr. President, Your Honours, if we can go back to the sketch distributed yesterday, I wonder if the
30 witness still has a copy thereof before him.

31

32 Mr. Matemanga, could you please give a copy to the witness?

33 MR. PRESIDENT:

34 We are now placing P. 87 in front of the witness.

35 BY MR. CANTIER:

36 Q. So, Witness, from what you told us yesterday -- and that was the last thing you said -- you were hiding
37 in the chapel, and you said you were called. Who actually called you?

1 A. It was a guard who came and called me.

2 Q. So, Witness, was that how you got out of the chapel, that is, the location 3 on the sketch? And was that
3 how you went and met Mr. Renzaho who was in location 1?

4 MR. CANTIER:

5 According to the sketch we had yesterday, Mr. President, Your Honours.

6 THE WITNESS:

7 That's right.

8 BY MR. CANTIER:

9 Q. Witness, yesterday you told us that you knew Mr. Renzaho. But did he know you?

10 A. No, he didn't. I was a very ordinary and little man, so to speak. I don't know how he would have known
11 me.

12 Q. So, Witness, you went up the alley leading to CELA and you crossed the gate, right? And you went
13 right up to the junction, almost, of the tarmac road?

14 A. No, that is not correct.

15 Q. So please tell us the route which you took to get out of the -- your hiding place up to location 1 where
16 you met Mr. Renzaho?

17 A. What is incorrect in what you just said -- to make things easy for everyone -- is that you claim that I met
18 him on the tarmac road that is location 1. Location 1 is situated about 10 to 15 metres from the tarred
19 road. That is where I met him. Otherwise, the route I took to get to that point was properly given by
20 you. I got out of the chapel, went by the stairs, passed the parking lot, and I saw him standing at
21 location 1 where there is a small off-road parallel to the tarmac road.

22 Q. Yeah, Witness, I agree with your construction of the sketch. No problem at all. But you told us,
23 Witness, that the scene occurred at 11 a.m., correct?

24 A. Correct.

25 Q. Witness, in order to go and meet Mr. Renzaho, you got out of the CELA grounds, you crossed the gate,
26 if I remember well the photograph and my knowledge of the lie of the land. Was that the case?

27 A. Yes, that was the case.

28 MR. CANTIER:

29 For the benefit of the Bench, but I believe the Bench has already understood -- actually Mr. President,
30 Your Honours, the gate is between the building on which is written "Current residence of priests" and
31 the other part of the building. On the photograph we saw yesterday, the gate is located here.

32 THE ENGLISH INTERPRETER:

33 And counsel points at something which the interpreter can not see.

34 BY MR. CANTIER:

35 Q. Yesterday, Witness, when you went to see Mr. Renzaho, who accompanied you?

36 A. I remember that I was with the watchman and the soldier accompanying him.

37 Q. So, when you went to meet Mr. Renzaho, was he alone? Or if otherwise, who was he accompanied

1 with?

2 A. At that time Renzaho was not alone. Mind you, he was a colonel. Furthermore, he was the *préfet* of
3 Kigali-ville. He was accompanied by about 12 soldiers and many *Interahamwe*. But it is difficult to
4 make a difference between the *Interahamwe* and members of the population surrounding him. There
5 were lots of people around him.

6 Q. Witness, still for our accurate understanding, at that time, at 11 a.m., that crowd composed of civilian
7 members of the population and *Interahamwe*, did that crowd enter into the CELA grounds, or did they
8 remain outside?

9 A. If my memory is not playing tricks with me, at that time he had not yet entered the CELA grounds, but
10 they had gone around the CELA premises. Some of them were at the gate, but they had not yet
11 entered the premises.

12 Q. Witness, do you mean that some of those people, some of the attackers, had bypassed CELA, had
13 circumvented CELA, and were -- were in the area above the CELA grounds?

14 A. No. The fence you see had not yet been erected. What was there at the time was a barbed wire fence.
15 Now, if you were behind, and there was a barbed wire fence, you could see what was going on inside
16 just as I can see you now.

17 Q. Witness, did you see the vehicle, or vehicles, in which Mr. Renzaho arrived there?

18 A. If I say that, then I would be lying. I did not pay attention to that detail. Furthermore, there were not
19 many vehicles at that place. I think there were vehicles there, but I did not pay much attention to them.
20 My focus was chiefly Renzaho and the crowd surrounding him, not the vehicles.

21 Q. So, Witness, you said there were soldiers, as well as *Interahamwe*, but it was difficult to make a
22 distinction between those two groups of people. Amongst the people accompanying or surrounding
23 Mr. Renzaho, were there gendarmes?

24 A. It is difficult to say to which units the soldiers accompanying Mr. Renzaho belonged. But when we got
25 there, there were four gendarmes in a pickup. But subsequently, I saw Presidential Guard groups in an
26 Iveco vehicle.

27 Q. My specific question, Witness, was to know whether when you arrived at the place to meet
28 Mr. Renzaho there were gendarmes around him. Would you remember that?

29 A. I no longer recall. But what I do recall is that around him were people in military garbs.

30 Q. Were there representatives of the civilian administrative services around Mr. Renzaho?

31 A. Once again, please bear with me. I am unable to answer that question. There could have been, just as
32 it's possible they were not there. There were various people there. Various leaders had been replaced.
33 There were many people that I did not know apart, perhaps, from those of my *secteur* whom I knew. It
34 is possible, I would even say likely, that some of them were there, just as it's likely that they were not
35 there.

36 MR. PRESIDENT:

37 You said that you observed members of the Presidential Guard in a car of the Iveco type. Is that

1 spelled I-V-E-C-O?

2 THE WITNESS:

3 Accurate, Mr. President.

4 MR. PRESIDENT:

5 And what does it mean?

6 THE WITNESS:

7 I don't know.

8 MR. PRESIDENT:

9 That's fine.

10 MR. CANTIER:

11 Mr. President, actually it's the make of industrial type vehicles of the Fiat group. That is Italian.

12 MR. PRESIDENT:

13 The entire courtroom is impressed. Thank you.

14 MR. CANTIER:

15 You're welcome, sir.

16 BY MR. CANTIER:

17 Q. Witness, in the course of that meeting, did you speak with other people than the *préfet*?

18 A. I did not speak with anyone else. It is true that there were other people speaking there, but the only
19 person I was speaking to was the *préfet*. There were *Interahamwe* there speaking aloud and accusing
20 me of everything, but I spoke only with the *préfet*.

21 Q. And, Witness, until you left CELA, which we will come to later, the only person you addressed was
22 Mr. Renzaho, am I correct?

23 A. If you're talking about that time when I was standing there, yes, I only spoke with Renzaho.

24 Q. Witness, you stated yesterday that after this meeting with Mr. Renzaho, you had gone back and you
25 were escorted by a soldier. Am I correct?

26 A. Yes, you are correct.

27 Q. And was it with that soldier that you went to check whether there were trenches in the back part of
28 CELA?

29 A. Yes, that is correct.

30 Q. And so that was the soldier you tried to circumvent, in order to try to escape, am I correct?

31 A. Yes, that is correct. He seemed kind to me, and he was speaking to me kindly.

32 Q. Witness, you recounted this episode to us yesterday; that is to say, your attempt to flee. Why is it that
33 you never mentioned this episode during your previous testimonies?

34 A. When I gave my statements, I was answering the questions that were put to me, so I could not give
35 information on issues that had not been raised. And even in this present testimony, I cannot answer
36 questions that are not put to me.

37 Q. Witness, this attempt you made to escape when you were with the gendarme, you stated yesterday that

1 you had used the tarmac road. Am I correct?

2 A. Yes, Counsel.

3 Q. The tarmac road is the OAU boulevard, am I correct?

4 A. Yes.

5 MR. CANTIER:

6 Mr. President, Your Honours, I wish to refer to the sketch that was distributed to us yesterday and
7 which is quite handy.

8 BY MR. CANTIER:

9 Q. Witness, can you show us your itinerary with the soldier in order to go out of CELA and reach the
10 tarmac road where you met Rose Rwanga, among other people. Can you please show that itinerary to
11 us, please?

12 A. Yes, I can tell you what my itinerary was.

13 MR. PRESIDENT:

14 In order to do this, I suppose the witness should go to the screen over there, and we would place the
15 sketch so that the video booth can show it. We have to draw the curtains.

16

17 Prosecution, if the witness is able to mark his itinerary, can that be done on P. 87, or do you prefer a
18 copy of P. 87 which will then be a Defence exhibit so as not to confuse the evidence?

19 MR. MOSES:

20 I guess it depends how much of the route and subsequent events -- subsequent events are also going
21 to be marked on the map. I don't want it to become a dart board, Your Honour. If it's just this particular
22 route, I have no problem.

23 MR. PRESIDENT:

24 All right. Let's draw the curtain now, please.

25

26 Will you be asking this witness to mark several matters on this sketch, or only this particular itinerary,
27 *Maitre Cantier*?

28 MR. CANTIER:

29 Mr. President, I have made use of this sketch on two occasions already, it is quite useful, and I believe I
30 will use it at least once more, and all this in order to provide clarity.

31 MR. PRESIDENT:

32 Of course, it's good that you use it. The question now is only whether we should use it in a way which
33 leaves written traces. But now we have an extra copy.

34 MR. MOSES:

35 That's a clean copy, Your Honour.

36 MR. PRESIDENT:

37 We have a clean copy of this document now. Please place it on the screen, Mr. Matemanga. And if the

1 witness could now move with his headset over to the screen, that would be helpful.

2
3 While that's being done, about five minutes ago, *Maitre* Cantier, you pointed out where the gate was
4 between the two buildings by referring to the sketch. But in that context, you referred to photographs
5 used yesterday. And it is not clear now on the record whether your point was that there is a
6 contradiction, or lack of clarity compared to the photographs, or whether the photographs confirm what
7 we have heard today. What was the point you wanted to make, please?

8 MR. CANTIER:

9 Mr. President, the photographs confirm the information, but the sketch was not explicit enough as to the
10 presence of the gate, and that is what I wished for the witness to confirm. That the gate was indeed
11 there at the fence of CELA. And this is all I wish to have observed.

12 MR. PRESIDENT:

13 And which photograph in the folder used yesterday was it that, in your view, was not explicit enough?
14 Can we place that on record, as well? Or you maybe should come back to it a bit later if it's
15 inconvenient now.

16 MR. CANTIER:

17 Mr. President, the photograph is explicit. It is the sketch that is not explicit, because the gate does not
18 appear on the sketch. There is a gate which closes the centre, between the two buildings, which does
19 not appear on the sketch.

20 MR. PRESIDENT:

21 But what is the relevant photograph that we could criticise, according to you?

22 MR. CANTIER:

23 The relevant photograph, Mr. President, is photograph number 2.

24 MR. PRESIDENT:

25 Is that the one entitled "Location of fence which is located next to the Ethiopian restaurant"?

26 MR. CANTIER:

27 No, Mr. President. It's photograph number 2 under tab 1. Photograph 2, which is under tab 1 where
28 we see the gate of CELA.

29 MR. PRESIDENT:

30 Ah-ha. But that photograph wasn't used by the Prosecution yesterday, so you are not referring to
31 photograph 2 used by the Prosecution yesterday, but to photograph 2 in this document called P. 6
32 where there is photo book 1 called CELA, and the relevant picture is number 2. Thank you for that
33 clarification.

34
35 All right. Mr. Witness, here comes the question from Defence counsel. We have now clarified
36 something which was not obvious.

1 BY MR. CANTIER:

2 Q. So, Witness, based on this sketch, can you tell the Trial Chamber what route you followed with the
3 soldier in order to leave CELA?

4 MR. PRESIDENT:

5 You may wish to mark it, Mr. Witness, so we have it.

6

7 Is that your wish, Defence Counsel, so you have this on record?

8 MR. CANTIER:

9 Yes, indeed, Mr. President.

10 THE WITNESS:

11 What will I draw with? Is there no problem if I use this pen?

12 MR. PRESIDENT:

13 No problem.

14 THE WITNESS:

15 At the point I just indicated, once we reached that point, we were called back and we retraced our steps
16 and went back to the centre.

17 BY MR. CANTIER:

18 Q. And, Witness, to go back to the centre, did you use the same route?

19 A. There might be a slight correction. We went that way, and then we used the same route. But when we
20 returned, we did not use the exit we had used the first time, but we used another entrance which I have
21 shown here with the arrow.

22 *(Pages 4 to 17 by Vicki Eastvold)*

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1 1015H

2 BY MR. CANTIER:

3 Q. Thank you, Witness.

4 MR. CANTIER:

5 For the time being, Mr. President, I have no further questions on this sketch.

6 BY MR. CANTIER:

7 Q. Witness, at what time do you believe you made this attempt to go out of CELA?

8 A. Once again, the time I will give is an approximate time, but I would say that it was around noon.

9 Q. *(No interpretation)*

10 THE ENGLISH INTERPRETER:

11 Could Counsel, please repeat his question? The interpreters did not get it.

12 MR. PRESIDENT:

13 Could you repeat your question, please?

14 BY MR. CANTIER:

15 Q. I wished to be given clarifications on the time when the -- he exited and the time when he came back, if
16 you please, Witness.

17 A. Counsel, I would be hard-pressed to do that, because I did not look at my watch. But I do not believe a
18 lot of time elapsed between the two events, and the times I'm providing are only indicative.

19 Q. Witness, on your way back, did you see Mr. Renzaho?

20 A. I refrained from looking in the direction where he was, so that our eyes would not meet.

21 MR. PRESIDENT:

22 Was he there?

23 THE WITNESS:

24 I don't know whether he was present when I came out of the CELA centre.

25 BY MR. CANTIER:

26 Q. But, Mr. Witness, you showed the sketch to us. You passed right next to the location where he was?

27 A. Counsel, if you were in my shoes and if you were being hunted down, as I was, I believe you would
28 understand much better what I'm stating to you today.

29 Q. Very well, Witness. So, Witness, you went back to the group of people who had been kneeling, and the
30 group of persons was within the grounds of CELA, as you testified previously, am I correct? I believe it
31 was at location 4 on the sketch.

32 A. Counsel, I no longer have the sketch before me and I would not want to confirm your suggestion,
33 because I might be mistaken. Oh, I have now been given the sketch and I can now confirm that what
34 you have stated is correct.

35 Q. And you explained, Witness, that the group was put on board two vehicles, am I correct?

36 A. Yes.

37 Q. One pickup and one minibus, am I correct?

1 A. Yes.

2 Q. Witness, were these vehicles, those with which arrived -- Mr. Renzaho arrived, or the vehicles which
3 were next to Mr. Renzaho?

4 A. I cannot answer your question. Perhaps, Renzaho could do so. I cannot answer your question,
5 because I was not there when Renzaho arrived at that location.

6 Q. So, Witness, you cannot confirm to the Trial Chamber that the two vehicles, which took the people who
7 had been arrested away, were the vehicles with which Mr. Renzaho and his entourage arrived?

8 A. I cannot confirm that because as I -- I stated that I would speak the truth, and I can only talk about
9 events that I was an eyewitness to.

10 Q. Witness, the two vehicles on which -- on board of which the people were put, you saw them up close,
11 were they military, administrative or civilian vehicles?

12 A. What I am certain of is that the minibus was a civilian vehicle.

13 Q. Witness, you stated yesterday that you had gone on board the pickup. Was the pickup truck also a
14 civilian vehicle?

15 A. It was a white pickup, and there were gendarmes on board. I believe you can draw your own
16 conclusions.

17 Q. Witness, the licence plates of the vehicles, did they show that it was an administrative vehicle belonging
18 to the gendarmes, or a civilian vehicle?

19 A. I did not check, so I don't remember, and I'd rather not remember.

20 Q. Witness, as far as possible, you are before this courtroom to answer our questions, even if they might
21 not be pleasant for you -- and I wish to apologise in advance.

22 A. I also wish to apologise, but you're putting questions to me for which I've already provided an answer.
23 When you're putting the same question to me three times over, I will not continue being polite with you.
24 It is the very minimum --

25 THE ENGLISH INTERPRETER:

26 Adds the witness, in French.

27 BY MR. CANTIER:

28 Q. Witness, who forced you -- you and your comrades, to board the vehicles?

29 A. It was the *Interahamwe* who were there as well as the soldiers.

30 Q. Witness, you stated that there were around 600 attackers on that day. Can you tell the Trial Chamber
31 approximately how many attackers took you to the Muhima gendarmerie brigade?

32 A. There must have around 10 to 12 people who escorted us to the Muhima brigade.

33 Q. Witness, when you arrived at the Muhima brigade, who took charge of you, the militiamen or the
34 gendarmes?

35 A. The gendarmes of the brigade took charge of us.

36 Q. Do you recall, Witness, whether there was an officer of the gendarmerie who appeared to be the person
37 in charge of the brigade on that day?

1 A. I do not recall.

2 Q. Were you under the impression that the gendarmes were controlling the situation or that the situation
3 was, rather, controlled by the militiamen?

4 A. Well, it was not only my feeling, it was clear that the gendarmes were the ones in control.

5 Q. So, Witness, the decision to lock you up was made by the gendarmes?

6 A. Yes.

7 Q. And the decision to take you out of the cell, who made that decision?

8 A. I was not there when the decision was made, so I cannot tell you who was the one who made that
9 decision. What I do know is that the gendarmes were the ones who came to call us and made us -- and
10 took us out of the cell.

11 Q. And once again, Witness, you did not see any gendarmerie officer you could have spoken to?

12 A. Yes, but the gendarmes were present. Let me add, furthermore, that we did not try to contact an officer
13 -- we were in the hands of the gendarmerie.

14 Q. So, the gendarmes were the ones who took you out of the cell, and it was also them who handed you
15 over to the militiamen, Witness?

16 A. Yes, Counsel.

17 Q. And when you went back, was it only with gendarmes or also with militiamen?

18 A. We went back with militiamen only.

19 Q. Witness, did you see Mr. Renzaho at the gendarmerie brigade?

20 A. No, I did not see him at the brigade, and since then, I never saw him again. May I seize this opportunity
21 to ask you to assist me for me to be able to greet him?

22 Q. He heard you, Witness.

23
24 I was putting this question to you, Witness, because on two occasions you stated that you met
25 Mr. Renzaho at the gendarmerie brigade --

26 MR. CANTIER:

27 Mr. President, Your Honours, I wish to refer to the first two statements, dated 17th of April 1997 and
28 11th of March 1998.

29
30 Mr. President, Your Honours, 17th of April '97, document K0058303, the second paragraph:

31
32 "At the brigade, *Préfet* Renzaho asked me who I was and asked the other people who was in charge of
33 CELA."

34
35 And on March 11th 1998, in that statement, reference K0051003, in the middle of the page:

36
37 "We all reached the brigade at the same time. *Préfet* Renzaho asked me who I was and asked the

1 others who was in charge of the CELA."

2 BY MR. CANTIER:

3 Q. Witness, today you're saying that it is incorrect. Why did you make those two first statements?

4 A. Counsel, I need to look at the statement you are referring to. Let -- but let me tell you upfront that it is
5 not correct.

6 Q. Witness, your answer suffices. It was just to underscore the inconsistencies and the difficulties entailed
7 in giving testimony.

8 A. I would like to tell you, sir, that I'm not satisfied. I made that statement regarding the place where we
9 were at location 1, and if you make a linkage between that and what happened at the brigade, then,
10 honestly, that is your business; it does not concern me at all.

11 Q. Witness, were the vehicles used to take you to the morgue the same as the ones which were used to
12 take you to the brigade?

13 A. No, it was one of those vehicles that took us to the brigade.

14 Q. Which of them, Witness, the minibus?

15 A. Yes.

16 Q. Witness, did you pass in front of CELA again during that trip?

17 A. Yes.

18 Q. Were there still attackers then -- at that place?

19 A. It's possible that the attackers were inside the CELA grounds; otherwise we did not see them on the
20 road.

21 Q. And when passing through, did you also see the vehicles which had brought Mr. Renzaho and his
22 escort?

23 A. I don't think we saw vehicles.

24 Q. Witness, I'll seek the clarification from you which may need to have us backtrack a bit. At what time did
25 the assailants enter the CELA premises?

26 A. It is difficult for me to answer that question. I may make an inference -- you can also do the same thing,
27 if we take as a reference the time I'd given you, that is, 11 o'clock.

28 Q. Witness, should I assume that it was after your attempted flight?

29 A. No, perhaps before.

30 Q. Witness, have you ever given testimony in the International Criminal Tribunal?

31 A. Yes.

32 Q. Can you tell us when?

33 A. Last year.

34 Q. Witness, have you ever testified in any Rwandan court?

35 A. Not yet.

36 Q. Does that mean that you expect to testify as a witness?

37 A. When a Rwandan court needs the testimony of anyone whatsoever, the person concerned is informed

1 and does not have the right to turn down that invitation.

2 Q. Witness, have you testified before the Gacaca courts?

3 A. No.

4 Q. Thank you, Witness.

5 MR. CANTIER:

6 Mr. President, Your Honour, no further questions for this witness.

7 THE WITNESS:

8 Thank you.

9 THE ENGLISH INTERPRETER:

10 Says the witness.

11 MR. PRESIDENT:

12 Do you want to use the sketch with the annotations of the witness?

13 MR. CANTIER:

14 Yes, sir.

15 MR. PRESIDENT:

16 Mr. Matemanga, the next exhibit number?

17 MR. MATEMANGA:

18 D. 27.

19 MR. PRESIDENT:

20 Thank you.

21 *(Exhibit No. D. 27 admitted)*

22 MR. PRESIDENT:

23 Re-examination?

24 MR. MOSES:

25 Thank you, Your Honour, just a few brief points.

26 RE-EXAMINATION

27 BY MR. MOSES:

28 Q. Witness, in -- during the cross-examination, you were asked questions about the firearms and it
29 was -- passages from your first two statements were read to you. And it was suggested that you had
30 not said anything about where you had located those weapons in the first two statements.

31 MR. PRESIDENT:

32 Yes, and since you are now raising that, I think we have to ask so that you know before you continue
33 your re-examination, whether the Defence wants to tender also the two statements that they made use
34 of so that we have clarity.

35 MR. CANTIER:

36 Yes, Mr. President, my learned friend can rest assured, I did not seek to dissimulate, and I had made
37 known to the Chamber about the subsequent statement -- the third one, when he talks about

1 discovering the arms in the room of Father Jeff. I would like to tender those statements, Mr. President.

2 MR. PRESIDENT:

3 Let's do that right away then.

4

5 Mr. Matemanga, the first statement of the 17th of April?

6 MR. MATEMANGA:

7 D. 28.

8 MR. PRESIDENT:

9 Under seal, and the year is 1997.

10 *(Exhibit No. D. 28A and D. 28B admitted, under seal)*

11 MR. PRESIDENT:

12 And then, the second statement?

13 MR. MATEMANGA:

14 D. 29.

15 MR. PRESIDENT:

16 And that one is dated 10th March 1998, still under seal.

17 *(Exhibit No. D. 29A and D. 29B admitted, under seal)*

18 MR. PRESIDENT:

19 And now your questions, please?

20 MR. MOSES:

21 Well, bearing in mind the concession made by my learned friend, I'm wondering whether it may be
22 of -- it may shorten matters if I simply request that the third statement be tendered, if there is no
23 objection to that.

24 MR. PRESIDENT:

25 There is no objection.

26 MR. CANTIER:

27 No, Mr. President, what I tried to do was to show the witness's inconsistent statement. Rather, I am
28 quite amenable to the document being admitted.

29 MR. MOSES:

30 Apart from the firearms, there is one other matter which it may be that my learned friend will concede
31 also, that -- in that third statement, the witness pointed out that there was an error in the previous two
32 statements as to where he met Renzaho and that, in fact, he did not meet him at Muhima brigade, but
33 that the meeting took place at CELA. And if my friend concedes that point as well, then it would also
34 save us some time.

35 MR. CANTIER:

36 You see, my learned friend, let me say that I don't want to make a pleading here, but I just tried to
37 demonstrate how this witness could change statements, so I agree that this be pointed out.

1 MR. MOSES:

2 Thank you for that.

3 MR. PRESIDENT:

4 We have this third statement here, Mr. Moses. Which page is that of the English version?

5 MR. MOSES:

6 Page 5, the second paragraph -- well, perhaps the third paragraph commencing on 20 April 1994. It is
7 the second sentence.

8 MR. PRESIDENT:

9 All right, thank you.

10 BY MR. MOSES:

11 Q. Witness, during your cross-examination you were asked whether you saw Renzaho as you were being
12 led by the soldier on your way to try and escape -- and on your way back. My question for you is, did
13 you try and look for Renzaho?

14 A. Thank you. I tried to refrain from looking at Renzaho as well as the other people -- the direction where
15 they were.

16 Q. Why was that?

17 A. I avoided looking in that direction, because that soldier had attempted to assist me in my escape.
18 Those people had seen me, and I was trying to get out of that situation before those people realised
19 that it was me.

20 MR. MOSES:

21 Finally, I'm wondering whether the witness could be shown the book of photos and, in particular,
22 photograph 2 of the booklet on -- regarding CELA. It's photo book number 1 to do with CELA.

23 MR. PRESIDENT:

24 Have you got photograph number 2 in front of you now, Mr. Witness?

25 THE WITNESS:

26 Yes, Mr. President.

27 BY MR. MOSES:

28 Q. Do you recognise the gate that is shown in photograph 2?

29 A. Yes.

30 Q. And was that there in 1994?

31 A. No, but the entrance has not -- changed the location, the entrance has just been modified.

32 MR. MOSES:

33 And I'm wondering whether the witness could also be shown the Prosecution exhibit, which was the
34 sketch of CELA, P. 87. He may have it in front.

35 BY MR. MOSES:

36 Q. Do you have that P. 87 in front of you, Witness? Sorry, it's the sketch plan where you had drawn the
37 numbers.

1 A. This one?

2 Q. Yes. Now, I'm wondering whether you could -- in fact, you could draw a number 7 on that sketch plan
3 to point out where that entrance is in respect of the -- the plan which is before you?

4 MR. MOSES:

5 Perhaps, the registry could just show the parties and Their Honours where you've marked.

6

7 Mr. Matemanga, I'm wondering whether you could assist, please, in just taking the sketch where he has
8 marked number 7 and show it to counsel, Their Honours -- and the Defence.

9 MR. PRESIDENT:

10 So, have you now, Mr. Witness, taken that paper out of the plastic folder and added a number 7, have
11 you done that now?

12 THE WITNESS:

13 That's right.

14 MR. PRESIDENT:

15 Any other questions?

16 MR. MOSES:

17 One -- just a clarification, Your Honour, at 9:34:16 of the transcript --

18 BY MR. MOSES:

19 Q. Mr. Witness, a question was asked of you, which was:

20

21 "So, you did not seek the assistance of any law enforcement agency? I'm referring to the period
22 following the departure of the White Fathers up until the 22nd of April."

23

24 The answer recorded in the English is:

25

26 "Counsel, to make things easy for you, let me remind you that on that day, the 22nd of April, the people
27 who killed the young girls at CELA were law enforcement officials."

28

29 Now, I just want to know whether -- did you refer to young girls in your answer?

30 A. Yes, I mentioned young girls killed at CELA centre on the 7th of April 1994.

31 Q. Earlier I think you'd referred to girls being killed at JOC -- JOC. Are they different from the girls killed at
32 CELA?

33 A. Please bear with me, I wanted to refer, rather, to the young girls who were killed at the JOC.

34 MR. CANTIER:

35 This is an objection, because it is actually correcting the testimony. This is not further examination.

36 MR. MOSES:

37 Your Honour, I was merely trying to clarify whether or not reference to young girls was correct or not,

1 bearing in mind there'd been reference to the 22nd of April.

2 MR. PRESIDENT:

3 Yes.

4 MR. MOSES:

5 At CELA.

6 BY MR. MOSES:

7 Q. Were there any young girls killed at CELA on the 22nd of April, to your knowledge?

8 A. No, no one was killed in my presence at the CELA centre. Perhaps, people were killed after I had left,
9 but during my stay there, no one was killed there.

10 MR. MOSES:

11 Thank you, Your Honour, those are the matters I wanted to clarify.

12 MR. PRESIDENT:

13 We will enter the statement of 19 September 1998, the third statement of the witness, as the next
14 Prosecution exhibit. Mr. Matemanga?

15 MR. MATEMANGA:

16 P. 88.

17 MR. PRESIDENT:

18 Under seal, and in all these three exhibits, both the two tendered by the Defence and the one now by
19 the Prosecution -- the original signed by the witness is the one in French, English being the translated
20 versions. So, the French versions in those three will be the A version and the English the B version.
21 *(Exhibit No. P. 88A and P. 88B admitted, under seal)*

22 MR. PRESIDENT:

23 Mr. Witness, this was the end of your testimony. We would like to thank you for having come the long
24 way to Arusha to testify. We wish you a very safe journey home. Please do not discuss your testimony
25 with anyone. Thank you very much.

26 THE WITNESS:

27 I thank you, Mr. President and the members of the Bench.

28 *(Witness excused)*

29 MR. PRESIDENT:

30 The pseudonym of the next witness is?

31 MS. MELLUISH:

32 Your Honour, it's AWX.

33 MR. PRESIDENT:

34 We will then have the 11 o'clock break now and start with that witness afterwards. Open or closed?

35 MS. MELLUISH:

36 Open, Your Honour.

37

1 MR. PRESIDENT:

2 Very good, the Court is adjourned for about 20 minutes.

3 *(Court recessed from 1057H to 1126H)*

4 MR. PRESIDENT:

5 Good morning, Madam Witness.

6 THE WITNESS:

7 Good morning.

8 MR. PRESIDENT:

9 You will be referred to as Witness AWX in these proceedings. You have to tell the truth and the registry
10 will now take your solemn declaration.

11 *(Declaration made by Witness AWX in Kinyarwanda)*

12 MR. PRESIDENT:

13 You have a document in front of you, there, Madam Witness, with your signature, isn't that so?

14 THE WITNESS:

15 Yes, I do.

16 MR. PRESIDENT:

17 So the information in this document is correct, isn't that so?

18 THE WITNESS:

19 Yes, the information is correct.

20 MR. PRESIDENT:

21 Mr. Matemanga.

22 MR. MATEMANGA:

23 P. 89.

24 MR. PRESIDENT:

25 Under seal.

26 *(Exhibit No. P. 89 admitted, under seal)*

27 MR. PRESIDENT:

28 Thank you.

29

30 Prosecution?

31

WITNESS AWX,

32

first having been duly sworn,

33

testified as follows:

34

EXAMINATION-IN-CHIEF

35 BY MS. MELLUIISH:

36 Q. Madam Witness, as of the 1st of April 1994, with whom were you living?

37 A. I was living with my parents, where we lived --

1 THE ENGLISH INTERPRETER:

2 And the witness mentioned the *secteur*, says the booth.

3 THE WITNESS:

4 And I left home on the 10th of April -- or, the 11th of April to go to the *Sainte Famille* church. But, at a
5 given point in time, the number of refugees increased. We stayed there until the month of May.

6 MR. PRESIDENT:

7 We will now listen very carefully to the questions and only answer the question, not provide additional
8 information --

9 THE WITNESS:

10 (*No interpretation*)

11 MR. PRESIDENT:

12 -- shall we agree on that, Madam Witness -- and you have responded, thank you very much indeed.

13 I think the record is all right as it is; we do not need to strike out anything.

14

15 What is the next question?

16 BY MS. MELLUISH:

17 Q. Before you left your home on the 10th or the 11th of April, was it only your parents that you were living
18 with, or was there anyone else living in that house?

19 A. I was living with my parents and my brothers and sisters.

20 Q. Now, do you recall what happened to make you leave your home on the 10th or the 11th of April?

21 A. Our parents were killed during the early days of the month, and when there was the attack by the
22 *Inkotanyi*, everyone left the area and we went to the *Sainte Famille* church and we were housed inside
23 the church itself.

24 Q. Okay, now, who was it that killed your parents, do you know?

25 A. My parents were killed by the *Interahamwe* of our locality.

26 THE ENGLISH INTERPRETER:

27 And, once again, the witness has mentioned the name of the locality, says the interpreter.

28 MR. PRESIDENT:

29 Madam Witness, we really do not want you to mention places which could identify you -- such as,
30 neighbourhoods, *cellules*, et cetera. So please be careful, will you?

31 THE WITNESS:

32 Very well, Mr. President.

33 BY MS. MELLUISH:

34 Q. And do you know why it was that *Interahamwe* killed your parents?

35 A. The Tutsis were being hunted down, and my parents were Tutsi.

36 Q. Now, when you got to *Sainte Famille*, what did you find there?

37 A. There were Tutsi refugees and other refugees who had gone there to seek refuge, and we joined the

1 group of refugees inside the church.

2 Q. And can you recall for how long you stayed at *Sainte Famille*?

3 A. I stayed at *Sainte Famille* until the end of the war.

4 Q. Now, while you stayed at *Sainte Famille*, did anything in particular happen to you?

5 A. Yes.

6 Q. Could you tell us what that was?

7 A. Renzaho arrived with a vehicle filled with soldiers, and when they arrived, he asked them to unboard
8 and start working. And the soldiers entered when we were at the entrance, fetching water. And since
9 at our arrival, we had given our identity cards that proved that we were Tutsi, Father Munyeshyaka
10 called our names and we were taken behind the church in a building that was there. And when we got
11 there, myself and my older sister were raped.

12 Q. Now, can you recall in what month this took place?

13 A. It was during the month of May.

14 Q. Now, you said that Renzaho came with soldiers and he asked them to start working. Did you yourself
15 see Renzaho?

16 A. Yes, I did. He was a bit far, but I did see him.

17 Q. Can you estimate how far away he was from you?

18 A. I would say, ten steps away.

19 Q. And how was it that you knew this man to be Renzaho?

20 A. Father Munyeshyaka told us on the spot that Renzaho had ordered that all the people whose names
21 were read out should come forward. The men were put on one side, whereas we were led in towards
22 another direction, and we were subsequently raped.

23 Q. When you say "we", how many people are you talking about? You said: "We were led away and we
24 were subsequently raped."

25 A. My elder sister and I, as well as one cousin, were the ones who were led away.

26 Q. And who was it that led you away?

27 A. The soldiers who had arrived on board the vehicle with Renzaho. The other soldiers had taken the men
28 away and they were killed, because we never saw them again. Whereas we were led away by a group
29 of two soldiers further down from the French complex.

30 MR. PRESIDENT:

31 Did this happen in the first half of May, the second half of May, can you help us?

32 THE WITNESS:

33 It was towards the end of May -- I believe that is when this event occurred.

34 MR. PRESIDENT:

35 After the 20th, for instance?

36 THE WITNESS:

37 Around the 24th -- around the 24th of May, even though my memory does not permit me to give any

1 specific date, but I would say that it was around the 24th of May.

2 MR. PRESIDENT:

3 Thank you.

4 BY MS. MELLUISH:

5 Q. Now, can you explain what you mean by the "French complex"?

6 A. During that period, it was said that the houses were watched over by watchmen, and the watchmen
7 were those who would give the keys to the houses to the soldiers, and the soldiers would take us in --
8 inside, and it was behind the *Sainte Famille* church in the Kiyovu neighbourhood.

9 Q. Now, I need you to help us, to try to be as clear as possible about your story. Was -- was this the first
10 time that on -- on, perhaps the 24th of May, that you were taken to such a house?

11 A. Yes, it was the first time.

12 Q. Now, can you recall the area in which these houses you've mentioned were located?

13 A. Yes.

14 Q. Could you tell the Court, please, what area that is?

15 A. Yes.

16 Q. Can you give us the name of the area?

17 A. It was in the Kiyovu neighbourhood, which is also called the Kiyovu of the wealthy. When you head
18 towards the headquarters of the national bank of Rwanda -- and that was where the official residences
19 were. And in order to have access to this neighbourhood, one had to cross the tarmac road at the
20 place known as *Péage*.

21 Q. So, are you able to estimate how far away from *Sainte Famille* these houses were?

22 A. It was at walking distance of five minutes for someone walking at a normal pace.

23 Q. Now, you said that the three of you were led away by two men. Was this while Renzaho was still at
24 *Sainte Famille* or was this later?

25 A. Renzaho dropped his soldiers at the *Sainte Famille* church, and you'll understand with me that when we
26 saw that, we went inside the church, and they started calling out the names that were on a list. And we
27 did not see Renzaho again because we were faced with our own problems immediately. Some people
28 were killed, whereas others were led to a place unknown to us. So it was not Renzaho who took us to
29 that place, but, rather, the soldiers he had brought with him, they were the ones who did it.

30 Q. Now, can you remember what time of day -- for example, morning, noon, afternoon or evening -- it was
31 that Renzaho arrived with the soldiers?

32 A. When Renzaho arrived, it was around 2:00 in the afternoon, but it was only around 5:00 that the
33 soldiers took us to the houses I referred to, because between the arrival and our departure, there was
34 the sorting out operation and the names of people who were to be led away being called out.

35 Q. Were you taken to one house or more than one house?

36 A. Each would go with her abductor, and when we would be released, we would join one another and our
37 attackers would take us back to the site.

1 Q. Now, on this first occasion that you were taken to a house, what happened to you when you got to that
2 place?

3 A. The soldier who was taking me there -- and, I had heard that he was a member of the
4 Presidential Guard and that he was posted at the residence of General Major Nsabimana -- when we
5 arrived there, he undressed me and he raped me. He left me inside the room -- he would leave me
6 inside the room, he would close it, and he would put it under lock and key, then he would go out and
7 come back again.

8 Q. Were you raped more than once?

9 A. I was raped twice.

10 Q. And for what period of time were you kept inside this house?

11 A. Two days.

12 Q. And at the end of those two days, what happened to you?

13 A. A soldier came, asked me to put my clothes on, and took me back to the *Sainte Famille* church.

14 Q. And what about your sister, did you learn what had happened to her while you had been locked up in
15 that house?

16 A. When I was locked up in the house, she was taken back to the *Sainte Famille* church, but then they
17 came to take us again, and subsequently she was killed.

18 Q. How long after the first time that you were taken to one of those houses was it that they came to take
19 you again?

20 A. When they came to take us for the second time, it was around the 15th of June, and it is on that
21 occasion that she was killed. She did not come back with me and my cousin -- our cousin.

22 MR. PRESIDENT:

23 On the first occasion, Ms. Witness, were you then alone in that room with the soldier or was there
24 anyone else there -- for instance, your sister?

25 THE WITNESS:

26 We were not in the same room, she was taken away by one soldier and I was led away by another one.

27 BY MS. MELLUISH:

28 Q. On the 15th of June -- or, around the 15th of June, was it the same soldiers or different people
29 altogether who took you away from *Sainte Famille*?

30 A. It was the same soldiers. They had become used to us, so to speak, and they were the ones who
31 would always take us away.

32 Q. On that occasion, for how long did you remain at the house?

33 A. Two days.

34 Q. And during that time, while you were at the house, what happened to you?

35 A. This soldier took me to that house, he would leave me there, and then he would come back and he
36 raped me during two days. But, in the meantime, he would lock me up in the house, he would go and
37 he would come back afterwards.

- 1 Q. Now, that time you were taken from *Sainte Famille*, was your sister also taken to one of the houses or
2 the same house?
- 3 A. I told you that we were not raped in the same house. Each soldier would go to a different house, and
4 we would only meet afterwards.
- 5 Q. And after the 15th of June, when you were released from the house, did you see your sister again?
- 6 A. No, I never saw her again. I only saw her dead body amongst those that were being brought at the
7 *Sainte Famille* church -- in a wheelbarrow. And since she was quite tall, her legs were very visible; they
8 were hanging out of the wheelbarrow. And on that occasion, I once again saw Renzaho, who was
9 saying that the dead bodies were to be buried rapidly because the white people might see them, and it
10 is on that occasion that I saw Renzaho again.
- 11 Q. Why were there bodies in a wheelbarrow at *Sainte Famille* at that time?
- 12 A. Dead bodies were being carried from the locations where people had been killed in order to put them
13 into pits, and those who were entrusted with that task, would go back.
- 14 Q. And how -- how long after the 15th of June was it that you saw your sister's body in a wheelbarrow?
- 15 A. When I went back to the *Sainte Famille* church, I did not see her, whereas usually, that was where we
16 would meet again. During our stay, we would go and fetch water at the CELA centre, and it was on one
17 of those occasions that I saw her dead body in the wheelbarrow, because I remembered the clothes
18 she was wearing. So I recognised her, but I did not say anything.
- 19 Q. Can you give us an approximate number of days after you last saw her? Are we talking about a couple
20 of days, or a week, or a month?
- 21 A. When I went back to the church, she had not come back, but I thought she would come back one day.
22 And, subsequently, I saw her body among the other dead bodies that were being taken out of the
23 wheelbarrow. There were around four dead bodies and it was her body that was on top.
- 24 Q. Please try to answer this question, Madam Witness, I'm asking how many days after you last saw her
25 alive, was it that you saw her dead? Can you estimate?
- 26 A. Two days. If I saw her alive on the 16th, I would have seen her dead body on the 18th.
- 27 Q. Now, you said that at the time that you saw your sister's dead body, you saw Renzaho -- or, Renzaho
28 said something. Can you explain that, please? Where was Renzaho?
- 29 A. I do not know whether you know of the CELA centre, it is downhill from the *Sainte Famille* church, and
30 that is where Renzaho was standing with the soldiers who were ensuring his safety and were beside
31 him.
- 32 Q. Now, you said that he spoke, did you hear that yourself?
- 33 A. Yes.
- 34 Q. And to whom was he speaking?
- 35 A. He was speaking to the people who were carrying the dead bodies in the wheelbarrows in order to put
36 them in the pits.
- 37 Q. Now, after this second occasion when the soldiers took you to the house in Kiyovu, did anything like

1 that happen to you again while you were at *Sainte Famille*?

2 A. I told you that I was raped. I already described to you the conditions under which I was raped.

3 Q. But were you raped again after the 18th of June?

4 A. From the date on which my elder sister died, I lived with the other refugees until the end of the war.

5 Q. And during that time, were you raped again or not?

6 A. I went back to the group of refugees and I stayed with them. So I was not raped again after the 18th of
7 June. I might be mistaken regarding the date, but I believe those events took place on the dates I
8 mentioned previously.

9 Q. Now, besides yourself and your sister, were you aware of any other girls or women at *Sainte Famille*
10 being raped or other otherwise sexually abused while you were staying there?

11 A. Yes, there were. But, you see, the problem is that we did not know one another.

12 Q. How often do you think that women at *Sainte Famille* were raped?

13 MR. PRESIDENT:

14 Based on what you know.

15 THE WITNESS:

16 I know the number of times when I was raped. Perhaps, the other victims know under what
17 circumstances they were raped. There were some people who were even -- who died, subsequently.

18 BY MS. MELLUISH:

19 Q. What is it that makes you think that other women were raped?

20 A. Do you think that whenever they returned to the group of other refugees they would not talk about the
21 ordeal they had gone through? Whenever we returned, we would give an account of the ordeal we had
22 been subjected to.

23 Q. So, did you hear of such accounts frequently or only occasionally?

24 A. I heard of such accounts on many occasions. For instance, my cousin died of AIDS in 2001. She
25 returned home with that disease and the disease killed her.

26 Q. Now, you mentioned earlier, Father Munyeshyaka. Who was he?

27 A. Father Munyeshyaka was the one reading out our names, because when we arrived there, we gave
28 him our identity cards containing our names as well as our ethnicities. So, he would read the name of X
29 or Y and tell the person to follow the soldiers. So that priest was the one coordinating everything,
30 because if the priest did not read out your name, you won't be taken away.

31 Q. Was he aware of what was happening to you and the other women, as far as you know?

32 A. He was in the know.

33 Q. And just to clarify for us, why do you say that?

34 A. You want to know why I said he was in the know? Is that your question, ma'am?

35 Q. Yes, please, Witness.

36 A. It is because before they took us away, they said to us: "Your time has come, you should pray because
37 we are taking you away." So, if someone says such a thing to you, then he knows what is going to

1 happen to you and where you will be taken to.

2 MR. PRESIDENT:

3 Who were "they"?

4 THE WITNESS:

5 The soldiers who had been brought by Renzaho. They were the ones, they knew our faces -- and
6 whenever they came, they would ask for us and we were told: "Go on, follow them."

7 BY MS. MELLUISH:

8 Q. But how is it that you say that Father Munyeshyaka knew what was happening to you?

9 A. Because before we left, he would say: "The people whose names have just been read, have to leave --
10 they will be taken away." Then, he would say: "Well, dear Christians, your time has come, so you have
11 to pray."

12 MR. PRESIDENT:

13 And did he hear the remark of the soldiers, "Your time has come, you should pray", did the soldiers say
14 that as well, or was it only he who said that?

15 THE WITNESS:

16 When the priest called out our names, the soldiers, who had to take us away, were outside. So I think
17 they told him they were coming for us, and the priest would tell us, "Dear Christians, you need to pray,
18 they've come for you." It was the priest telling us that, and that priest carried a pistol in his belt, and
19 apparently that did not pose any problem to him, even though he was a priest.

20 MR. PRESIDENT:

21 And who was that priest?

22 THE WITNESS:

23 He was known as the priest of the youths, but his name was Wenceslas Munyeshyaka. He was based
24 at the *Sainte Famille*.

25 BY MS. MELLUISH:

26 Q. Now, after July 1994, what state of health did you find yourself in?

27 A. I was infected with the AIDS virus, it is really unfortunate, very unfortunate, I dare say, but there's
28 nothing I can do about it.

29 Q. Thank you, I have no further questions for you.

30 MR. PRESIDENT:

31 Thank you.

32

33 Defence?

34 MR. NEKUIE:

35 Thank you, Mr. President.

36

37

CROSS-EXAMINATION

- 1
- 2 BY MR. NEKUIE:
- 3 Q. Good day, Witness.
- 4 A. Good day.
- 5 Q. Witness, you said that after the 6th of April you stayed at your home until the 11th -- it was on the 11th
- 6 that you went to the *Sainte Famille*; correct?
- 7 A. Correct.
- 8 Q. While you were there, Witness, without you giving us the name of the area, you mentioned an *Inkotanyi*
- 9 attack. Can you tell the Chamber what was the impact of that attack in the area where you were?
- 10 A. An armoured vehicle was set ablaze in that area, we saw everyone running helter-skelter. We did not
- 11 even know who the *Inkotanyi* were, we followed everybody. Some people took refuge in the
- 12 classrooms -- but we just followed the people who were running away.
- 13 Q. Thank you, Witness. How many people were seeking refuge, the way you looked at the crowd? Were
- 14 they in their hundreds or in their thousands?
- 15 A. They were all ethnic groups there, Hutu and Tutsi, huge numbers of people. They were running
- 16 helter-skelter; it's difficult to give an estimate of the number.
- 17 Q. Thank you, Witness. Talking about yourself, when you decided to take shelter at the
- 18 *Sainte Famille* parish, were you in the company of some of those people?
- 19 A. Which people are you referring to?
- 20 Q. I'm talking about the huge numbers of people who were seeking refuge here and there from your area.
- 21 A. Yes, I saw some of them, but we did not stay at the same place. Some people who were not very much
- 22 wanted, remained in the classrooms.
- 23 Q. What about you, Witness? Where in the *Sainte Famille* premises did you take shelter, precisely? Was
- 24 it in the church or in the adjacent buildings?
- 25 A. Inside the church, but from time to time, we would go out to fetch water, but that was not often.
- 26 Q. While you were at the *Sainte Famille*, you say in a nutshell that you saw Mr. Renzaho twice, is that
- 27 what we understand?
- 28 A. Yes.
- 29 Q. And you say you saw him the first time on the 24th of May 1994, correct?
- 30 A. Correct.
- 31 Q. And talking about the second time, Witness, before we go into detail regarding the times you saw him,
- 32 was it around the 18th of June 1994? Are you sure it was around the 18th of June 1994?
- 33 A. It is possible that I was mistaken regarding the date -- and for that I apologise, but I'm certain it was in
- 34 the month of June.
- 35 Q. Witness, do you remember giving any statement to investigators of the ICTR regarding the second time
- 36 you saw Mr. Renzaho?
- 37 A. Did you say I mentioned Renzaho in my interview with investigators? I didn't quite understand your

question, sir.

Q. Witness, my question to you was to know whether during the interview with the investigators of the Office of the Prosecutor of this Tribunal, you mentioned the second time when you met Mr. Renzaho, that is, in June 1994?

A. Yes.

Q. Do you also remember telling them that it was on the 18th of June 1994 that you found your sister's remains?

A. I did not give them the date, rather, I told them I saw her two days afterwards.

Q. Witness, I'm going to read out certain portions of your statement, dated -- or, signed on the 10th of February 2005. The statement was actually recorded on the 7th of February 2005 by investigators of the Office of the Prosecutor.

MR. NEKUJE:

And Your Lordships, it is the French version of the document with the dates I have indicated, and the reference is K0354964. More specifically, I'm on page 3 with reference number K0354966. I would like to read a portion of the third paragraph of the French version to the witness.

(Pages 18 to 36 by Jean Baigent)

1 1215H

2 BY MR. NEKUIE:

3 Q. Witness, this is what you said in your interview: "I remember that on the 25th of June 1994, I was taken
4 again to the same house by military men and raped once." And you kept on saying as follows: "The
5 only person I knew from among the group was one *Interahamwe* called Joel. (*By order of the Court,*
6 *this name has been extracted and kept under separate cover*) was killed after being raped. Two days
7 after being taken away by the men, I saw (*By order of the Court, this name has been extracted and kept*
8 *under separate cover*) dead body in a wheelbarrow." Witness, is it your evidence today that those
9 events occurred, rather, on the 18th of June and not on the 25th of June?

10 A. Counsel, I told you to keep the month. You can forget the dates. You know under such circumstances,
11 it is not easy to remember the dates. We did not write down the dates while we were being threatened
12 with death.

13 MS. MELLUISH:

14 Your Honours, could that name be extracted from the record? It was referred to twice, I think.

15 MR. PRESIDENT:

16 Yes, we will place that under seal, and when it comes to the spelling of that name, it is on the list --

17 MS. MELLUISH:

18 It is on the list.

19 MR. PRESIDENT:

20 -- and it could be found there without mentioning the number. Please, do not transmit this sequence.

21 Yes.

22 MR. NEKUIE:

23 I am obliged, Mr. President.

24 BY MR. NEKUIE:

25 Q. Witness, without you focusing on any particular date, can you say whether the event you were giving
26 account of before this Chamber occurred towards the middle of the month of June or the end of that
27 month?

28 A. I think it was in the middle of the month, because a few days afterwards the *Inkotanyi* captured the town
29 and we returned home. I think it was in June.

30 Q. Madam Witness, did you mention in your statement that the *Inkotanyi* captured the town a few days
31 afterwards?

32 A. Nobody asked me when the *Inkotanyi* arrived. I explained what I lived through during the war and you
33 have asked me whether it was in the middle of the month, and my answer to you was that sometime
34 later on we returned home.

35 Q. The *Inkotanyi* captured the town in early July. When you say "a few days afterwards", according to you,
36 how many days elapsed between the time when you went through such unfortunate events and the
37 capture of the city by the *Inkotanyi*?

1 A. I no longer remember how many days elapsed. You see, I did not count to know how many days after
2 the attack against us the *Inkotanyi* took the town. I remember that after that incident I was not in any
3 way disturbed until the day we went back home.

4 Q. Would you say that less than ten days elapsed before you returned home, Witness?

5 A. More than ten.

6 Q. Very well. Now, Witness, let us go back to that first time when you saw Mr. Renzaho on the
7 21st of May 1994. On board which vehicle was Mr. Renzaho and where had the vehicle stopped when
8 you saw him and you heard him make the utterances?

9 A. He was in a Hilux-type vehicle. I think that was how the vehicle was known. He was sitting in the cabin
10 in front. So he came there and stopped. There were people in the vehicle in military attire and carrying
11 guns. Renzaho got out of the car. He was not in military attire. He stood near the vehicle and he told
12 the people, "Do your job". Besides, he was not wearing any beret or any cap.

13 Q. Where were you standing, or where were you when the vehicle arrived? And did that vehicle come with
14 a bus load of soldiers because you mentioned another car coming with soldiers?

15 A. I saw Renzaho got out of a Hilux vehicle. He was in the company of many other soldiers. I heard him
16 tell the soldiers, "Get out fast, go and do your job." So we immediately went into the church and the
17 soldiers followed us. And very rapidly, a list was read out.

18 MR. PRESIDENT:

19 I understand that there is a need to remember the pause.

20 MR. NEKUJE:

21 Yes, Mr. President, I think we can actually take an adjournment so that I can continue the exercise this
22 afternoon.

23 MR. PRESIDENT:

24 I said "pause" meaning that you need to take a break of about five seconds between questions and
25 answers. That is what I meant.

26 MR. NEKUJE:

27 I didn't quite understand that, Mr. President, but you see, at the same time I was looking at the clock
28 and I realise it is 1 p.m. So should I move on? Oh, I'm sorry, it is not 1 p.m. My apologies,
29 Mr. President. I thought it was 1 p.m. My apologies, sir.

30 BY MR. NEKUJE:

31 Q. Witness, actually I wonder if you answered the question which I put to you without actually waiting for
32 the end of your answer. Had you already answered me, Witness, or do you want me to rephrase that
33 question of mine?

34 A. I think your question has been answered by me already, but if you did not understand the answer, ask
35 the question again and I would answer it again.

36 Q. Tell me, Witness, when Mr. Renzaho arrived there in that vehicle which you described, did he stop
37 close to the office where you were? Is that correct?

1 A. He stopped not far from the place where we were. We had gone to fetch water. That is why I saw him
2 and I heard him tell the soldiers, "Go and do your job", and they immediately entered the church.

3 Q. So can you be more specific regarding the location you went to fetch water? Was it at the same
4 location the vehicle stopped and where was it situated within that premises?

5 A. No. Actually, we were walking towards the water point and we saw the vehicle not far from the
6 entrance to the church where the vehicles usually stopped.

7 Q. And, Witness, you said that immediately he alighted from the vehicle he ordered the soldiers to get to
8 work. Is that what you said?

9 A. Correct.

10 Q. Was he speaking only to the soldiers or to some other people?

11 A. I think as far as I can remember -- listen sir, the *Interahamwe* too were in military attire. They all looked
12 alike. But I am sure that the person who raped me was a soldier of the Presidential Guard.

13 Q. And was it the only thing he said to the soldiers and the *Interahamwe*, that is to say that they should
14 immediately start working?

15 A. On that day, those were the utterances I heard.

16 Q. And you are stating before the Trial Chamber that the next thing you heard it was in June 1994; am I
17 correct?

18 A. Yes.

19 Q. Madam Witness, let me refresh your memory with your statement dated 7th of February 2005 to the
20 investigators of the Office of the Prosecutor.

21 MR. NEKUJE:

22 Your Honours, I am referring to the same document in the fifth paragraph.

23 BY MR. NEKUJE:

24 Q. Madam Witness, this is what you stated, and I quote: "I also know Renzaho, the *préfet* of Kigali. The
25 first time I saw Renzaho was in May 1994 in civilian clothes even though he was with the military. On
26 one occasion, I heard Renzaho telling *Interahamwe* to flush out the *Inyenzi* Tutsi. He would come to
27 *Saint Famille* with *Interahamwe* and tell the *Interahamwe* to get out of the vehicle and get to work,
28 meaning to kill Tutsis." And in the summary of your statements, which was disclosed to us by the
29 Prosecution, you also state what follows:

30 MR. NEKUJE:

31 This summary bears the number 6626 *bis*, Your Honours, French version -- sorry, 662 *bis*, and you
32 state what follows according to the summary made by the Prosecution.

33 MS. MELLUISH:

34 Before we have this cited, could we identify the document please because I am in the dark as to what it
35 is?

36 MR. PRESIDENT:

37 This is probably the annex to the pretrial brief; is that correct, the French translation?

1 MR. NEKUIE:

2 Yes, indeed, Mr. President.

3 MS. MELLUISH:

4 In that case, Your Honour, could it be made clear to the witness that it is not her word or anything she
5 said, but something that the Prosecution would have written?

6 MR. PRESIDENT:

7 So what is the purpose of putting this (*microphones overlapping*)...

8 MR. NEKUIE:

9 That is what I stated, Madam Prosecutor, unless you did not hear me. I said the summary of the
10 statements disclosed to us by the Prosecutor. That is, indeed, what I said.

11 MR. PRESIDENT:

12 Why don't we now first concentrate on what the witness may have said in relation to this statement and
13 then we would see whether there is a need to go to the summary afterwards. Do you have any
14 question in connection with what you just read out from K0354966?

15 MR. NEKUIE:

16 Yes. Mr. President, I wish to put my question to the witness, but I wish to combine both documents and
17 put a question to the witness on what could be inferred from the two excerpts.

18 MS. MELLUISH:

19 Your Honours, I object to that. It's a summary, probably written by one of us, of that statement, and it is
20 not something that the witness has seen, read, approved, signed or even knows about. If there are
21 errors, those would be from this bench, not from the witness.

22 MR. PRESIDENT:

23 It is a bit unusual what you are suggesting now. I really think that the best approach is to start with this
24 statement, and even if you have a wish to combine it, we would prefer you to focus on that now.
25 Meanwhile, we will have a look at the summary. Could you give us the K-number while you are
26 proceeding with the other element please? Just repeat it -- 66 --

27 MR. NEKUIE:

28 K0354966. Mr. President, in order to avoid any misunderstanding, I shall limit myself to the statements
29 given by the witness.

30 MR. PRESIDENT:

31 That's very helpful. Thank you.

32 BY MR. NEKUIE:

33 Q. Madam Witness, I read out to you what you stated regarding Mr. Renzaho, and in the same statement
34 in the third paragraph I had read out to you previously, when referring to the events of the
35 25th of June 1994, you do not mention either the second meeting with Mr. Renzaho or any utterances
36 that Mr. Renzaho allegedly made indicating that it would be a good thing for the dead bodies to be
37 taken away so that they would not be seen by the white people. Why this omission, Madam Witness?

1 A. I did refer to that when I gave my statement, Counsel.

2 Q. So was it the Prosecutor who failed to mention all those aspects in the statement?

3 A. What I do know is that I mentioned it to the investigators. Renzaho's utterances whereby the bodies
4 should be buried immediately for the white people not to see them is something I mentioned to the
5 investigators.

6 Q. Very well, Madam Witness. Let me conclude that the Prosecutor made a mistake when noting down
7 your statement which you, however, signed, and it was also by mistake that the Prosecutor
8 mentioned –

9 MR. NEKUJE:

10 And this time I wish to make use of the summary provided by the Prosecution regarding the statement
11 of this witness, and the French version of which --

12 MS. MELLUISH:

13 How can you possibly comment on a summary --

14 MR. PRESIDENT:

15 There are too many people talking at the same time now. Have you finished your question?

16 MR. NEKUJE:

17 Yes, I have finished my question regarding the statement of the witness, Mr. President. I am not putting
18 any questions on the witness's statement.

19 MR. PRESIDENT:

20 But I just heard you say something about, "I wish to go to the summary." Have you finished your
21 sentence concerning that now or were you interrupted?

22 MR. NEKUJE:

23 I wish to refer to an excerpt in the summary and I was interrupted, Mr. President.

24 MR. PRESIDENT:

25 And we do not want you to be interrupted. Now, is this at page 6626, possibly 5? I'm not sure about
26 the handwriting -- or maybe 2? Is this the page where AWX's testimony begins, with other words
27 page 24 in the draft French translation, or is it draft page 25? And then we will hear the objection and
28 then we will rule on this. But we need to know what you intend to do with this.

29 MR. NEKUJE:

30 It is page 25, Mr. President.

31 MR. PRESIDENT:

32 All right. Now, which passage on page 25 is it you want to draw to our attention?

33 MR. NEKUJE:

34 It is the passage which starts immediately after "the dead bodies", and it is said that Renzaho went to
35 the parish on or around the 24th of May on board a vehicle which was filled with armed soldiers which
36 stopped in the courtyard of the church. AWX was nearby and heard Renzaho order the soldiers to get
37 out of the vehicle, to do their work and to make sure that the dead bodies were picked up because he

1 did not want the white people to see the dead bodies. So this was the excerpt I wished to have the
2 witness comment specifying that this was not her own statement, but, rather, the summary provided by
3 the Prosecution on her statement.

4 MR. PRESIDENT:

5 Okay. That's the point. Now, it's the Prosecution. What is your objection?

6 MS. MELLUISH:

7 Your Honours, I object to that being cited and put to the witness. If the Defence wishes to suggest to
8 the witness, perhaps, that comment was made by Renzaho at a different date from -- perhaps as stated
9 in the summary, then obviously that's a question that can be put to her. But for her to comment on
10 something that was not written by her, but was written by a member of the Prosecution team, seems to
11 me completely inappropriate. It's a matter for submission if the Defence wish to say later that
12 something can be inferred from that error, but I think if the issue is whether or not such a statement was
13 made on the 24th of May or some time in June, that can simply be asked without reference to the
14 summary.

15 MR. PRESIDENT:

16 We now lost about 30 percent because of speed, but one day it will be better. Now, do you have
17 anything to add, having heard the objection?

18 MR. NEKUIE:

19 Yes, Mr. President, the purpose of cross-examination is to deal with matters that were dealt with during
20 the examination-in-chief. And the utterances attributed to Mr. Renzaho were, indeed, mentioned by
21 Madam Prosecutor with this witness. This document is an annex to the pretrial brief filed by the
22 Prosecution, and the Defence has the right to make use of such a pretrial brief. I am not telling the
23 witness that those were her utterances. I did specify that this was a summary made by the Prosecution
24 who questioned her in examination-in-chief on this matter, and I am simply asking the witness whether
25 this was an error from the Prosecution or not. I do not see how an objection raised on such an issue
26 could be accepted.

27 MR. PRESIDENT:

28 We have now deliberated and all three of us had difficulty in understanding the point of this exercise.
29 We are, therefore, in relation to this issue about what may be in the summary, sustaining the objection.

30
31 So what is the next question?

32 BY MR. NEKUIE:

33 Q. Madam Witness, during the examination-in-chief, you testified that the second utterances allegedly
34 made by Renzaho in June of 1994 were made while he was at CELA. Am I correct?

35 A. Yes, but further up, perhaps in the grounds of the *Sainte Famille* church, but those two sites are close
36 to one another.

37 Q. And when that happened, you were at the site of the *Sainte Famille* parish, am I correct?

- 1 A. Yes, but I had gone to fetch water at the location I mentioned previously.
- 2 Q. And according to you, Witness, what is the distance between that location and the CELA site? Can you
3 provide an estimate in terms of metres?
- 4 A. I cannot give you the distance in metres, but I believe such a distance could have been covered in
5 four minutes.
- 6 Q. And between CELA and the *Sainte Famille* site, there is the Saint Paul pastoral centre, am I correct?
- 7 A. No, Saint Paul is further down, whereas the CELA centre is, rather, on the site of the JOC buildings.
- 8 Q. So your testimony before this Trial Chamber is that from where you were standing in *Sainte Famille* in
9 this month of June of 1994, you were able to hear Mr. Renzaho make the second utterances, am I
10 correct?
- 11 A. No, I had left the *Sainte Famille* site and I had gone to fetch some water, and it was on that occasion
12 that I saw my elder sister's dead body.
- 13 Q. Madam Witness, when you met Mr. Renzaho for the first time in May, you were aware that he was the
14 *préfet* of Kigali town; am I correct?
- 15 A. Yes, I knew him. He would come to chair meetings in our locality.
- 16 Q. In what capacity, Madam Witness, he had responsibilities, a *préfet*? Do you agree with me?
- 17 A. I concur with you. But, Counsel, do you believe he fulfilled his duty?
- 18 Q. Madam Witness, you stated that on that date, and since the 20th of May 1994, Mr. Renzaho, in his
19 capacity as *préfet*, was busy settling -- or solving the humanitarian problems of the Kigali town with the
20 UN mission headed by Mr. Iqbal Riza. Iqbal is spelt I-Q-B-A-L, and Riza, who was the under
21 secretary --
- 22 A. Are you referring to the episode of the evacuation of the refugees by UNAMIR? But on that occasion
23 we did not see him even though the vehicle entered the compound of the *Sainte Famille* church.
- 24 Q. I believe that I was misunderstood. I am informing you, Witness, and putting -- and asking you whether
25 you were aware of that. I was informing you of the activities Mr. Renzaho was carrying out from the
26 20th to the 24th of May. He was part of the delegation of the deputy secretary general of the
27 United Nations in charge of humanitarian affairs, and more specifically, on the 24th of May, he was
28 holding a press conference with this deputy secretary general. Were you aware of that?
- 29 MR. PRESIDENT:
- 30 This is now far too fast and far too detailed. The point is this: It is being put to you that Mr. Renzaho
31 was elsewhere in the period which you said that you observed him. What is your comment on that? Do
32 you maintain your testimony? That is the question.
- 33 THE WITNESS:
- 34 May I ask you once again not to focus on dates. I recall the month. It was in May. I might be hesitant
35 regarding dates, but what I know for sure is that it was during that month that I saw him. I saw him in
36 May. But let me repeat once again that I could not remember exact dates, because throughout the
37 period, it was an impossible task.

1 BY MR. NEKUIE:

2 Q. And during that period, Witness, there were several United Nations teams that were deployed in the
3 field, and more specifically in Kigali town, which visited the different refugee sites, among which is the
4 *Sainte Famille* parish. Do you believe it would have been an appropriate time for Mr. Renzaho to do
5 what you have ascribed to him?

6 A. What I understand is that you are saying that he did not do what I am testifying to, but I was the one
7 who was there. And if you do not wish to accept my version, what can I do about it?

8 MR. PRESIDENT:

9 You have now put this to the witness and that's all that is required. We do not need to go into further
10 details. The less can -- rest can be left for closing arguments or Defence evidence.

11

12 What is the next question?

13 MR. NEKUIE:

14 Mr. President, I was about to move on to the next question. But, of course, your point is well taken and,
15 of course, I am going to move on to the next question.

16 BY MR. NEKUIE:

17 Q. Madam Witness, on the 18th of June 1994 when you discovered the remains of your sister, did you try
18 to learn about the conditions under which she died?

19 A. No, I believe that she was killed by the person who had taken her away to rape her, because when he
20 took her away she was alive, and subsequently, I saw my sister's dead body.

21 Q. And on the 18th of June 1994, did you hear about any specific event that might have occurred at the
22 *Sainte Famille* parish?

23 A. Many people were killed on that date and they were shot. The people who were inside the church were
24 shot at.

25 Q. And do you know who shot these people and under what circumstances these incidents occurred?

26 A. The soldiers came and put some people aside and shot them, but there were a few survivors, and I
27 believe that this occurred the day after the raid by the *Inkotanyi*, who had abducted the refugees from
28 the Saint Paul centre. The *Interahamwe* got angry and they said that even the other refugees would
29 perhaps flee and that is when they launched the attack.

30 Q. And which refugees did you find at the *Sainte Famille* parish on this 18th of June?

31 A. Are you referring to the refugees I found at the *Sainte Famille* when I went to seek refuge there,
32 Counsel? The refugees had left their homes because there were gunshots everywhere and so all the
33 refugees came towards the sheltering centres. There were many refugees and they were of all ethnic
34 groups.

35 Q. Madam Witness, if I were to put to you that some Prosecution witnesses stated that from the
36 17th of June 1994 onwards, there were no longer any refugees on the site, what would you say to that?

37 A. Did they say that there were no refugees at *Sainte Famille* church? How could that have been when

1 many of us remained there until the town of Kigali fell on the 4th of July?

2 Q. Witness, are you positive that you were at the same place as those Prosecution witnesses, who were
3 positive and among which were the very persons who were in charge of those sites?

4 MR. PRESIDENT:

5 That is a very difficult question to answer, so I think you should reformulate that question. But you have
6 put this to the witness and she has answered. I think the point has been made.

7 MR. NEKUJE:

8 I shall not belabour the point, Mr. President, and I now wish to put my last question to the witness.

9 BY MR. NEKUJE:

10 Q. Witness, you told Madam Prosecutor that after the acts you -- that were perpetrated on you, you
11 became HIV positive, am I correct?

12 A. Yes.

13 Q. Madam Witness, when was it that you realised that you were HIV positive?

14 A. When I tested for HIV, the result was that I was HIV positive, but before that I had serious health
15 problems. I was often ill, and when I did the screening for HIV, the result was that I was HIV positive.

16 Q. To conclude, Madam Witness, let me read out to you the last paragraph of your statement and put a
17 question to you and I would ask for your comments. I am referring to the same document.

18 MR. NEKUJE:

19 And it is, in fact, the last paragraph, Your Honours, I wish to refer to.

20 BY MR. NEKUJE:

21 Q. And this is what you stated, Madam Witness, and I quote: "As a result of the rape, I have backache
22 and I often have to stay in bed for two to three days at a time. I was tested negative for HIV in 2001,
23 but because of the way I always feel I would like to do the test again." My question to you, Witness, is
24 as follows: Do you recall having made that statement, and on the date on which you gave the
25 statement, you were tested negative for HIV; am I correct?

26 A. Yes.

27 Q. And why are you now stating that you contracted the virus?

28 A. When I was interviewed by the investigators, I requested from the investigator that I be screened once
29 again for HIV. And when the results were given to me, I had tested positive -- HIV positive. After my
30 interview in 2001, I made a test once again and the result of the test was that I was HIV positive.

31 Q. Madam Witness, I am not going to put to you a question that might shock you. So let me thank you for
32 your answer.

33 MR. NEKUJE:

34 And this marks the end of the cross-examination by the Defence.

35 MR. PRESIDENT:

36 Do you want to tender any exhibits?

37

1 MR. NEKUJE:

2 The witness statement I referred to, Mr. President.

3 MR. PRESIDENT:

4 The English version is the signed one here, A.

5

6 Mr. Matemanga, the number.

7 MR. MATEMANGA:

8 D. 30.

9 MR. PRESIDENT:

10 Thank you very much.

11

12 And Madam Witness, this interview took place in 2005. Do we agree on that?

13 THE WITNESS:

14 Yes, I made the statement in 2005.

15 *(Exhibit No. D. 30A and D. 30B admitted, under seal)*

16 MR. PRESIDENT:

17 Thank you.

18

19 Any re-examination?

20 MS. MELLUISH:

21 No, Your Honour.

22 MR. PRESIDENT:

23 That was the end of your testimony, Madam Witness. We would like to thank you for having come a
24 long way to Arusha to testify. We wish you a safe journey home. Please, do not discuss your
25 testimony. Thank you very much.

26 THE WITNESS:

27 Thank you, Mr. President.

28 MR. PRESIDENT:

29 The next pseudonym is?

30 MS. MELLUISH:

31 KBZ.

32 MR. PRESIDENT:

33 And what is the state of AWO?

34 MS. MELLUISH:

35 I have yet to see her properly. She was very unwell yesterday when I saw her and I realised that she
36 couldn't -- she wouldn't be able to come first thing this morning as we'd originally planned, and
37 therefore, I spent time with the other two witnesses, AWX and KBZ. So after KBZ, I hope to go and see

1 AWO. We would, therefore, have to adjourn until tomorrow morning, I think, for her testimony.

2 MR. PRESIDENT:

3 So that is well noted that there is only one witness left for today, and the last witness for tomorrow
4 morning.

5 MS. MELLUISH:

6 Yes.

7 MR. PRESIDENT:

8 All right. So then everyone knows that. This is not a very long witness, the one coming up?

9 MS. MELLUISH:

10 Yes.

11 MR. PRESIDENT:

12 Let's then have our lunch up to 3 o' clock.

13 *(Court recessed from 1305H to 1502H)*

14 MR. PRESIDENT:

15 Good afternoon, Madam Witness.

16 THE WITNESS:

17 Good afternoon, Mr. President.

18 MR. PRESIDENT:

19 This is Witness KBZ?

20 MS. MELLUISH:

21 Yes.

22 MR. PRESIDENT:

23 You will be referred to as Witness KBZ in these proceedings, Madam Witness. You have to tell the
24 truth and this Tribunal will take your solemn declaration.

25 *(Declaration made by Witness KBZ in Kinyarwanda)*

26 MR. PRESIDENT:

27 You have a document in front of you with your signature; isn't that so?

28 THE WITNESS:

29 That is correct.

30 MR. PRESIDENT:

31 And this means that the information contained in that document is correct; isn't it?

32 THE WITNESS:

33 Yes, Mr. President.

34 MR. PRESIDENT:

35 Mr. Matemanga.

36 MR. MATEMANGA:

37 P. 90

(Exhibit No. P. 90 admitted, under seal)

WITNESS KBZ,

first having been duly sworn,

testified as follows:

EXAMINATION-IN-CHIEF

BY MS. MELLUISH:

Q. Madam Witness, after the 6th of April 1994, for how long did you remain at home?

A. I remained for fairly long time because I did not leave until May. I left my house in Kicukiro to go to Kimihurura.

Q. Can you tell the Court please why you left your home when you did?

A. I left my house because we were fleeing because of the insecurity. We wanted a safer place.

Q. Now when you say "we", without mentioning any names please, who do you mean?

A. We were many. I was not alone.

Q. And the others who were with you, were they people who lived in your home, your neighbourhood, or people you knew at all or not?

A. Some were neighbours and there were other people in the group that I did not know. And let me add that we did not all have the same problems.

Q. Could you explain to the Court please what you mean by "insecurity"?

A. When I referred to the insecurity, I meant the massacre of the Tutsi, but all those who left with me were not Tutsis. We left together, but we were just looking for a safer place.

Q. And those others with you who were not Tutsis, what was the reason for their wanting to flee?

A. They were fleeing from the *Inkotanyi*. Each time the *Inkotanyi* took over a neighbourhood or a locality, the inhabitants will move.

Q. How long did it take you to get from your home to Kimihurura?

A. It is not far. There is only a valley separating the two localities.

Q. And was it difficult to make that journey?

A. It was not easy because there is -- my ethnicity is not indicated on my identity card and on each occasion we had to show our identity card. My identity card did not show that I was a Hutu.

Q. Did you know why your identity card did not show your ethnicity?

A. In actual fact, I did not have an identity card. My identity card indicated that I was a Tutsi, so I threw it away and I did not have it with me.

Q. What happened when you got to Kimihurura?

A. We got to a roadblock, which is in that valley separating Kicukiro and Kimihurura, and they selected us, and put us in a group together with the others and said that we had to go and explain to the *conseiller*.

Q. Now, who was it that was manning this roadblock?

A. I wouldn't know. I did not know the names of those persons. They were people who were wearing military uniform and I wouldn't know whether they were soldiers or *Interahamwes*.

1 Q. Can you remember how many of them there were, approximately, manning that roadblock?

2 A. There were about eight persons manning the roadblock.

3 Q. Do you remember whether they were armed or not?

4 A. They were carrying weapons.

5 Q. Now you said that "they separated us". Who do you mean by "us"?

6 A. We, the women, who had no identity card were taken to the *conseiller*. I don't know where the others
7 went.

8 Q. Do you recall whether -- oh, I am sorry.

9 MR. PRESIDENT:

10 Madam Witness, this is sometime in May. Is it beginning, middle or end of May?

11 THE WITNESS:

12 It was towards the end of May.

13 MR. PRESIDENT:

14 How many persons formed part of your group, the one coming to the roadblock?

15 THE WITNESS:

16 We were about 50.

17 MR. PRESIDENT:

18 Do you know the ethnicity of these 50 persons?

19 THE WITNESS:

20 Apart from those of us who did not have identity cards, all the rest -- or virtually all the rest were Hutus.

21 MR. PRESIDENT:

22 And how many of these 50 did not have identity cards?

23 THE WITNESS:

24 We were all women. I cannot recall the exact number, but I think we were not more than five in any
25 event.

26 MR. PRESIDENT:

27 Thank you.

28 *(Pages 37 to 49 by Sheriffo Jammeh)*

29

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1 1515H

2 BY MS. MELLUISH:

3 Q. So, is it right that there weren't any men in that group who did not have identity cards?

4 A. No, the men had been killed. There were no more men.

5 Q. Just to clarify that, when were the men killed?

6 A. The men had been killed previously. They killed more men than women. They used to rape the
7 women, but the men were killed immediately. So the men did not survive as long as the women.

8 Q. But do you mean that men were killed on the way to the roadblock during that journey, or do you mean
9 prior to your leaving home?

10 A. They had been killed well before we left. There was no Tutsi man in our group. I did not see any.

11 MR. PRESIDENT:

12 But all the 50 arriving at the roadblock were women?

13 THE WITNESS:

14 No, there were men and women, but the men were not Tutsi.

15 MR. PRESIDENT:

16 Okay. It would be useful to know the details here about the ethnic composition of the group. Can I ask
17 you to pursue that, please? It's not quite clear yet.

18 BY MS. MELLUISH:

19 Q. The -- you said about five -- there were about five women who did not have identity cards, and you
20 were amongst those. That's right, isn't it?

21 A. Yes.

22 Q. Now -- now, of those five women, what -- what ethnicity were they?

23 A. They were Tutsi.

24 Q. Now, you said also that the Tutsi men had all been killed before you began this journey. So does that
25 mean -- does that mean that --

26 MR. PRESIDENT:

27 Madam Witness, you do not have to confirm with a yes or no while we are asking the questions. So,
28 you can just be silent while the question is being asked, and then once the question has been finished,
29 then your answer will be highly appreciated. But if you speak at the same time, we are hearing your
30 voice at the same time as the voice of the Prosecution, and that is a bit confusing.

31

32 What is now the next question, please?

33 BY MS. MELLUISH:

34 Q. Witness, I appreciate you were not giving an exact figure, but assuming that the group was 50 strong, if
35 the five without identity cards of which you were a member were Tutsi, is it right to say that the other
36 45 were all Hutu, or were there any Tutsi amongst them?

37 A. I was able to know the ethnicity of only those who did not have identity cards. The others had their

- 1 identity cards with the indication that they were Hutus.
- 2 Q. Are you aware of anybody in the group who had in their possession an identity card that said they were
- 3 Tutsi?
- 4 A. No.
- 5 MS. MELLUISH:
- 6 Is that sufficiently clear, Your Honour?
- 7 BY MS. MELLUISH:
- 8 Q. Now, you were separated, you said, along with perhaps four other women and told to see the
- 9 *conseiller*. Did you do that, or did you do something else?
- 10 A. They took us to the *conseiller* and they went to ask him what they should do with us.
- 11 Q. Do you recall who the *conseiller* of that *secteur* was?
- 12 A. It was the *conseiller* of the Kimihurura *secteur*. I don't know his name.
- 13 Q. Did you yourself see this *conseiller*?
- 14 A. I did not see him personally. They did not allow us to go to the *conseiller* himself. They went to ask
- 15 him the question when we were -- while we were outside the premises.
- 16 Q. And what were the premises that you were taken to?
- 17 A. The *conseiller* said there was nothing he could do. He said only the *préfet* could handle our case.
- 18 Q. Thank you, Witness, but my question was: What were the premises that you were taken to, to see the
- 19 *conseiller*? You said you had to wait outside the premises while those who took you there went inside
- 20 to speak to the *conseiller*. What building was that?
- 21 A. We remained outside the premises, and those who took us there went inside, spoke to the *préfet* -- to
- 22 the *conseiller*, and then came out.
- 23 Q. Were those premises a house, an office, a shop, a factory? What kind of building was it?
- 24 A. It was the house, the residence of the *conseiller*.
- 25 Q. And besides your group of perhaps five women, did you see anyone else at the house of the *conseiller*?
- 26 A. There were several other persons that I did not know. There was a whole crowd.
- 27 Q. What kind of people were these? Were they civilians like yourself?
- 28 A. There were *Interahamwes*, civilians, all those who were not afraid to be killed and who could move
- 29 around freely were there.
- 30 Q. Now, you said that the *conseiller* said that there was nothing he could do, and only the *préfet* could
- 31 handle your case. Who actually told you that was what the *conseiller* had said?
- 32 A. They came to tell us that we had to leave, that they were going to ask the *préfet*, Renzaho -- they were
- 33 saying on radio that too many killings were taking place, so they needed the opinion of the *préfet* to
- 34 know what was to be done.
- 35 Q. But who were the "they" that you were talking about?
- 36 A. I don't know their names. It is these people who arrested us at Kimihurura. That was the first time I
- 37 was get -- I was coming to that place. I did not know that locality.

1 Q. What did you understand was going to happen to you after you were given that information?

2 A. We understood that if the answer was positive, we were going to survive, and if it was negative, we
3 were going to die like the others. So we were just waiting to see what was going to happen.

4 Q. And where did you wait, if at all?

5 A. We went into a house belonging to a white man called Jean Michel. It was a house that had virtually
6 been destroyed; there were no windows, no doors. It was an abandoned house.

7 Q. And what about the *Interahamwe* who had taken you to the *conseiller's* office? What did they do?

8 A. After we went to the *conseiller*, the *Interahamwe* put us in this abandoned house. So they went to look
9 for information about what to do with us.

10 Q. For how long did you remain in that abandoned house?

11 A. We remained there for a long time, up until July.

12 Q. Did you ever learn whether anyone had gone to the *préfet* and asked about what should be done with
13 you, or not?

14 A. The following day we were told that the *préfet* had told them that they were criticising the killings on
15 radio, so that nothing should be done to us. So they should wait until after the burial and Habyarimana,
16 and that they were going to kill us after the burial of Habyarimana.

17 Q. You said you remained in this abandoned house until July, I think. During all of that time, did you hear
18 anything more about what might happen to you as a result of these people going to the *préfet*?

19 A. We thought the *préfet* was going to save us, but what happened was that they raped us.

20 Q. Can you tell us about that, please? When did that happen?

21 A. That happened after they went to ask the *préfet* what they were to do to us.

22 Q. Again, please, can you tell us who you mean by "they" when you say "they raped us"?

23 A. I'm referring to the *Interahamwes*. The *Interahamwes* that I referred to earlier on.

24 Q. Were you yourself raped?

25 A. Yes.

26 Q. And how many times, if more than once, were you raped?

27 A. About four times.

28 Q. And were you raped by the same *Interahamwe* or by different people?

29 A. It was the same person who raped me. But later on, another *Interahamwe* raped me. So in all I was
30 raped by three different persons.

31 MR. PRESIDENT:

32 Three?

33 THE WITNESS:

34 Yes, three.

35 MR. PRESIDENT:

36 Madam Witness, you said that you were told the following day that the prefect had said that nothing
37 should happen because they were criticising behaviour on the radio. Was that the day after the

1 *conseiller* had informed you that they wanted to find out the view of the prefect?

2 THE WITNESS:

3 Yes, the day after we were taken to the *conseiller*.

4 MR. PRESIDENT:

5 So, you were informed the day thereafter, and this was in May, as we have agreed.

6 THE WITNESS:

7 Yes, it was towards the end of May. We got to the *conseiller*, it was the 28th of May.

8 MR. PRESIDENT:

9 And then you mentioned that, "They were going to kill us after the burial of Habyarimana". What did
10 that mean, that time reference? How did you understand that sentence?

11 THE WITNESS:

12 When we got to Kimihurura, there were no more Tutsis in town; we were the only survivors. And,
13 indeed, it was being said that the media was criticising the killings. We had the impression that the
14 killers wanted to keep us and kill us a few at a time. This was to ensure that the international
15 community did not know about the killings.

16 MR. PRESIDENT:

17 My question is related to the fact that President Habyarimana was shot down on the 6th of April in the
18 plane, and then it's being said on the 28th of May that they're going to kill these persons after the burial
19 of President Habyarimana. Do you have a comment on that?

20 THE WITNESS:

21 This is what I can tell you: There were very few Tutsis still alive, particularly -- there were particularly
22 women. So they were saying that, "We're finished with the enemy, and we are now left with burying the
23 president."

24 BY MS. MELLUIISH:

25 Q. Witness, do you know when President Habyarimana was buried?

26 A. No, he was not buried. You see, because the RPF took the soldiers who were fighting against the RPF
27 unawares.

28 Q. So, is it right from what you're saying that at -- at the end of May, as far as you were aware,
29 President Habyarimana had not been buried.

30 A. That's right, he had not yet been buried. The government troops, having realised that there was no
31 Tutsi alive on Rwandan soil, had said that they would bury him after finishing off all the Tutsi. That was
32 their wish.

33 Q. Madam Witness, you said that you were raped four times. Were you raped inside the house of
34 Jean Michel, or elsewhere?

35 A. Each person took me to his home.

36 Q. And you mentioned three people having raped you. Were they all *Interahamwe*, or were they different
37 types of people?

1 A. They were all *Interahamwe*.

2 Q. What about the four or so other women who sought refuge in that house of Jean Michel with you? Do
3 you know what happened to them?

4 A. People would come and choose one woman whom they would take, I don't know where, and we never
5 had the opportunity of getting together to talk about our woes and ordeals.

6 Q. How was it that you came to leave that house in July?

7 A. I left that house and went to *Sainte Famille*.

8 Q. But why did you leave when you did?

9 A. Whenever the RPF captured an area, we would be moved. If we had chosen to remain in that area, we
10 would have been considered by those people as RPF sympathisers.

11 Q. How do you think you were considered by those people?

12 A. When they considered that someone did not have an identity card, then they thought the person
13 belonged to the ethnic group which was being hunted down. Because when one had an identity card
14 showing that he was a Hutu, then he would be likely to display such an identity card.

15 MR. PRESIDENT:

16 You stayed in Jean Michel's house until July?

17 THE WITNESS:

18 Yes, I left that house in early July.

19 MR. PRESIDENT:

20 And how was it possible for you to leave that house, since you had been under supervision until then?

21 THE WITNESS:

22 We were not hiding. Whenever those people wanted to have their way with us, they could always come
23 and take us. There was no hiding place. Again, we were just waiting for the day we would be killed.

24 BY MS. MELLUISH:

25 Q. Are you saying that you were free to leave that place at any time from the day you first went there until
26 July, or is the situation different?

27 A. I did not move alone; we all left in a group. We all left together towards *Sainte Famille*, whereas our
28 attackers headed towards Kungu (*phonetic*). But I remained at *Sainte Famille*.

29 Q. But why was it that you didn't leave that house sooner?

30 A. If I had made an attempt to leave alone, I would have had difficulties. I was trying to dodge between --
31 or, in the midst of the crowd, because I did not have an identity card. Furthermore, the attackers were
32 already used to seeing me because they knew what they had already done with me. So I could move
33 only when I was in the midst of a crowd.

34 MR. PRESIDENT:

35 Where was Jean Michel's house located?

36 THE WITNESS:

37 That house was located in Kimihurura, in the neighbourhood where the whites lived. Jean Michel, too,

1 was a white man.

2 MR. PRESIDENT:

3 What was the distance to the *conseiller's* house from where you had been moved?

4 THE WITNESS:

5 A very short distance.

6 MR. PRESIDENT:

7 Approximately?

8 THE WITNESS:

9 A very short distance, actually. Let's say three or five kilometres.

10 BY MS. MELLUISH:

11 Q. Just to be absolutely clear, Madam Witness, can you tell the Court what it was that happened in July in
12 the neighbourhood of Jean Michel's house that enabled you to leave in a group?

13 A. Well, I did not have any strategy whatsoever. Whenever the attackers wanted, they would move us. In
14 the house where we were, we were not protected. Whenever someone wanted to subject us to abuse,
15 he would come and take us. So we left with the group of people, and I remained at the *Sainte Famille*.

16 Q. All right. Now, what did you -- what did you find at *Sainte Famille* when you got there?

17 A. The situation was very, very dire, because I also had serious problems at *Sainte Famille*, even more
18 serious than what I had experienced at Kimihurura.

19 Q. Okay. Firstly, can you recall how long you actually remained at *Sainte Famille* after you got there?

20 A. I arrived in the evening, towards nightfall. I spent the night there. And the following day I spent the
21 night at the Kiyovu, which was below the road, and the following day I spent the night at Kimihurura.

22 Q. Okay, now, can you tell us what it was that happened to you at *Sainte Famille* that you describe as
23 even more serious than what you experienced at Kimihurura?

24 A. At *Sainte Famille* I came across two *Interahamwe* who raped me for about three hours. Thereafter the
25 *Interahamwe* said that the RPF had attacked the town, so those *Interahamwe* left.

26 Q. Where was it that those two *Interahamwe* raped you?

27 A. Next to the *Sainte Famille* church.

28 Q. Do you mean within the complex of the *Sainte Famille* parish, or outside it?

29 A. Behind the church, in the direction of Kiyovu. Within the churchyard.

30 Q. And do you recall, when that took place, were there other people around, or not?

31 A. Yes, there was a crowd of people moving about. But since no one could come to my rescue, I
32 remained silent. In other words, there were people passing by, but no one could dare look at me.

33 Q. Do you have any idea why you were chosen by those two *Interahamwe*?

34 A. The *Interahamwe* would come there and ask everyone to show their identity cards. Now, when you
35 were unable to show yours, then they would conclude that you were a Tutsi. That sufficed for you to be
36 assaulted.

37 Q. Did either of those *Interahamwe* say anything to you during that ordeal?

1 A. They simply asked me to show my identity paper. Since I did not have one, the *Interahamwe* forcefully
2 pulled me from where I was and threw me on the ground. Then they started doing their dirty job.

3 Q. Now, you said that night you stayed at *Sainte Famille*; is that right?

4 A. Correct.

5 Q. And the following -- and the following night you stayed somewhere in Kiyovu, you said; is that right?

6 A. Yes.

7 Q. And after that, the next night you spent in Kimihurura, again. Is that right?

8 A. Yes.

9 Q. Can you tell us, please, why it was that you were moving about in this way?

10 A. I was subject to such raping that I could no longer walk, I could no longer follow my rapist -- although I
11 knew that the RPF had captured the country already. I tried to retrace my steps to go back and see if I
12 could get some assistance.

13 MR. PRESIDENT:

14 This event at the *Sainte Famille* church, Madam Witness, was that in early June or middle -- sorry, early
15 July or middle July? Can you be a bit more precise?

16 THE WITNESS:

17 Early July.

18

19 It's true, however, that I no longer remember the date. But it was on the day that everyone fled from the
20 city. I had lost all sense of time. You see, I'm trying just to give you some estimates.

21 BY MS. MELLUISH:

22 Q. Now, after the RPF took over the country, what state of health did you find yourself in?

23 A. My life was in such tatters. I was infected with lots of sexually communicable diseases, including AIDS.

24 Q. Thank you, Madam Witness.

25 MS. MELLUISH:

26 I have no further questions.

27 MR. PRESIDENT:

28 Thank you.

29

30 Defence?

31

CROSS-EXAMINATION

32 BY MR. CANTIER:

33 Q. Good afternoon, Witness.

34 A. Good afternoon.

35 Q. Witness, I'm going to ask you some questions, but let me start by telling you that the Defence really
36 commiserates with you and your misfortune. And I dare hope that the questions I'm going to put to you
37 will not be -- will not make things worse.

1 Witness, in Kimihurura *secteur*, where you told us you took refuge in late May 1994, who had control of
2 that *secteur* at that time? Was it under control of the Rwandan government forces?

3 A. I told you that we went towards someone's home at that time. I did not mention the *secteur* office.

4 Q. Witness, I am talking about the neighbourhood, the area, the geographical area in Kigali city bearing
5 that name.

6 A. That *secteur*, or area, was under control of the former Rwandan government forces.

7 Q. Witness, I put it to you that you are mistaken, because as early as the evening of the 7th of April, that
8 *secteur* was under the control of RPF troops. What do you have to say?

9 A. No, sir, that is not possible, because we arrived at that *secteur* in May, before the RPF captured it. And
10 I stayed there for one month. So I don't understand what you are telling me. If the RPF had taken over
11 control of that *secteur*, we would not have been raped. Because the RPF had come to save us. To
12 rescue us.

13 Q. Witness, did the roadblock where you were stopped have a particular name?

14 A. Listen, I was coming from Kicukiro. I did not know the name of that roadblock. Perhaps the inhabitants
15 of Kimihurura know the name of the roadblock. Otherwise I did not know the name of that roadblock.

16 Q. Was that roadblock located near a well-known place which would make it easy for us to situate it?

17 A. That roadblock was in a valley separating Kicukiro *secteur* and Kimihurura *secteur*.

18 Q. Witness, I have a question for you regarding what you were subjected to. Because, you see, what you
19 said earlier on is not consistent with what you told officials of the Prosecution.

20 MR. CANTIER:

21 Mr. President, Your Honours, I am referring now to the witness's lone statement in the file, that of the
22 27th of August 2004. K number K0355452. Second paragraph, Mr. President, Your Honours.

23 BY MR. CANTIER:

24 Q. And there, Witness, you mentioned the first sexual assault against you. And you told the investigators
25 as follows: "Towards the end of May 1994, a man I knew by name Jérôme Rwemarika came to the
26 abandoned house. He asked of me from the others, and they came to call me. He then told me that he
27 wanted me as a wife. I refused and tried to escape." I am going to skip certain passages. I now
28 continue: "He then took me by force to his house in Kimihurura."
29

30 Witness, do you remember this statement which you gave investigators of the Tribunal?

31 A. Here in this courtroom you answer only questions put to you. That is the reason why I mentioned three
32 different persons, including Jérôme Rwemarika. I could not have mentioned that name if questions
33 were not put to me about him. Otherwise, that gentleman is one of the three people who raped me, and
34 I mentioned him in the statement I gave the investigators.

35 Q. Well, Witness, I am putting it to you that either you were mistaken on that day, or you are mistaken
36 today, because today you mentioned three different rapists.

37 A. There were three different people; I did not mention their names. The first person was

1 Jérôme Rwemarika. I would have been mistaken if I had mentioned four or five people. The first
2 person was that one, Rwemarika, and the two others were the ones who raped me at the
3 *Sainte Famille*.

4 Q. Well, Witness, that was not the way I construed your testimony, but now I understand it.

5 MR. PRESIDENT:

6 We should probably place on record that the name read out is on the spelling list as number 247.

7 BY MR. CANTIER:

8 Q. So, Witness, you left Kimihurura neighbourhood in early July and you went to the
9 *Sainte Famille* church. When you arrived at the *Sainte Famille* church, who took charge of you?

10 A. There was no one to receive me there, because we had nothing to say to one another any longer.
11 Rather, you should ask me the question, who grabbed me when I got there? Only important
12 personalities are received.

13 Q. Witness, when I talk about reception, my question was whether there were still priests at that church
14 when you arrived there on that day.

15 A. I was not able to enter the church. But even the people inside the church were killed there. The priests
16 did not help anyone any longer. People tried to make do to survive. Even the priests themselves
17 participated in the killings. There was no longer any notion of clergy. Even those who tried to assist
18 people were killed. So I could not go and see any priest or enter the church, given that even those who
19 were inside the church were killed.

20 Q. Witness, were you beaten or cut with machetes during that time?

21 A. No, I was not beaten or cut with machetes, apart from the one which pierced my heart.

22 Q. Madam Witness, do you know one Sekamana?

23 A. No, I do not know this person.

24 Q. You've never complained against this person in Rwanda?

25 A. Not at all, on no occasion.

26 Q. Witness, have you had to testify before any court in Rwanda?

27 A. I only testified in the Gacaca proceedings, that's all.

28 Q. Are you able, Witness, to tell the Court before which one of the Gacaca courts you had to testify?

29 A. It was in the Kicukiro Gacaca proceedings.

30 Q. And are you able to tell the Court against whom you had to testified -- testify, and on behalf of who?

31 A. In my testimony I was talking about my goods that were looted, and I received damages.

32 Q. When -- are you able to say when you gave this testimony?

33 A. It was in November. I had already testified in September 2006, and I received my compensation in
34 November 2006.

35 Q. Very well. Thank you, Madam Witness.

36 MR. CANTIER:

37 I have concluded my cross-examination, Mr. President.

1 MR. PRESIDENT:

2 Thank you. Could you help us with the spelling of Sekamana, whose name you referred to,
3 *Maître Cantier*?

4 MR. CANTIER:

5 Sekamana, S-E-K-A-M-A-N-A.

6 MR. PRESIDENT:

7 Thank you. Nothing to be tendered?

8 MR. CANTIER:

9 Yes, Mr. President. I intend to enter into the evidence the statement given by this witness,
10 27th August 2004.

11 MR. PRESIDENT:

12 The English is the signed version, A; French, B. The number, Mr. Matemanga?

13 MR. MATEMANGA:

14 D. 31.

15 MR. PRESIDENT:

16 Under seal. Thank you.

17 (*Exhibit No. D. 31 admitted, under seal*)

18 MR. PRESIDENT:

19 Any re-examination?

20 MS. MELLUISH:

21 No, Your Honour.

22 MR. PRESIDENT:

23 That was the end of your testimony, Madam Witness. We would like to thank you for having come the
24 long way to Arusha to testify. We wish you a very safe journey home. Please do not discuss your
25 testimony with anyone. Thank you very much.

26 THE WITNESS:

27 I would also like to thank you, Mr. President.

28 (*Witness excused*)

29 MR. PRESIDENT:

30 There is one remaining witness during this segment of the trial, and that is Witness AWO. Can you
31 confirm that that witness is not available now, but has to be heard tomorrow morning?

32 MS. MELLUISH:

33 Yes, Your Honour.

34 MR. PRESIDENT:

35 Is there anything else we should be informed of before we adjourn for the day?

36 MS. MELLUISH:

37 Not from this bench.

1 MR. PRESIDENT:

2 You have indicated, Prosecution, that there might be one or two motions coming, and I don't think we
3 have received them.

4 MR. MOSES:

5 One is filed -- I have just been attending to that, the add/drop motion, Your Honour. So that, I think,
6 was filed this afternoon -- or will be very -- before the end of the day's -- end of the day.

7

8 So far as the witness who is unwell, I know she was telephoned in her residence -- where she lives last
9 night. She had been to see her doctor to obtain the letter which will, as I understand, confirm that she's
10 unfit to travel. Apparently the doctor had indicated he would post that letter to her so that it should
11 arrive in the next day or so.

12

13 What I was in fact planning to do, under those circumstances is, in fact, file the motion, which is in
14 French and prepared, and in it, it currently will refer to the fact that the medical certificate will be filed
15 within the next one or two days. If that's suitable to Your Honours, I can certainly file -- file that. It may
16 be with the medical certificate tomorrow morning, or it may be that it -- the medical certificate will follow
17 it within the next one or two days. We are obviously reliant on the witness faxing this medical certificate
18 to us, and we have been following it up on a daily basis. But -- if that's suitable, I can certainly have it
19 filed tomorrow morning.

20 MR. CANTIER:

21 Mr. President. We are talking about the witness who is outside, is that right, and whom you would like
22 to examine by video conference? Very well. Thank you, Mr. President.

23 *(Pages 50 to 60 by Kirstin McLean)*

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1 1615H

2 MR. PRESIDENT:

3 Whether this motion is filed tomorrow without the appendix or in two days with the appendix doesn't
4 make much of a difference, I would think. So, why don't you play it by the ear and see what is most
5 practical. But, of course, like you, it is good to ensure progress, yes.

6

7 Anything else?

8

9 Anything from the Defence side which we should raise now of a practical nature?

10 MR. CANTIER:

11 No, Mr. President. Thank you.

12 MR. PRESIDENT:

13 Then we will adjourn for the day and hear the last witness tomorrow morning at 8:45.

14

15 The Court is adjourned.

16 *(Court adjourned at 1615H)*

17 *(Page 61 by Judith Baverstock)*

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CERTIFICATE

We, Vicki Eastvold, Jean Baigent, Sheriffo Jammeh, Kirstin McLean and Judith Baverstock, Official Court Reporters for the International Criminal Tribunal for Rwanda, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of our ability and understanding.

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

Vicki Eastvold

Jean Baigent

Sheriffo Jammeh

Kirstin McLean

Judith Baverstock