

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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

THE PROSECUTOR  
OF THE TRIBUNAL

v.

AUGUSTIN NDINDILIYIMANA  
FRANÇOIS-XAVIER NZUWONEMEYE  
INNOCENT SAGAHUTU  
AUGUSTIN BIZIMUNGU

TUESDAY, 5 APRIL 2005  
0905H  
CONTINUED TRIAL

Before the Judges:

Joseph Asoka de Silva, Presiding  
Taghrid Hikmet  
Seon Ki Park

For the Registry:

Mr. Christopher Fry  
Mr. Abraham Koshopa

For the Prosecution:

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

For the Accused Augustin Ndindiliyimana:

Mr. Christopher Black

For the Accused François-Xavier Nzuwonemeye:

Ms. Danielle Girard

For the Accused Innocent Sagahutu:

Mr. Fabien Segatwa  
Mr. Seydou Doumbia

For the Accused Augustin Bizimungu:

Mr. Gilles St-Laurent  
Mr. Ronnie MacDonald

Court Reporters:

Ms. Leslie Todd  
Ms. Roxane Lane  
Ms. Ann Burum  
Ms. Shannon Eboe-Osuji

I N D E XWITNESS

For the Prosecution:

WITNESS DBD

Cross-examination by Mr. MacDonald .....1

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## PROCEEDINGS

1  
2 MR. PRESIDENT:

3 Good morning, ladies and gentlemen. The sessions are on. The appearances are as before.

4  
5 Yes, Mr. MacDonald, you can start.

6 THE ENGLISH INTERPRETER:

7 Mr. President --

8 MR. MACDONALD:

9 Good morning.

10 WITNESS DBD

11 CROSS-EXAMINATION

12 BY MR. MACDONALD:

13 Q. Good morning, Witness. On April the 14th, 1999, as was the case with the previous witness who  
14 testified just before you, whom we called DBE, you met the two investigators; is that correct?

15 A. Yes, I did indeed meet the investigators. Indeed, I met the investigators.

16 Q. Thank you. And what I have here on your statement, the location or the place where you would have  
17 met these investigators is a place called Pro-Femmes/Twese. Could you tell us what that is?

18 A. Yes. That is the place where I met them. It is a women's centre. It's a women's organisation.

19 Q. Could you be a little more specific on that, please? What do you mean by a women's organisation?  
20 That's a bit scary.

21 A. It is a complex or centre where women and girls meet.

22 Q. Okay. We have places like that too for men that we call taverns, like in Canada, but what do you do  
23 there? I mean, what specific -- who specifically are these women? Is it women that were victims of  
24 sexual aggressions? What is it exactly?

25 A. No. It is all women in the *préfecture* of Gitarama who are concerned. Women and girls of Gitarama  
26 *préfecture* meet at that complex. Equally, women who are advocating for women and young girls work  
27 in that complex.

28 Q. I see. You didn't live there, did you?

29 A. No.

30 Q. And who chose that place as a meeting place with the investigators? Was it you or was it the  
31 investigators?

32 A. I don't know. There was a man, a Gitarama businessman, who indicated the place to us and told us  
33 that the investigators were to be found at that complex, and that is how we came to be interviewed  
34 within that complex. And we came to give them our statements.

35 Q. And who is that businessman that directed you to that complex?

36 A. It is Landoald Gahamanyi.

37 Q. And what was his -- what was his role in your meeting -- in your meeting with the investigators? In

1 other words, did he -- I'm sorry, ma'am, I didn't want to cut you off. Go ahead.

2 THE ENGLISH INTERPRETER:

3 The witness was about to say that she does not know, that she knows nothing about it.

4 BY MR. MACDONALD:

5 Q. Well, this person, at a certain point in time, told you that you should go to that Pro-Femmes centre and  
6 that you were to meet investigators. First of all, did you know that man before?

7 A. Yes, I knew him before. He is from \*\*\*\*\*.

8 Q. And other than being a businessman, is he a close relation of yours or is he a friend, a parent of some  
9 sort?

10 A. No. He is\*\*\*\*\*. We are not related at all, but he is\*\*\*\*\* , and he is currently a businessman  
11 in Gitarama. He has a shop.

12 Q. Okay. But, again, do you have any idea as to what his implication was in the fact that you were to meet  
13 the investigators?

14 A. He was chairman of *Ibuka*; then he no longer held that post.

15 Q. And I assume that you were a member of *Ibuka*?

16 A. He was the chairman of *Ibuka* because he is Hutu.

17 Q. He was the chairman of --

18 A. Landoald was removed from the post because he was Hutu.

19 Q. Let's take it one step at a time. This man, this businessman, that told you there was a meeting with the  
20 investigators, he was the chairman of *Ibuka*; is that correct?

21 A. Yes, he was chairman of *Ibuka*. But he is no longer in that post.

22 Q. All right. That person, that businessman, what's his name?

23 A. His name is Landoald Gahamanyi. He is Hutu.

24 Q. So this man Landoald Gahamanyi, is he the one that told you to go and meet the investigators at that  
25 particular place? I'm not following.

26 A. Yes, he is the one that told us that the Tribunal investigators were due to come and that we should  
27 meet them to recount the events that took place in 1994. He is the one who informed us of their arrival.

28 Q. Now, why are you emphasising on the fact that this gentleman was a Hutu? Why is that important for  
29 you? I never asked you that.

30 A. No. I do not know what I should say, but he is Hutu. I wonder how he acceded to the post of chairman.  
31 He is the person who would call us whenever we needed to be called.

32 Q. I'm saying this because I'm a bit surprised, given the fact that we have heard throughout other  
33 witnesses that these distinctions between Tutsi and Hutu are -- how should I say -- banned, practically  
34 banned now in Rwanda, and I'm a bit surprised that you would volunteer that distinction. But, in any  
35 event, how do you know today that Landoald Gahamanyi was a Hutu? How did you know that?

36 A. I know him; I know his whole family. His family is Hutu. I told you he is \*\*\*\*\*.

37 Q. Well, you know that because he told you that or someone told you that or because of other reasons?

1 How do you --

2 A. No, no one told me. His relatives or parents are\*\*\*\*\*. I know them and they know me.

3 Q. And, again, you were a member of *Ibuka*, say, back in April -- 14th of April 1999?

4 A. No, I have never been a member of *Ibuka*. I was a simple peasant.

5 Q. And it is quite a coincidence because, as with Witness DBE, who had given the address of *Ibuka*, also  
6 with a phone number as the -- a place where the investigators could reach her, because there is a  
7 second --

8 A. (No translation)

9 Q. Let me finish, please. You have the same habit as DBE, I see.

10 MR. JEGEDE:

11 Objection, Your Honours, I'm not going to have Mr. MacDonald pass comments to this witness like that.  
12 If he has such an imperious attitude, then he should not take this stand with this witness because I'm  
13 not going to allow it.

14 MR. MACDONALD:

15 Well, don't allow it; just sit down. It's okay.

16 MR. JEGEDE:

17 Well, that's what I've said.

18 MR. PRESIDENT:

19 Mr. MacDonald, the proceedings are controlled by me. You can't give orders to anybody.

20

21 Now sit down. I have noted your objection.

22

23 Witness, please listen to the question before answering. Halfway through, you start answering. Just  
24 listen to the question and then answer it. You have all the time.

25 MR. MACDONALD:

26 It wasn't meant to be offensive, Mr. President. It is just that some people have the habit of --

27 MR. PRESIDENT:

28 If you have any complaints, you direct it to me, and I will direct it to her.

29 MR. MACDONALD:

30 Very well.

31 BY MR. MACDONALD:

32 Q. As with Witness DBE, she had also left that address, the address of *Ibuka*, as a place of reference  
33 where she could be reached, and I'm a bit surprised that if you are not a member of *Ibuka*, why would  
34 you give that address?

35 A. Yes. I told you I gave the address of *Ibuka* because Landoald, this Gitarama businessman, was  
36 \*\*\*\*\*, knew me, and he was chairman of *Ibuka*.

37 Q. Well, then, why didn't you give the address of his home or his phone number or any other address?

1 Why *Ibuka*?

2 A. No. I never gave -- I never met him at *Ibuka*. I met him in the Pro-Femmes/Twese complex.

3 Q. That was not the question. The question is, why did you leave the address of *Ibuka* as a place where  
4 you can be reached? What you say -- the reason you leave that address is because these people at  
5 *Ibuka* would be able to locate you if you changed your address, so you had to have some specific  
6 intention when you left that reference to the investigators; in case they were trying to reach you, then all  
7 they had to do was call *Ibuka*.

8 A. I don't even know where the *Ibuka* office is located. I only know the Pro-Femmes/Twese Hamme  
9 centre.

10 Q. Well, you provided the phone number 62444. So you are the one that gave that to the investigators; did  
11 you not?

12 A. I don't know anything about that. I can neither read nor write. All I know is the place where the  
13 Pro-Femmes/Twese Hamme headquarters is. I don't know the *Ibuka* office.

14 Q. And are you saying that -- I will reformulate the question.

15  
16 And why were you surprised that he was the chairman of *Ibuka*, this Mr. Gahamanyi? You mentioned  
17 to the Court that you were a bit surprised. You emphasised on the fact that he was -- he had been a  
18 chairman of *Ibuka* but he was a Hutu, so how would that surprise you? You must know a bit about  
19 *Ibuka*.

20 A. I never said it was a surprise to me. I said he was *Ibuka* chairman, but currently he no longer holds the  
21 post.

22 Q. Well, you said something to the effect that he was -- even though he was a Hutu -- you emphasised on  
23 that, even though he was a Hutu, he was chairman of that *Ibuka*. You know *Ibuka* is an organisation --

24 A. Yes, that is what I said. I said he held the post of chairman of *Ibuka*. And when you asked me what his  
25 ethnic group was, I told you he was Hutu.

26 Q. Okay. The woman that testified just before you, whom we referred to as DBE, you know who I'm  
27 referring to? The person that testified here just before you did yesterday.

28 A. No.

29 Q. Well, that person was living in your *cellule*, in your cell, apparently back in 1994 and probably still is  
30 today. You had never seen that woman in your life?

31 MR. JEGEDE:

32 Objection, Your Honour, the witness has said that --

33 THE WITNESS:

34 I don't know anything about it. There are many residents in my *cellule*. There are many residents in my  
35 *cellule*.

36 MR. PRESIDENT:

37 I think she has not seen the witness. That is what she said, that she has not seen her.

1 BY MR. MACDONALD:

2 Q. Madam, you've seen the witness that testified here. You were in the back with her yesterday when she  
3 finished testifying, and you probably traveled with her yesterday morning.

4 A. No, I never saw that woman.

5 MR. BÂ:

6 Counsel, you seem to not know how things are organised in this place. People are not placed in the  
7 same rooms. Witnesses do not meet. Maybe if you were to write the name on a piece of paper and  
8 slip it to her --

9 MR. MACDONALD:

10 It is always the same scenario. You are supposed to believe what he is saying. I don't know what  
11 Mr. Bâ is saying is true or not, but he is not a witness. I'm entitled to ask the witness whether or not she  
12 crossed her --

13 MR. PRESIDENT:

14 You are entitled to ask her, but he is explaining the whole way it happens.

15 MR. MACDONALD:

16 No, he can't do that because you are going to take for granted that what he is saying is true. It could be  
17 true.

18 MR. PRESIDENT:

19 Okay. We will allow him to ask. The witness has already said that she has not met but you don't seem  
20 to believe that. That is what happened.

21 MR. MACDONALD:

22 Well, I'm not going to waste my time. If your mind is made up on that, then I'm just going to pass to  
23 something else. I mean, what is the point? So that -- I'm going to ask for a closed session.

24 MR. PRESIDENT:

25 Yeah. Counsel moves for a closed session. Sessions are closed to the public for a few minutes.

26

27 Mr. Black -- Mr. MacDonald, wait for two minutes.

28 *(At this point in the proceedings, a portion of the transcript [pages 6 to 12] was extracted and sealed*  
29 *under separate cover, as the session was heard in camera)*

30 *(Pages 1 to 5 by Leslie Todd)*

31

32

33

34

35

36

37

- 1 1010H
- 2 MR. MACDONALD:
- 3 Thank you.
- 4 BY MR. MACDONALD:
- 5 Q. You gave us an account --
- 6 MR. PRESIDENT:
- 7 Mister --
- 8 MR. MACDONALD:
- 9 Okay, sorry?
- 10 MR. PRESIDENT:
- 11 Yes, you may continue.
- 12 MR. MACDONALD:
- 13 Thank you.
- 14 BY MR. MACDONALD:
- 15 Q. You testified yesterday and gave us an account of what you said happened at the Mukinini roadblock.
- 16 MR. JEGEDE:
- 17 Mukinini.
- 18 MR. MACDONALD:
- 19 Mukinini. Thank you.
- 20 BY MR. MACDONALD:
- 21 Q. And you mentioned there that you knew a soldier by the name of Joseph Sibomana. And I'm assuming
- 22 that you know more than one person who has the name or bears the name Joseph Sibomana. It's a
- 23 very popular name, isn't it?
- 24 A. Yes.
- 25 Q. And, at a certain point in time, there was a bishop named Joseph Sibomana who, again, was very
- 26 popular and many -- that name was given to many children; correct?
- 27 A. No, that is not true. I knew that soldier, for he was a native of Tambwe.
- 28 THE ENGLISH INTERPRETER:
- 29 T-A-M-B-W-E.
- 30 BY MR. MACDONALD:
- 31 Q. And you say that Sibomana was from the *commune* of Tambwe. You've never lived there, is that
- 32 correct, in Tambwe?
- 33 A. Not at all. I have never lived in Tambwe, but I did used to go there. But one is not -- it's not precluded
- 34 that one should know only one's own region or persons in one's own region.
- 35 Q. I understand, but there are many people you don't know in your own *cellule*, as you pointed out earlier
- 36 in your testimony. And how far is Tambwe from your location from your cell?
- 37 A. But the place named Kangoma-Mayunzwe is located just after the limits or border of our region in the



1 commune of what was known as Tambwe.

2 THE ENGLISH INTERPRETER:

3 Kangoma-Mayunzwe is spelt K-A-N-G-O-M-A -- blank -- M-A-Y-U-N-Z-W-E.

4 BY MR. MACDONALD:

5 Q. And do you know of a woman named\*\*\*\*\*? Have you ever heard that name before?

6 A. Never. However, there are people with the first name Colette and others who have \*\*\*\*\*as  
7 their surname. However, I do not know someone called \*\*\*\*\*

8 Q. Now, we heard what you said yesterday with respect to -- what you're saying Mr. Joseph Sibomana did  
9 to you. Did you report him prior to 1999 to anyone?

10 A. But where could I have lodged a complaint against him? There were no authorities to whom I could  
11 present my case. It is recently that people have started complaining for this type of offence. Moreover,  
12 I mentioned it during the *gacaca* court sessions.

13 Q. I still gather that your answer is no, you have never complained about him or denounced him in any  
14 way prior to April 1999, before the 14th of April 1999?

15 A. I never lodged a complaint against him. It is recently that I lodged a complaint and even before the  
16 hearings of the *gacaca* court began, I had already made my complaint against him.

17 Q. I understand that the question was prior to 14th of April 1999. That's when you met the investigators.  
18 And when did you meet with the *gacaca* authorities with respect to Joseph Sibomana?

19 A. I think I met the *gacaca* judges last week because it is last week that the *gacaca* court's hearings  
20 began.

21 Q. So have you testified against Sibomana -- Joseph Sibomana last week?

22 A. We were told that those of us who were raped -- we could talk about these rapes before the judges of  
23 the *gacaca* courts. But this was not done in public; it was done in a, sort of, closed session.

24 Q. Where was that? Where was that closed session held?

25 A. During the session or hearing of the *gacaca* court, there is a person who is handling the rape cases.  
26 This person was pointed out to us. We were shown this person and it is with this person that we went  
27 to talk about the incidents.

28 Q. Wasn't there some kind of task force group session that was formed either in your area or the Gitarama  
29 area to discuss about these events for women who had been raped? Wasn't there something  
30 organised for that prior to April 14th 1999?

31 A. No, the group you're referring to never existed. Recently, this matter has been broached.

32 Q. Well, knowing that Landoald Gahamani was chairman of *Ibuka*, I assume you must have discussed this  
33 with him, Landoald, the fact that you had been raped and the fact that you knew one of your  
34 aggressors. I mean, did you seek any help or counsel from him in any way?

35 A. No, I did not open up to him. You know, we were ashamed to talk about it to other people. It is  
36 shameful and sad to talk about it, that is why I did not talk about it to Gahamani.

37 Q. Well, did you mention it to anyone in your entourage?

- 1 A. No, I didn't talk about it to anybody, but do you think it is a pleasant story, something to be recounted to  
2 anybody? The only people I've spoken to about it are the investigators from the Tribunal.
- 3 Q. But the question is the following: how did they find out about your predicament? How did they know  
4 that if you haven't spoken to anyone?
- 5 A. They came to interview us on the events we experienced and we told them what happened to us. In  
6 my case, I told them what my experience was in detail.
- 7 Q. You say, "They came to interview us." Who are you referring to when... (*Microphone not activated*)?
- 8 A. I'm talking about myself. I went to the place where they were and they put questions to me.
- 9 Q. So, again, when Gahamani told you you had to meet some investigators, did you ask Gahamani what  
10 for? He wasn't aware of what you had been through. So how did this work out? I mean, how did you  
11 end up over there, go to Gitarama on a bicycle with your son without knowing why? The question is the  
12 following: did you ask Gahamani what was going on? Why did the investigators want to see you?
- 13 A. I did not ask him questions. He told me there were people who wanted to see me. I went to that  
14 building and met them. They asked me questions. Besides, during the interview, Gahamani was not  
15 present.
- 16 Q. Madam, I respectfully submit to you that this version is unbelievable. I mean, you would not have went  
17 to Gitarama to meet some strangers not knowing why they wanted to meet you. Moreover, these  
18 people --
- 19 A. But there was a Rwandan with these foreigners.
- 20 Q. What are you talking about? What are you referring to?
- 21 A. I'm telling you there was a Rwandan interpreter who was interpreting for these foreigners. I don't  
22 remember the name of the interpreter even though I think the interpreter told me.
- 23 Q. Well, you know that has nothing to do with what we're discussing right now. I'm very concern with the  
24 fact that you did not mention your predicaments or your -- the fact that you had been raped. You never  
25 mentioned that to anyone. At a certain point in time Gahamani was allegedly your \*\*\*\*\* from  
26 *Ibuka*, calls you and tells you people want to meet with you. And you don't ask any questions and you  
27 get on your bike with your son and -- it doesn't make any sense?
- 28 MR. JEGEDE:
- 29 Mr. President, I believe earlier on the witness said Gahamani informed her to recount -- to go and meet  
30 the investigators in order to recount what happened to her in 1994?
- 31 MR. PRESIDENT:
- 32 She has not told anybody, so he's asking how it came about. She says that she has not told anybody  
33 about what happened to her.
- 34 MR. JEGEDE:
- 35 Exactly, but, Your Honour, this witness has testified to different events. She didn't only testify to rape,  
36 she also testified to killings in the community. He's concentrating on the aspect of rape. "If Gahamani  
37 did not know you were raped, how come he asked you to go and meet the investigators?"

1 MR. PRESIDENT:

2 That is the question -- that is what he's asking.

3 MR. JEGEDE:

4 Yes, but, that's why I am saying that she's testified to many events at the time; to killings, to killings in  
5 Kabgayi, to killings at TRAFIPRO. So it's not only rape that she's testified to.

6 MR. PRESIDENT:

7 Yes, you may go on.

8 BY MR. MACDONALD:

9 Q. You had never discussed about this with Gahamani. This we have established. Gahamani calls -- well,  
10 first of all, did he call you or how did he get in contact with Gahamani? Did he go and see you, or did  
11 he call you or he left a message? How were you informed by Gahamani?

12 A. He sent his older brother who is an employee. And his elder brother said I should meet these people at  
13 the place that we talked about. But the investigators asked me questions on the events I experienced.  
14 They were foreigners. And I spoke in Kinyarwanda. An interpreter was present to facilitate  
15 communication.

16 Q. And what exactly -- well, first of all, what's his name, his brother, his older brother, Gahamani's older  
17 brother?

18 A. His name is Kayihura, K-A-Y-I-H-U-R-A.

19 Q. And this individual just showed up at your house one day? He went to your place, to your house?

20 A. But he lives in \*\*\*\*\*, in the \*\*\*\*\*. That is where he lives. Everyday he goes back there. He  
21 works at his place of business and then returns to his home.

22 Q. Where were you informed that you were to meet with investigators? Where exactly did you learn that?  
23 Was it in your house, in your yard, where?

24 A. He found me in my house and he transmitted a message to me. He told me that on such-and-such a  
25 date "you have to meet some people who are looking for you and who want to meet you." And on the  
26 appointed date I went to meet these people.

27 Q. Did you ask this gentleman, did you ask him why they wanted to meet with you, these people?

28 A. No, I did not ask him questions.

29 Q. And why not?

30 A. I did not ask him anything because that was the second time we were meeting.

31 Q. What was the first time?

32 A. I do not recall when we met the first time. I'm not educated, but you can refer to the documents  
33 available to you to find out.

34 Q. You say that you did not question this man that came to your house, Gahamani's brother, came to your  
35 house to inform you that on such-and-such a date you had to meet some people at a certain location,  
36 and you said to the Court I did not ask questions because we had met previously or I had met with him  
37 on another occasion. I'm asking you, what does that have to do with the fact that you don't ask any

1 questions as to who are these individuals, what to they want?

2 A. I did not ask him any question.

3 Q. In your answer you said you did not ask questions because you had met with him previously. I'm just  
4 curious as to what that has to do with the fact that --

5 A. I'm referring to Landoald Gahamani. When his elder brother came to see me, I had already met  
6 Landoald Gahamani, but I never asked Landoald Gahamani nor his elder brother the reason for which  
7 these people wanted to see me.

8 MR. PRESIDENT:

9 Witness, was your husband known to Gahamani or his brother?

10 THE WITNESS:

11 But I have told you that they are \*\*\*\*\* . And, besides, relatives of these two men are in\*\*\*\*\*.

12 They are related. Their parents are our \*\*\*\*\*.

13 MR. PRESIDENT:

14 The question is whether your husband was known to these people.

15 THE WITNESS:

16 Yes, they know my husband. You cannot not know your \*\*\*\*\*

17 MR. PRESIDENT:

18 And you said you lost two children?

19 THE WITNESS:

20 Yes, they were killed in Butare while living with my parents.

21 MR. PRESIDENT:

22 Yes, Counsel.

23 BY MR. MACDONALD:

24 Q. Well, your husband and your -- I think I know where the President is going with this.

25 MR. MACDONALD:

26 With all respect, Mr. President.

27 BY MR. MACDONALD:

28 Q. Your husband and your children were killed back in 1994, is that right?

29 A. That is correct.

30 Q. Okay. So when you went -- when you went to meet with the investigators on the first day, and I'm  
31 suggesting that it was July -- I'm sorry, April the 14th 1999. When you got on the bike, and you went all  
32 the way to Gitarama, you didn't know who you were going to meet and you didn't even know why you  
33 were meeting all these people; correct?

34 A. I did not know the purpose of this meeting. I got to know only when we met.

35 Q. And, again, I'm going to ask you the question. And I understand -- I assume from your testimony you  
36 found out about that meeting when his brother showed up at your house and told you about that. And  
37 I'm going to ask you again, why did you not ask his brother what was the purpose of that meeting?

1 Why did you have to meet these people, and who were these people you had to meet?

2 A. I told you that I didn't ask him those questions. I know what happened to me and that was important to  
3 me and not to anyone else.

4 Q. Madam, you didn't even know that these people wanted to meet you concerning events dating back to  
5 1994, 1993 or 1990, for that matter. You didn't even know why they wanted to see you.

6 A. I did not know, but from when the investigators told me about the purpose of the interview, I opened up  
7 to them.

8 Q. Well, that doesn't, that doesn't sound like a -- I'm suggesting to you that this whole meeting was set up,  
9 perhaps, by Gahamani as a chairman or representative of *Ibuka*. You were a member of *Ibuka* and you  
10 met other women there and there was some kind of a programme set up or a plan set up to come out  
11 with this information and testify. And *Ibuka*, by the way, is known as an organisation of informants; they  
12 teach you how to inform on other people, they give you advantages and they show you how to lie.

13 That's what they do, *Ibuka*. Well, you can't deny that. Can you deny that?

14 MR. JEGEDE:

15 Objection, Your Honour.

16 THE WITNESS:

17 I'm not a member of *Ibuka*. I'm not a member of *Ibuka*.

18 MR. JEGEDE:

19 Well, actually, what I was going to complain about is the loaded question.

20 MR. PRESIDENT:

21 I thought it was coming as a form of suggestion. It is not a question.

22 MR. JEGEDE:

23 The danger in this is if the witness answers yes to a couple of questions putting the same question,  
24 then he might use an answer favourable to him in his closing. So that's why it's not permitted for  
25 counsel to put a compound question to witness. He has to break down these questions into pieces so  
26 we know what he's talking about at every point in time.

27 MR. PRESIDENT:

28 Yes, Mr. Counsel, you can break your questions.

29 MR. MACDONALD:

30 And just for the information of my learned friend, when you ask -- I agree with him on the question of  
31 loaded questions. It shouldn't be allowed. But if the witness says no, then you're gaining a lot of time.

32 And if she says yes, then you break it down.

33 BY MR. MACDONALD:

34 Q. Ma'am, you are not in a position to denying anything I just said about *Ibuka*, right?

35 A. No, I'm not -- I don't know the inner workings of the *Ibuka* association. I only know the experience I  
36 went through. And that's what I recount today the investigators of the Tribunal.

37 Q. Given the fact that Gahamani was your neighbour, and that you knew him very well, enough to make

- 1 that person your representative, if I could speak that way, weren't you ever curious about what your  
2 neighbour did? What was *Ibuka*? What exactly was that organisation? Have you ever discussed that  
3 with him, with Gahamani?
- 4 A. No, we did not discuss that.
- 5 Q. And is there a particular reason why you would not discuss that knowing he's the chairman of *Ibuka*? Is  
6 that a forbidden subject for you?
- 7 A. I had no reason to discuss this subject with Gahamani. The experience I went through concerned me.  
8 And I have no reason to discuss it with him because I had not even discussed it with anyone else. I  
9 only recounted it to the investigators of this Tribunal.
- 10 Q. These investigators were strangers to you. I'm -- is that correct, you didn't know the investigators at all?
- 11 A. But there was a Rwandan who was speaking Kinyarwanda, just as the interpreter here is doing, the  
12 interpreter who is interpreting you. That is why I opened up to him. And he recorded my statement.
- 13 Q. So you're asked to meet with investigators of this Tribunal, you show up there, and the only reason you  
14 open up is because there's an interpreter there that is Rwandan. You are surrounded by Rwandans.  
15 And you had been surrounded by Rwandans since 1994, since you are alleging this thing happened.  
16 Why wouldn't you open up to other Rwandans?
- 17 A. No one wanted to know what happened to me. Do you think it is that easy to open up to just anyone,  
18 particularly somebody who hasn't asked you what happened to you.
- 19 Q. Did you know that Rwandan interpreter that you met on April 14th 1999? Did you know him?
- 20 A. No, I did not know him.
- 21 Q. Did you know where Sibomana lived, say, in 1998 or 1999? Did you know where he was?
- 22 A. I have told you that I knew him well before the war. I knew his parent's house in Tambwe.
- 23 Q. Okay. So you knew him for many years then, Sibomana?
- 24 A. Yes, I knew him. It was not in 1994 that I saw him for the first time.
- 25 Q. Well, approximately, when did you see him for the first time, without giving us a specific date?
- 26 A. I told you that I knew him before the war. And I knew the house of his parents. You can do your own  
27 reckoning starting with the period before the war.
- 28 Q. So you knew he was a soldier even before you met him at that roadblock; is that correct?
- 29 A. Yes, I knew it.
- 30 Q. And when did he become a soldier, Sibomana?
- 31 A. I wouldn't know. I only knew that he was a soldier because I used to see him. And I knew his parent's  
32 house.
- 33 Q. And since you knew Joseph Sibomana, what unit was he in as a soldier; in other words, what kind of a  
34 soldier was he? You must have known that.
- 35 A. I wouldn't know the unit he belonged to. I just knew that he was a soldier? I knew his name, I knew he  
36 hails from Tambwe, but I just wouldn't know the unit he belonged to.
- 37 Q. Well, where was he posted?

- 1 A. His post was in the Tambwe *commune*. It is possible that his unit covered the Gitarama region, but I'm  
2 not in a position to assert that. All I knew was that he was a soldier.
- 3 Q. So you didn't know what unit. Did you know what rank he had as a soldier, this person you knew?
- 4 A. I don't know his rank. All I know is that I used to see him in military uniform, military boots and that he  
5 used to carry a weapon, firearm, but I wouldn't know his rank.
- 6 Q. Was he married, this person you knew, Sibomana?
- 7 A. But, Counsel, I have told you that I only knew that he hailed from that region. I did not know anything  
8 else. Besides, he was not my immediate neighbour. He lived on a hill opposite our own. I don't know  
9 whether he was married or not.
- 10 Q. The Sibomana you knew, did he have children. Did you know that?
- 11 A. I did not know it. I did not know whether he was a bachelor or a married man. I don't think anything  
12 about that.
- 13 Q. So all you know about this individual is just enough to come here and testify to say that you knew a  
14 soldier that raped you and, therefore, you could testify or asserted that he was a soldier and that you  
15 knew him. Did you know his parent's name? Did you know --
- 16 A. I did not know his parent's name, but I know his parent's house because they used to show me his  
17 parent's house by saying, "This is Sibomana's parent's house." And remember I told you that he was  
18 not my immediate neighbour. Someone can tell you that this person is called so-and-so, and when you  
19 see him on several occasions you can identify him as such.
- 20 Q. Well, when did you first meet Sibomana? Can you tell us about the circumstances where you first were  
21 introduced to him, if you were introduced to him?
- 22 A. But, Counsel, I told you I knew his name. And I saw him again when he was at that roadblock.
- 23 Q. I'm asking you a very specific question. I would appreciate it if you could answer it. When did you meet  
24 this man and what are the circumstances in which you met him?
- 25 A. I went to visit somebody in that person's region. This was before the war and this is the first time that I  
26 got to know him. And this was before the war.
- 27 Q. And who introduced you to Sibomana?
- 28 A. People could mention his name and I could hear. People were calling him by his name.
- 29 Q. So you were never introduced to him, you never spoke with him. Is that what I must assume from your  
30 answer?
- 31 A. I told you that I used to see him in his parent's house because I know the parent's house. Nobody  
32 introduced him to me. I used to go to that region, and he had his friends, and it was in that context that  
33 I got to know him because his friends, who mentioned his name, and that is how I got to know him.
- 34 Q. And how did you know his parent's house if you didn't know his parent's name? And why would you  
35 know about his parent's house? Is there any reason for that?
- 36 A. But you can go somewhere and see a person, get to know his name. People mentioned his name, and  
37 through that you get to know his parent's house. Since I knew that region where he lived, I got to know

1 him and I used to see him.

2 Q. Well, if you say you got to know him, did you ever engage in a conversation with him? Did you ever talk  
3 to him?

4 A. No. The only time we spoke to each other was the day I found him at that roadblock. Prior to that, we  
5 had never spoken to each other.

6 Q. So, basically, you're saying to the Court that you know this person that sexually assaulted you, you  
7 know his name, you have never spoken with him, and the reason you know his name is because  
8 somebody told you, and you found that out in the context of knowing where his parent's house was,  
9 who you don't know their names. So, basically, this is why you know Sibomana?

10 A. That is correct.

11 Q. And you know what he did before joining the army this person you know?

12 A. It's possible that he was a farmer.

13 Q. Well, why are you saying it's possible? What leads you to believe that he could have been a farmer?

14 A. I'm putting it that way because I'm not sure of what I'm saying. I'm saying it is possible that he was a  
15 farmer. I did not know what he was doing before becoming a soldier.

16 Q. And do you know when he joined the army?

17 MR. JEGEDE:

18 Objection. She already answered that question.

19 MR. PRESIDENT:

20 Yes. Yes, Counsel, she --

21 MR. MACDONALD:

22 She has, I'm sorry. She doesn't know, I think.

23 MR. PRESIDENT:

24 How long will you take?

25 THE WITNESS:

26 No.

27 MR. MACDONALD:

28 I shouldn't be too long, Mr. President, if you would like to break at this point.

29 MR. PRESIDENT:

30 Court is adjourned for ten minutes.

31 *(Court recessed at 1100H)*

32 *(Pages 13 to 21 by Roxane Lane)*

33

34

35

36



1 1119H

2 MR. PRESIDENT:

3 Yes, Mr. MacDonald. We will be going on till 1, so you might want to give time to the others.

4 MR. MACDONALD:

5 Yes, sir.

6 BY MR. MACDONALD:

7 Q. In your testimony -- in yesterday's testimony, while you were at TRAFIPRO, you mention that at a  
8 certain point in time you saw Mr. -- Prime Minister Kambanda, who showed up there with the bishop.

9 A. Yes, he came to the place where we were.

10 Q. Now, the fact that the prime minister went there, I'm assuming that you consider that as being an  
11 important -- an important fact; isn't that correct?

12 A. Quite. Quite so.

13 Q. And, again, I'm referring you to the statement of April the 14, 1999, in which you provided a statement  
14 of -- containing seven pages. Why didn't you mention that in your statement to the investigators when  
15 you told them about what had happened at TRAFIPRO? Why didn't you tell that to them?

16 A. During the interview with the investigators, it was difficult for me to recount all the events I experienced  
17 in 1994. I must point out to you that when one -- or, if one were to endeavour to tell everything that one  
18 has experienced, it would be impossible to do so. It will fill so many pages.

19 Q. I entirely agree with you, madam. I entirely agree with you. But this -- this particular fact, the presence  
20 of the prime minister, Mr. Kambanda, and you agree yourself it's an important fact. It's not a detail  
21 here. We're talking about the visit of the prime minister, who was accompanied with -- by the -- by the  
22 bishop. I mean, surely you must have remembered that when you met with the investigators; did you  
23 not?

24 A. I did not remember that event because what was important to me was what I had experienced. And  
25 you will understand that you can remember -- or, rather, forget certain events. You will understand that  
26 we experienced various events, and it is not abnormal for us to forget some facts.

27 Q. But, assuming that you forgot that when you met the investigators on April the 14, 1999, I'm concerned  
28 as to why you wouldn't have remembered that when you signed your statement back in July of 1999.  
29 I'm assuming -- and you tell me otherwise if I'm wrong, but I'm assuming that your statement was read  
30 back to you when -- or, before signing it. So must I assume that you forgot about that in April the 14th  
31 and on July the 6th also when your statement was read back to you?

32 A. As far as I was concerned, what mattered was recounting the events I had experienced, events that  
33 had directly affected my life. And I said that there was -- I could have mentioned these events at any  
34 point during my interview.

35 Q. But the question is, why didn't you?

36 A. But, Counsel, are you insinuating that Prime Minister Kambanda did not come to the place where we  
37 were? I saw him. I saw him come, and I said to myself that any time I could report this fact.

1 Q. Well, you get on a bike. You go to Gitarama to meet investigators. You discussed about the facts that  
2 happened prior to TRAFIPRO and at TRAFIPRO. They were questioning you on that, on these  
3 particular events, and that's part of the event. So, again, why would you not mention it to the  
4 investigators?

5 A. Counsel, I told myself that I would recount this event during the hearings of the courts. But when I was  
6 meeting the investigators from the Tribunal, the main issue of concern to me was the experiences that I  
7 had directly had, which related to me.

8 Q. So I'm -- I understand from your answer that you didn't really forget about it when you met the  
9 investigators, it's just that you chose not to mention Kambanda's visit at that point with the investigators,  
10 and you said to yourself that whenever the time comes you would mention it.

11 A. You are correct. That is what happened.

12 Q. Well, why did you tell the Court that you had forgotten about it when you said one can forget about  
13 certain things? Either you forgot about it or either you didn't forget about it and decided not to mention  
14 it. It's one or the two.

15 A. No, I had not forgotten the incident; rather, I opted not to mention the event because I would talk about  
16 it when the time came. You must understand we went through many events; we witnessed several  
17 incidents, and there is not enough paper to put down everything that we experienced.

18 Q. So when did you decide that you would testify about that particular event, the presence of Kambanda?  
19 When did you say to yourself, "Well, I'm going to mention that to the Court"?

20 A. Recently, very recently, I took the decision to talk about this event. I added the prime minister's visit in  
21 my testimony very recently.

22 Q. Well, how recent are we talking about? Is it yesterday, the day before yesterday? Is it this week?

23 A. I think I decided to talk about it a few days ago.

24 Q. And what led you -- and what led you --

25 A. *(No interpretation)*

26 Q. And what led you to take that decision, a very important decision, that in your testimony you would  
27 mention Kambanda?

28 A. I felt it necessary to talk of this event because it is an event that took place. It is not something that I  
29 am making up. Moreover, I was not the only one present.

30 Q. No, but what led you to decide? I understand it's an important event, and it was an important event  
31 when you met the investigators also. But at that particular time, you chose not to mention it. Why  
32 mention it now? What led you to take that decision?

33 A. I felt it important to talk about it, knowing that I was now to testify before the Tribunal.

34 Q. When you provided the investigators with a statement, you knew what they wanted from you, right?  
35 They wanted you to give them a precise account of the facts.

36 A. *(No interpretation)*

37 Q. So why didn't you give them a precise account of the facts? Why were you hiding that to the

1 investigators, in other words?

2 A. I am telling you that what mattered to me -- or, what was of concern to me were the events that had an  
3 impact on my life and my health, above all. That is why I talked about them.

4 Q. Well, you said it yourself, that's part of the event; it's a very important event.

5 MR. JEGEDE:

6 Objection, Your Honour, objection. I think we've dwelled so much on this point that at this point I think  
7 we should move on. The witness has explained in many -- in many forms why he did not -- she did not  
8 mention Kambanda --

9 MR. PRESIDENT:

10 She didn't mention that --

11 MR. JEGEDE:

12 *(Microphones overlapping)* -- to the investigators. She said if she were to mention all the events that  
13 occurred at the time, it would -- it would fill volumes, volumes of books.

14 MR. PRESIDENT:

15 *(Microphones overlapping)* Yes, Mr. MacDonald, we have noted that there's an omission on this.

16 MR. MACDONALD:

17 Well, I know, but, I mean, that -- not only is there an omission, but there's a lie there also because she  
18 told you that she forgot about it at first, then she says she didn't forget about it, she chose not to  
19 mention it.

20 MR. PRESIDENT:

21 Yeah, yeah.

22 MR. MACDONALD:

23 And so that's a bit different. And to answer that -- the objection of my learned friend, she did not give  
24 any explanation. I didn't hear any explanation from her other than contradictory elements of her  
25 testimony.

26 BY MR. MACDONALD:

27 Q. Madam, when you got here in Arusha, is it correct to say that your statement was read back to you, that  
28 statement of April the 14th, 1999?

29 A. Yes, my statement was reread to me.

30 Q. Did anybody draw your attention to the fact that you had not mentioned that in your statement,  
31 Kambanda's visit?

32 MR. JEGEDE:

33 Objection, Your Honour. I -- I remember the -- the ruling of this Chamber --

34 THE WITNESS:

35 *(No interpretation)*

36 MR. JEGEDE:

37 -- the ruling of this Chamber with respect to the motion brought in respect of our objection to this line of

questioning wherein we -- I think it was Witness ANB. In that ruling of -- of the Chamber, you stated that the -- the Defence must not enquire into the transaction between counsel and witness while in Arusha, but they can only ask whether the statement that was put to them and -- but one or two other questions, but certainly not the meat of the ruling itself.

MR. PRESIDENT:

*(Microphones overlapping)*...the number of meetings with the witness.

MR. JEGEDE:

As the Court pleases. So it is going into the -- this is the ruling, Your Honour.

MR. PRESIDENT:

Yeah, but what other questions, Mr. MacDonald?

MR. MACDONALD:

Well, the only -- I'm not trying to get into exactly what was said. I'm just putting the question to her as to is that the particular point in time where her attention --

MR. PRESIDENT:

Yeah.

MR. MACDONALD:

*(Microphones overlapping)* -- was attention was brought to that particular point.

MR. JEGEDE:

But that -- it's eating into the -- the --

MR. PRESIDENT:

Yeah. Mr. MacDonald, the ruling is not to enquire as to the contents of the conversation.

MR. MACDONALD:

Well, I think there should be exceptions applying to that. I mean, again, we're not -- we're not trying to investigate as to exactly what was said.

MR. PRESIDENT:

So you can put the question in this form: Did you -- did you decide to tell about this at that meeting?

MR. MACDONALD:

Very well.

MR. PRESIDENT:

It is not a question you can --

MR. JEGEDE:

And for the benefit of everybody, Your Honour, I believe I should read out the order of this Court on that subject. And the order says, "For the above reasons, the --"

THE ENGLISH INTERPRETER:

Can counsel slow down for the French booth, please?

MR. PRESIDENT:

It is not necessary for the whole ruling -- *(Microphone not activated)*

1 THE ENGLISH INTERPRETER:

2 Your Honour's microphone, please.

3 MR. JEGEDE:

4 *(Microphones overlapping)*...of the parties, Your Honour --

5 MR. MACDONALD:

6 Yeah, we read it too.

7 MR. JEGEDE:

8 Once we know where we are with Your Honours, then, of course, we wouldn't go outside the orders --

9 *(Microphones overlapping)*

10 MR. MACDONALD:

11 The Bench wrote it and we read it, so I think that's enough.

12 BY MR. MACDONALD:

13 Q. Madam, first of all, I didn't want to get into that specific point, but did you meet with the Prosecutor or  
14 the Prosecutors when you got here in Arusha?

15 A. Yes.

16 Q. And I understand that the statement was read to you by the Prosecutor and that statement was  
17 translated to you by the interpreter; is that correct?

18 A. Yes.

19 Q. And --

20 A. That is correct. An interpreter translated the statement to me.

21 Q. Is that the point in time when you decided that you would tell the Court about Kambanda's visit? Is that  
22 when you decided that?

23 A. Yes. It was at that time that I took the decision to speak about it before the Tribunal, now that I'm here  
24 in the Tribunal.

25 Q. And the question is, why? Why did you decide to -- to at that time, when the statement was read to  
26 you, you decided to tell the whole version to the Court?

27 A. I've told you that I was coming before Your Honours. Otherwise, before then I had not spoken about it.

28 Q. I think it's clear to everyone here why you decided that -- that particular point.

29

30 Now, not only did you testify to Kambanda's visit, but you took --

31 A. Yes, indeed, it was at that time that I decided to mention it to the Judges. I was coming before the  
32 Judges, and I knew the Judges were going to listen to me. Who did you want me to mention it to before  
33 now?

34 Q. You decided to mention that when you were with the Prosecutor. You gave the Court the reason that  
35 you decided to mention it because you were now going to testify. On your way here to Arusha, you  
36 knew that you were coming here to testify. Why not decide that there on the plane? Why wait until  
37 you're with the Prosecutor? That is the suspicious part.

- 1 A. Counsel, I'm telling you the truth. Before then I had not met the Prosecutor. I met the Prosecutor when  
2 I was here in Arusha.
- 3 Q. Well, why wait --
- 4 A. I was invited. I met him here in Arusha.
- 5 Q. Why wait until you're in the presence of the Prosecutor to decide to tell -- to tell the Court about the  
6 presence of Kambanda? This is my question: Why wait at that point?
- 7 A. But who else would you want me to mention it to? I've never appeared before any court, and since I  
8 was coming before this Court, that was when I decided I should mention it.
- 9 Q. Anyways. Not only did you mention in your testimony the fact that the prime minister showed up, but  
10 you also took the precaution of adding the fact that he was with the bishop. Now, why did you feel it  
11 was so important to add that element?
- 12 A. The bishop came in the company of the prime minister, Kambanda. They came to Kabgayi, and I saw  
13 them. We even clapped for them in the hope that the prime minister was going to assist us. He was  
14 with the bishop that day, Nsengiyumva.
- 15 Q. The witness that testified prior to your testimony, Witness DBE, testified under oath  
16 that Prime Minister Kambanda was not with the bishop; he wasn't accompanied by the bishop. Did you  
17 know that?
- 18 A. They were together when I saw them. He was the bishop of Kabgayi. I was present when I saw them  
19 with my own eyes.
- 20 Q. Did anybody tell you, or did anybody ask you, to mention that, the fact that not only the prime minister  
21 was there but the bishop was with him also?
- 22 A. No, nobody gave me instructions to say that. I saw them. They came our way. They walked around  
23 the complex. They saw the dead bodies, and they saw that there was mud all over our bodies. We  
24 clapped for them because we believed the prime minister was coming to assist us, that he was coming  
25 to ensure security within the complex. But on the contrary, after his departure, that is when the attacks  
26 intensified, that night. And I know the bishop of Kabgayi very well.
- 27 Q. Well, then, why not mention it to the investigators? Did you choose not to mention that also? Was that  
28 a deliberate decision on your part when you met the investigators?
- 29 A. I have told you that these people who met me were ordinary investigators. They were not -- they were  
30 not the Judges. I decided to give that information when I come before the Court, and that's what I did.
- 31 Q. Well, these people were important to you, enough for you to open up for the first time since the events  
32 that you're alleging took place in 1994. So they had -- they were important enough for you to mention  
33 that, the fact that you had been raped.
- 34 A. I wouldn't know if they were that important. In any event, they came with an interpreter, and I told them  
35 my story as it happened in 1994. And the interpreter told them what I said, and I never saw those  
36 investigators again. I don't know why they were -- they asked me those questions. They wanted to  
37 know what happened in 1994. I did not know the objective, and then later on I signed my statement.

1 Q. Why don't you just tell the truth for once and tell the Court that someone asked you to mention that,  
2 mention the fact that Kambanda was there?

3 A. No, nobody gave me instructions to say that before the Court. I took that decision by myself. I'm  
4 recounting the events that I lived myself and which I witnessed with my own eyes.

5 Q. Now, you said you knew that bishop. What was his name?

6 A. He was called Thaddée Nsengiyumva. He was the bishop of Kabgayi.

7 Q. And I assume you must have known that he was killed with two other bishops and nine priests by the  
8 FPR -- or, the RPF on June the 5th, 1994. Was that brought to your attention?

9 A. I'm not aware of that.

10 Q. When did you leave TRAFIPRO, the compound? What date?

11 A. We were liberated on the 2nd June.

12 Q. So did you leave on the 2nd of June?

13 A. Yes.

14 Q. Now, speaking of your statement, madam, you mentioned that when you got to Shyogwe, you said  
15 that -- I believe it's Pastor Berchmans, he told you to go because -- please let me finish -- because --

16 MR. MACDONALD:

17 And the reason I'm not reading textually, Mr. President, because I have the French transcript. The  
18 English transcript was not available yesterday when I left. So --

19 MR. PRESIDENT:

20 If you want, I can give it to you.

21 MR. MACDONALD:

22 Well, it's not necessary unless she says she didn't say it. But --

23 BY MR. MACDONALD:

24 Q. So you said that the Pastor Berchmans told you perhaps that you should go, you should leave because  
25 there were some military officers, or military personnel at the church; is that correct?

26 A. Yes. They were based at Shyogwe. All of them were based at Shyogwe. They were all at Shyogwe  
27 when we arrived on the night of Friday.

28 Q. And the question was put to you yesterday where we asked you -- where the Prosecutor asked you  
29 how many military officers or military personnel did you observe at the church in Shyogwe. And you  
30 gave an answer to that. You said there were many military personnel. Now, am I to understand that  
31 these people were at the church and that you saw them?

32 A. We were in the secondary school, the primary school, and even in the church. And I cannot give an  
33 exact figure of these persons because there were many. They were with their wives and children.

34 Q. Well, you didn't go with this -- you weren't at the secondary school, madam; is that correct? You never  
35 went to the secondary school. You stayed at the church in Shyogwe, and, therefore, you never saw  
36 these soldiers.

37 A. We did not even get inside the church. We spent the night outside the church because we got there

1 during the night. We walked during the night before we got to the Shyogwe church. It was early in the  
2 morning that the pastor found us at the church. It was on a Saturday. And since he was afraid, he  
3 advised us to leave. He told us that we cannot remain in -- with the group of soldiers. That is why he  
4 advised us to move on to Kabgayi.

5 Q. The question is the following: Isn't it correct to say that you never entered the secondary school?

6 A. No, I never went into the building. But I could see the building. They were all there. I told you that I got  
7 there late at night.

8 Q. Well, you mention in your statement that Pastor Berchmans told you that soldiers were gathered at  
9 Shyogwe secondary school. You never mentioned anything about the church, and, therefore, you  
10 never saw the soldiers. The pastor told you there were soldiers, but you never saw the soldiers there.

11 A. I saw them. They were all guarded at Shyogwe. It were -- it were these soldiers who had gathered at  
12 Shyogwe.

13 Q. You mention in your statement that the soldiers were not only at Shyogwe but they were in the  
14 Shyogwe secondary school. So how could you see them if you didn't go into the school?

15 A. Be it in the church or the secondary school, these buildings are next to each other, close to each other,  
16 and that's how come I saw them. So Pastor Berchmans advised us to move on because he said he did  
17 not think we could remain together with this group of people who had come. If you carry out your  
18 investigations properly, you will find out that these soldiers were indeed at Shyogwe with their wives  
19 and children.

20 Q. Well, why did you lie about that part, then? I'm assuming to you that if we read your statement,  
21 madam, you never saw the soldiers.

22 A. *(No interpretation)*

23 MR. JEGEDE:

24 Objection, Your Honour, objection. This is the problem that arises when counsel brings the facts from  
25 the air. You've advised them to read from the transcript, and they did not do that. Now you -- you  
26 manufacture facts, and then you conflate fiction with reality and you expect the witness to answer to  
27 both. It's impossible.

28 MR. MACDONALD:

29 Well --

30 MR. JEGEDE:

31 If you want to put facts to this witness, you read from the transcripts. That's how it's done.

32 MR. PRESIDENT:

33 Yes, Counsel?

34 MR. MACDONALD:

35 Well, you can't reproach us of -- of manufacturing evidence. I'm not manufacturing facts. It's in her  
36 statement, and I told the Court why I didn't read from the transcript. I didn't have it when I left  
37 yesterday. That's the only reason. I could do it in French and get everybody confused, or if she says



1 she didn't say it, then it's for her to say. I mean, that's the way it works.

2 MR. PRESIDENT.

3 Yes. No, I have the English transcript if you want it.

4 MR. MACDONALD:

5 We have it.

6 MR. PRESIDENT:

7 Yes. Yes, if you want it, you can have it.

8 BY MR. MACDONALD:

9 Q. The question that was asked to you was, how many soldiers did you observe in Shyogwe church?

10 A. I told you that I don't know the number of the soldiers but that there were very many.

11 Q. The contradiction, madam, is -- the contradiction -- the contradiction is in the fact that here in Court you  
12 mention that you saw the soldiers and the soldiers were in the church. In your statement you never say  
13 you saw the soldiers, and you say that the pastor told you that they were in the school. So that, for me,  
14 is two different versions. Which one is correct?

15 A. I have told you that the secondary school and the church are in the same place. The soldiers were at  
16 the church and the secondary school.

17 Q. Madam, I have the information here to the effect that what you're saying is not true. The church -- let  
18 me finish, please.

19 A. *(No interpretation)*

20 Q. The church is 400 metres from the secondary school. It's down in the valley together with the primary  
21 school. The secondary school, madam, is a building alone. It's two different things.

22 A. No. What I'm telling you is correct. I'm telling you the truth. I'm not lying.

23 Q. Well, were you telling the truth when you testified about what happened at Mukinini?

24 A. Yes, that was the plain truth. I left Shyogwe and went in the direction of Mukinini. It's a bit further on  
25 from Shyogwe.

26 Q. When you mentioned, madam, the events that took place in Mukinini, just give you an example on your  
27 statement, that doesn't fit with your testimony in Court. You say that you were met -- you were raped  
28 by three individuals, right, in Mukinini?

29 A. Yes, that was my testimony.

30 Q. And you were specifically asked by the Prosecutor whether or not -- when the second individual raped  
31 you, you were specifically asked whether or not that person mentioned something to you, did he speak  
32 to you. And you replied --

33 MR. MACDONALD:

34 And I'll read it in French because I think it's important. I'm referring to page 66, the French transcript.

35 BY MR. MACDONALD:

36 Q. And you replied -- you replied, "He was insulting me. He was hitting me."

37

1 Do you still agree with that?

2 A. Yes, that is what happened. He was hitting me with the butt of his gun.

3 Q. No, but what I'm getting at is, you said to the Prosecutor yesterday that when he asked you a specific  
4 question, did that soldier -- the second one that raped you, did he speak to you, did he mention  
5 anything to you, and you replied that he -- yes, he did, and he insulted you. Do you still maintain that  
6 position?

7 A. Yes. I know what happened, and if you want, I'll repeat the same thing to you.

8 Q. No, we don't need that. Because on your statement, page 4, that the -- that's the statement you  
9 provided to the investigators, again, April the 14th. And when you discuss about this in detail, you  
10 mention -- at page 4 you say the following: "The other soldier --" and we're referring here to the second  
11 soldier -- "found me still lying down. He climbed on top of me. He raped me. He also had a gun.  
12 While he was raping me, the gun was pointed at my face. He did not tell me anything during the rape."  
13

14 That's the reason why the Prosecutor asked you that question because it was -- it was not in conformity  
15 with your statement. Do you remember saying that to the investigators?

16 A. Yes.

17 Q. Well, what really happened? Did -- that second one, did he insult you? Did he talk to you, or did he not  
18 talk to you? Did he not say anything, as you mention in your statement?

19 A. He was insulting me, but he behaved like the first soldier. He raped me in turn.

20 Q. But did he insult you? Did he speak to you at all?

21 A. But are you saying he was doing something good to me? He hit me, telling me to be still. I was very  
22 afraid, and I could not hear everything he was saying. Anyway, I was saying -- I was telling myself -- I  
23 thought I was going to die.

24 Q. The question was put to you in April 1999, and you said to the investigators, "He did not tell me  
25 anything during the rape." You specifically pointed that out: "He did not tell me anything during the  
26 rape."  
27

28 Here, again, a specific question was asked to you, and you mentioned that he did mention things to  
29 you. It's just that I want to know which one is the real -- which is the true version here, the statement or  
30 your testimony here?

31 A. I'm telling you that everything he did to me was not good. He constantly hit me. It was a way of killing  
32 me.

33 Q. So I'll just conclude that you're refusing to answer the question. I'll move to something else.  
34

35 When you mentioned that, again, with respect to the -- your -- your presence at TRAFIPRO, you  
36 mention in your deposition yesterday that you were called upon on two different occasions. You were  
37 raped on the first occasion, and you were raped on the second occasion. And with respect to that

1 second occasion, you specifically pointed out yesterday that the *Interahamwe* never raped you on that  
2 second occasion. You remember saying that?

3 A. I remember it was a soldier who took me. The *Interahamwe* just beat me but did not rape me.

4 Q. Well, you say in your statement, madam -- I'll read this to you, page 5, the last paragraph, and line 4  
5 you say the following: "Once we got to the forest, one of the *Interahamwe* was beating me with a piece  
6 of wood. He ordered me to throw away my clothes. I hesitated, and he threw them away. The ones he  
7 threw away were my kitenge and my underskirt. He raped me while the other one was watching and  
8 pointing his gun at me."

9  
10 You specifically mention in your statement on this very important element that it was the *Interahamwe*  
11 who raped you the second time, not the soldier. And you specifically said yesterday in your statement  
12 that no, it's not the *Interahamwe*. What is it?

13 A. I was never raped by an *Interahamwe*. It was the soldiers who raped me. And I never said I had been  
14 raped by an *Interahamwe*.

15 Q. Well, you said it on April the 14, 1999. Is your memory better today than it was back then?

16 A. I never said it. I said what I saw and experienced. I'm not making anything up. How can one forget  
17 something that occurs, something that one has experienced in life?

18 Q. And could you describe the guns that they had, the people that were raping you? Did they all have the  
19 same kind of guns?

20 A. I don't know about that. I did not pay attention to the guns. I saw that my attackers were pointing their  
21 guns at me. But I did not pay attention so as to know what type of gun they were using.

22 Q. Could you show the Court how they were pointing the guns? Could you -- I'm sorry to ask you this, but  
23 could you try to show us how they were pointing? I know it can't reflect on the record, but --

24 A. The man in question had his handgun, pointing it -- he pointed it at me, at my face. At the same time  
25 he was hitting me with the butt of his gun.

26 Q. Well, madam, the soldiers did not have handguns. They had rifles, very long guns. I think you know  
27 what I'm talking about. Is it possible that you could -- you could be wrong about the description of the  
28 gun, it was not a handgun but a rifle?

29 A. But I did not say that these were iron bars (*sic*). I said it was a rifle, long rifles, as you say, that you  
30 wear with a strap. I don't know if you're referring to some other type of rifle. I don't know about that.

31 Q. While you were being raped -- because in the -- your different sequence of events that you mention,  
32 either in your statement or in your testimony, you mentioned that they were pointing the guns in your  
33 face. When you're referring to the guns, are you referring to the rifles; the long guns, not the short  
34 ones?

35 A. I know nothing about that. I did not look to distinguish what type of guns were being pointed at me. But  
36 the rapist aimed his gun at me, aimed a rifle at me. It is the type of rifle that one wears with a shoulder  
37 strap, that one wears on the shoulder. But I don't know the difference between the various types of

1 rifle.

2 Q. And is it possible for you to show the Court how they were pointing? How was the soldier holding the  
3 gun?

4 MR. JEGEDE:

5 Objection, Your Honour. There is no way the witness would be able to do that because, obviously, as  
6 the witness had testified yesterday, while she was being raped, she was lying on -- on the floor -- on the  
7 ground in the bush. So I don't know how she's going to be able to point -- or, show exactly how the gun  
8 was pointed at her the way she's sitting. It's impossible. So there is -- the -- the exercise is useless.

9 MR. MACDONALD:

10 Well, she can tell us if she can't. I could rephrase the question --

11 MR. PRESIDENT:

12 *(Microphones overlapping)* Yeah, you can ask her that.

13 BY MR. MACDONALD:

14 Q. Madam, if you could look at me, please.

15

16 Madam? Okay. When you mention a rifle -- a gun with a strap, they're the long rifles. When he  
17 pointed the gun, did he have --

18

19 Could you look at me, please?

20

21 Madam?

22

23 Did he have the butt of the rifle on his shoulder, either the left or the right shoulder? Was he pointing  
24 like this? See? I'm pointing a gun with the butt on my shoulder. Was he pointing that gun like that,  
25 towards you?

26 A. Yes. The man had his rifle -- held his rifle in the way you have demonstrated and aimed it at me.

27 Q. And you also mention that he was pointing the gun at you while he was raping you, correct?

28 A. Correct.

29 Q. Can you explain how he did that? How could he point the gun at you and at the same time rape you?

30 A. He was raping me using one hand. With the other hand he took -- he had -- he held his rifle. He would  
31 not let go of the rifle. And at one point I think that my rapist wanted to shoot at me. I did not look to pay  
32 attention to all these details. In my place, if someone is holding a rifle to your face, raping you, would  
33 you pay attention to the way he is holding his rifle?

34 Q. I'm going to ask you the same question I asked Witness DBE, and without getting into the details of  
35 your description of the events at TRAFIPRO. But, according to your statement -- or, your deposition,  
36 I'm sorry, you mention that the soldiers and the *Interahamwe* would come every day. They would pick  
37 out some people. They would rape some. They would kill some. They did whatever they wanted to

1 do. Now -- I can't understand why you mention, and why DBA keeps on mentioning, that there were  
2 attacks. Why -- why did these soldiers attack if they were shooting people at random?

3 *(Pages 22 to 34 by Ann Burum)*  
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1 1215H

2 MR. JEGEDE:

3 Your Honours, that question is confusing, even to me. So I don't know how the witness is going to  
4 respond to that question

5 MR. PRESIDENT:

6 Yeah, you may simplify that, please.

7 MR. MACDONALD:

8 I'll withdraw it, Mr. President.

9 BY MR. MACDONALD:

10 Q. Now, when you were in TRAFIPRO, you said when you got there you registered with the Red Cross,  
11 and when you mentioned that, I am assuming that there were people there, personnel from the Red  
12 Cross at TRAFIPRO, at least when you got there. Is that correct?

13 A. There were nuns and medical staff looking after us, but at a certain point they were chased away.  
14 Some were killed. After Kambanda's departure, these Red Cross members and medical personnel  
15 were targeted, chased, and they left. So we were left with no -- at the same time we were left with no  
16 water supply because the water taps had been sabotaged so that there was no more drinking water  
17 available. Previously there had been personnel from the Red Cross giving us medical assistance,  
18 but, as I say, many -- or much of the personnel and the sisters were killed or left so that we were no  
19 longer receiving medical care from the Red Cross. If one was to attempt to recount everything that  
20 happened, this would fill reams and reams of paper. So many things happened in that place.

21 Q. But we know that when you got there, there was personnel from the Red Cross. You registered there.  
22 That's what you said. So when did this personnel from the Red Cross, when did these people leave,  
23 or when were they killed, how long after your arrival?

24 A. The attackers killed every night. When Kambanda came, the Red Cross staff were there, and it is  
25 true that the attackers were attacking men, women, young girls before Kambanda's arrival. But  
26 following his visit, the killings, the most gruesome killings, took place there.

27 Q. How long after your arrival did Kambanda show up at TRAFIPRO?

28 A. A few days after my arrival in that place. I would not say it was weeks after my arrival. I do not know  
29 the exact time frame, but I think that it was approximately three weeks after my arrival in that place.

30 Q. So, from your arrival and the three weeks following your arrival, there were personnel there from the  
31 Red Cross that were providing food and care, also with the sisters and --

32 A. Yes, they were there.

33 Q. Did you at any time make any type of complaint to the Red Cross personnel? Did you bring anything  
34 to their attention, either the fact that you were being raped or the fact that other people were being  
35 raped or the fact that people were getting shot, killed, left and right? Did you mention that?

36 A. But it is -- the Red Cross staff were also witnessing what was going on, only they were powerless. If  
37 they had had any authority, they would have stopped the killings -- rather, prevented the killings. It is

hard to face armed aggressors when you are not armed. The attackers did what they wanted, and no one could intervene to stop them in their tracks.

Q. At the time, madam, the *préfet* of Gitarama was an individual by the name of Fidèle Uwiziye (*phonetic*).

A. I do not know him, and at the time I did not know him. Even Kambanda was pointed out to me by people who told me that that was the prime minister. I knew Nsengiyumva, who was Kabgayi's bishop, the bishop for Kabgayi. With regard to Kambanda, I had never seen him before. Other people had to point him out to me, specifying that he was the prime minister.

Q. Why are you responding with respect to Kambanda? I asked you about your *préfet*, and you say you didn't know who the *préfet* was back in April 1994.

A. I do not know the *préfet* you are referring to, nor did I see him in that place.

Q. Well, his name was Fidèle Uwiziye.

A. But I've told you that I don't know him. I didn't know him.

Q. Did anybody tell you while you were in TRAFIPRO, either before the visit of Kambanda, during the visit of Kambanda, or after the visit of Kambanda, whether the *préfet*, Fidèle Uwiziye, or the *bourgmestre*, for that matter, showed up? Did you at any time learn of their presence?

A. I don't know about that. All I know is that I was in that place, and I've mentioned the two persons I saw.

Q. Now, the reason why you decided to go to TRAFIPRO is, first of all, you knew this was a -- this compound was a --

MR. MACDONALD:

I'll ask the assistance of either the French or the English translators, please. It was called the "évêché."

THE ENGLISH INTERPRETER:

The bishopric, I think.

BY MR. MACDONALD:

Q. The bishopric. The compound was a bishopric where there were different institutions, such as convents, hospitals. Is that the reason you went to TRAFIPRO?

A. Yes. We found refuge in the bishopric, thinking that they would do something to help us, and when I got there, I found other persons who were in the same situation as I was.

Q. But you can't say that the bishops, the priests, and the sisters were not helping people there. They were assisting you, were they not?

A. But I noticed people were dying every day. Congregants were there; the brothers, the Red Cross personnel were helping us, but I did not see a priest there. The only time I saw a priest is when Bishop Nsengiyumva came with Kambanda to see the people dying of dysentery. If not -- the priests were not coming to our aid. There was a brother who was assisting us in cooperation with the Red Cross personnel. That is all.

1 Q. So you saw one brother or you saw many brothers there at the time?

2 A. I saw just one man who was known as a brother, a brother, reverend brother. However, the attackers  
3 would come to select people on a daily basis, and we were threatened every day. The assailants had  
4 guns, and when the assailants came, we would scurry quickly to a building where there were chairs.  
5 And people even got wounded in stampede, wounded by these benches and chairs. We were  
6 terrified.

7 Q. Did you see any sisters there in the compound?

8 A. Yes. The first weeks there were sisters, but, as I said, some of them were killed; others left when the  
9 killings intensified. At the outset, then, when I arrived, sisters were there, and there was medical staff  
10 providing medical care. And at one point, as I said, they were chased away and never came back.

11 Q. Just one final area I'd like to cover with you very briefly. When you were in TRAFIPRO, again, you  
12 mentioned two events where you were chosen and taken away and subsequently raped. And on the  
13 second event, again, you mentioned – and, again, I have the French version. It's towards the end,  
14 completely, of your deposition yesterday. You said that you found -- there was a little boutique, or in  
15 French we say a "*kiosque*." I'm not sure how it's -- there was a small boutique there with different  
16 articles and a kiosk, and you mentioned somebody there gave you a little money.

17 MR. JEGEDE:

18 What page is it in the French?

19 MR. MACDONALD:

20 Page 69. It's the last paragraph, completely at the end. It's not necessarily the question of kiosk or  
21 boutique because they have both in the French transcript.

22 BY MR. MACDONALD:

23 Q. And you mentioned somebody gave you money.

24 A. Yes, I had some money that I had been given by someone who had come to see me. If you have a  
25 relative or friend on the hill, he could bring you money or provisions. I had a child with me, and I went  
26 to purchase food for the child with the money I had. Some people did their best to visit those who  
27 were confined to the compound, even though doing so presented a risk for them. And later on, these  
28 people were no longer able to come see us. So someone had come to give me money. With this  
29 money I tried to go to the small shop to purchase food for my child.

30 Q. And who is that someone that gave you money, that visited you? Who is that person?

31 A. It was one Forodo Gakwaya.

32 Q. And who is he?

33 A. He lives in \*\*\*\*\*and -- actually, he lived in \*\*\*\*\*and still does.

34 THE ENGLISH INTERPRETER:

35 Forodo is spelt F-O-R-O-D-O. Gakaway, G-A-K-W-A-Y-A.

36 BY MR. MACDONALD:

37 Q. Was Forodo a Hutu or a Tutsi?



- 1 A. He was Hutu. He is Hutu, and in fact he's still there. He's a teacher.
- 2 Q. And he lived close by -- Forodo, close by to TRAFIPRO, I understand?
- 3 A. No, he lives in \*\*\*\*\*, in \*\*\*\*\* where\*\*\*\*\*. He is a\*\*\*\*\*.
- 4 Q. And he came up all that way just to see you and give you money so you could -- I mean, did you get
- 5 in touch with Forodo? How did he know you were there?
- 6 A. People used to come and visit their friends, their relatives. It is true that I left from Shyogwe, but
- 7 people -- there were people who were helping fugitives to travel during the night so they can get to a
- 8 secure place or to take them through the farm. Not everybody was mean during that period. It all
- 9 depended on the goodwill of each and every one.
- 10 Q. How did Forodo find out where you were?
- 11 A. But he knew it. While we were seeking to hide in the bush, everybody was telling to us go to Kabgayi,
- 12 and all the survivors at the time moved toward Kabgayi. There was no other place of refuge. And we
- 13 were not the only ones at Kabgayi. There were other persons who came from other regions, even
- 14 Butare and elsewhere. All those who survived, survived because they were at Kabgayi.
- 15 Q. I understand that. So you are assuming that he knew because everybody was going there, to
- 16 Kabgayi. Now, did you mention that to -- did you mention to him, Forodo -- did you mention you had
- 17 been raped, people were getting killed left and right? Did you mention that to him at that time?
- 18 A. No, I did not tell him that. Besides, we didn't have sufficient time to talk. Those people who came to
- 19 visit those of us in that building were threatened. Besides, they could not come back to see us
- 20 because they would be stopped on the way and killed. So he came to see me and gave me what he
- 21 brought for me and went back. We did not have time to talk for a long time.
- 22 Q. Time to shop but no time to talk. You didn't have time to tell him that your life was in danger,
- 23 everybody was getting killed? That's absurd.

24 MR. MACDONALD:

25 I have no further questions.

26 THE WITNESS:

27 No, I didn't tell him about those incidents.

28 CROSS-EXAMINATION

29 BY MR. BLACK:

- 30 Q. Ma'am, you say in your statement that when you were raped after arriving at TRAFIPRO, one of the
- 31 soldiers said to you -- asked you why you had come to TRAFIPRO.
- 32 A. Yes. That soldier asked me the question. He told me, "But why don't you join your *Inkotanyi*
- 33 brothers?"
- 34 Q. Well, that's a good question. Why didn't you leave TRAFIPRO when he suggested that -- in simply
- 35 listening to his question, "Why did you come here?", why didn't you just go at that point?
- 36 A. But I realised that those in the same situation as myself had taken refuge there. There was a priest,
- 37 and there was a bishop as well, so we thought they should be able to help us.

1 Q. But, ma'am, at that point you knew there was no refuge there. You had been there some time.

2 People, you say, were being killed and raped constantly. There was no refuge there, so why didn't  
3 you leave when that soldier suggested to you to leave?

4 A. But where would I have gone, Counsel? I had no other refuge. I could have gotten out and be killed  
5 outside the complex, so I just decided to remain there because other persons were there, even if  
6 every day they were coming to kill. We had nowhere else to go. Everywhere else in the country --  
7 we had no rights anywhere else in the country.

8 Q. First of all, you are confusing two separate events, because, in your statement, you say that one time  
9 you were -- the second time you were raped, a soldier asked you why you had come to TRAFIPRO.  
10 The soldier who had told you to leave TRAFIPRO and join your brothers, the *Inkotanyi*, was the  
11 second time you were called --

12 MR. JEGEDE:

13 Objection. Objection, Your Honour.

14 MR. BLACK:

15 About what?

16 MR. JEGEDE:

17 I object to the procedure. We don't even know where you are reading from. Are you reading from the  
18 transcripts or from the statement? If you are reading from the statement, let's know the page. You  
19 know too well that we don't know where you are reading from.

20 MR. PRESIDENT:

21 Mr. Black.

22 BY MR. BLACK:

23 Q. Ma'am, the second time, on page 5, 8418, you say -- in the last line you say it was the soldier in the  
24 second rape who told you to leave TRAFIPRO, and you also say that "the *Interahamwe* told me to go  
25 away." So why --

26 MR. JEGEDE:

27 Objection. Objection. Objection.

28 MR. BLACK:

29 About what?

30 MR. JEGEDE:

31 You have to read that paragraph out.

32 MR. BLACK:

33 I don't have to read the paragraph.

34 MR. JEGEDE:

35 You know the witness does not have the statement in front of her.

36 MR. BLACK:

37 So what?

1 MR. JEGEDE:

2 And then you are paraphrasing. You don't paraphrase, you read.

3 MR. BLACK:

4 I'm not paraphrasing it. I'm saying exactly what is there.

5 MR. JEGEDE:

6 No, read it out so we can all...*(overlapping speakers)*

7 MR. BLACK:

8 Stop interrupting me, sir. I have little time left.

9 MR. JEGEDE:

10 Then do it properly.

11 MR. PRESIDENT:

12 *(Microphone not activated)*

13 THE ENGLISH INTERPRETER:

14 Your Honour's microphone, please.

15 MR. PRESIDENT:

16 Yes. It is clear that counsel says in the statement you said that the second time this happened.

17 MR. JEGEDE:

18 So let's know where it is. It is important to our case, Your Honour. We have to know precisely where  
19 he is reading from.

20 MR. BLACK:

21 I told you it was on the last paragraph on page 8418.

22 BY MR. BLACK:

23 Q. Ma'am, you were told several times while you stayed at TRAFIPRO, when you allege you were raped,  
24 soldiers and *Interahamwe* tell you to leave. They invite you to leave. And yet you go back to the very  
25 place you are being raped and attacked. That can only be considered perverse, if not totally bizarre.

26 Why, when you were invited by the very men attacking you to leave, did you go back and stay there?

27 MR. PRESIDENT:

28 Is it an invitation, Counsel, to say to leave this place?

29 MR. BLACK:

30 Well, it sure sounds like one to me to say, "Why are you here? Why don't you go?"

31 MR. BÂ:

32 Mr. President, I think you should advise counsel not to insult the witness, that it is perversism. She  
33 explained that she could not be saved elsewhere, that when she goes out she will be killed. What  
34 other explanation does he want? This is just a gratuitous insult. This does not raise you.

35 MR. BLACK:

36 Her testimony is an insult to anybody's intelligence, sir.

37

1 BY MR. BLACK:

2 Q. Ma'am, they asked you -- you say exactly, "The soldiers asked me why we do not leave TRAFIPRO.  
3 And the *Interahamwe* told me to go away." That's what you say they say to you in your statement.  
4 And you also just told us now that the Red Cross sisters were chased away and they left. They were  
5 allowed to leave. Why didn't you go with them? They went to seek refuge somewhere. Why didn't  
6 you travel with them, if all these allegations you've thrown out about TRAFIPRO are true? In fact, why  
7 didn't the whole mass of people at TRAFIPRO follow those nuns and leave?

8 MR. JEGEDE:

9 Objection, Your Honour. How many questions -- *(overlapping speakers)*

10 MR. BLACK:

11 It's one question: Why didn't she leave? Why did she stay when she was being attacked?

12 MR. JEGEDE:

13 Why didn't she leave? Why did the...*(overlapping speakers)*

14 MR. BLACK:

15 Stop giving her help, Mr. Jegede. It's not helping the credibility of your witness one whit.

16 MR. JEGEDE:

17 *(Overlapping speakers)*...your credibility. You have none left.

18 MR. BLACK:

19 You know, sir, if you want to go outside, I'll deal with you at lunchtime.

20 MR. PRESIDENT:

21 Mr. Black, I don't think you should *(overlapping speakers)*

22 MR. BLACK:

23 Well, I'm tired of his insults. I am senior counsel; he's nobody.

24 MR. PRESIDENT:

25 You shouldn't threaten --

26 MR. BLACK:

27 Well, he shouldn't say those --

28 MR. PRESIDENT:

29 -- another officer of court.

30 MR. BLACK:

31 -- about me, Mr. President.

32 MR. PRESIDENT:

33 You shouldn't threaten an officer of the court.

34 MR. BLACK:

35 Well, he's insulting me.

36 MR. PRESIDENT:

37 If you want to deal with anybody outside court, that is up to you.

1 MR. BLACK:

2 That's what I am saying.

3 MR. PRESIDENT:

4 When you are in court, you must not threaten anybody.

5 MR. BLACK:

6 Well, Mr. President, I ask him to withdraw that insult to me.

7 THE ENGLISH INTERPRETER:

8 Microphone, please. Microphone, please.

9 MR. JEGEDE:

10 *(Overlapping microphones)*...we brought this witness, Your Honours, to recount what happened in  
11 1994. She was raped by many men, and now what Mr. Black is trying to do is to rape the woman  
12 again.

13 MR. PRESIDENT:

14 Mr. Counsel, I think all must remember that, by insulting each other, we are not taking any steps  
15 further. I think we are bringing disrepute on the procedure by your conduct, if you conduct in this  
16 manner. As senior lawyers -- I think both sides are senior lawyers, and, among three of us, we have  
17 about 90 years judicial experience, so I don't think we should be behaving in this manner. I'm trying to  
18 show you how to behave by example. I don't want to use the iron fist to deal with military people.  
19 That's what the papers expect me to do, but I don't want to do that. Please keep that in mind. And  
20 we, as officers, we have a special job to do. We will do our part and see what we could do.

21

22 Yes, Mr. Black, keep that in mind, and don't insult others. Yes.

23 MR. BLACK:

24 I'm not insulting anybody. He insulted me, sir. And in the Canadian courtroom, most lawyers I know  
25 would walk out with an insult like that. They would walk right out of the courtroom right away and  
26 wouldn't come back.

27 BY MR. BLACK:

28 Q. Ma'am, why, when you had the opportunity to leave TRAFIPRO many times, why did you stay there?

29 MR. PRESIDENT:

30 I think, Counsel, she has answered that.

31 MR. BLACK:

32 No, she hasn't.

33 MR. PRESIDENT:

34 She said that she had no place to go.

35 MR. BLACK:

36 Well, that's not true.

37

1 THE WITNESS:

2 We were not going out. I went out on that occasion to find food for my child. There was a roadblock  
3 opposite the TRAFIPRO complex, and we could not go out. We go out when they allow us out, and  
4 the attackers were coming every day to pick people.

5 BY MR. BLACK:

6 Q. No, ma'am, you just said you received visitors, all of you received visitors. That's how Forodo came.  
7 You could have gone back with Forodo. Why didn't you leave with him?

8 A. It's impossible. We received visitors in the early days, but later on they no longer allowed visitors. It  
9 was only in the early days that we received visitors. On that occasion I went out to look for food for  
10 my child.

11 Q. When Forodo left, why didn't you go with him? Why didn't you tell him, "I am being attacked here; I  
12 don't feel safe here; I want go with you"? You would rather stay there, risk being killed for sure and  
13 raped for sure, for certain, instead of wandering down the road and trying to take a chance to find  
14 some other refuge? Doesn't make any sense, ma'am.

15 A. Do you think Forodo had the power to take me along with him? I had nowhere else to go, and I could  
16 not leave. I had no choice but to remain where I was.

17 Q. Ma'am, that's absurd. You'd rather stay in a place where you are going to be raped for sure and  
18 maybe killed than take a chance walking down the road? It doesn't make any sense, ma'am.

19 MR. JEGEDE:

20 Objection. Your Honour, objection. He's asked her that question twice now, and he's putting it a third  
21 time.

22 MR. BLACK:

23 I'll put it a 15th time until I get a reasonable answer.

24 MR. PRESIDENT:

25 Counsel, I think you have to move on to something else.

26 BY MR. BLACK:

27 Q. All right. Ma'am, you say -- when you approached TRAFIPRO, who were you with?

28 A. When I entered the TRAFIPRO complex, I was alone, but I found other refugees there.

29 Q. Right. And in your statement and in your testimony in-chief, you describe your journey, this little saga  
30 of yours, through the area to get to TRAFIPRO. You don't mention ever being with a baby. So how  
31 come you arrived there alone, but then you are buying food for a baby? What baby is that?

32 A. I have told you that the baby was brought to me later on, after I arrived at TRAFIPRO. But when I  
33 went to seek refuge at TRAFIPRO, I was alone.

34 Q. No, you never mentioned to us that somebody brought you a baby. Who brought you a baby? Tell  
35 me again, sorry.

36 A. It is a neighbour who brought me a child. Besides, I did not know where my other children were. A  
37 neighbour found him where he was hiding and thought it was necessary for him to bring him to

1 Kabgayi, and he brought him to me.

2 Q. And when was this? When did this neighbour bring this baby of yours? How long after you got to  
3 TRAFIPRO?

4 A. I do not recall the number of days that elapsed after my arrival at TRAFIPRO, but I think it might have  
5 been two weeks later.

6 Q. And when this woman, you say, brings this baby, why didn't you just tell her, you know, "What? You  
7 can't bring this baby here. We're being raped and attacked and killed every day. Take him back; take  
8 him back." Why did you allow that person to bring that baby there and keep it there? Why didn't you  
9 just say, "Take that baby right back out of here right now. In fact, I'll go with you"? Another  
10 opportunity to escape and you didn't.

11 A. But who told you that it was a woman who brought me the child? Besides, I was not going to ask that  
12 person to take the child back because he was not his father. He brought me the child, saying that it is  
13 better for the child to die with the mother. We had nowhere else to go. We were in a situation where  
14 we were waiting for death. And, you know, there were cases where people who gave refuge to others  
15 were asked to kill them. When you are found giving refuge to somebody, you are asked to kill that  
16 person, and that person made a sacrifice by bringing me the child.

17 Q. No. You are telling me he was sacrificing the child, according to you, by bringing it to a place of  
18 certain death, according to you. Doesn't make any sense, ma'am. Who was this man that brought  
19 this baby, and what was the baby's name, by the way, as well?

20 A. But I have told you that it was Forodo who brought me the child, and it is this same person who gave  
21 me the money. He is the one who came to visit me.

22 Q. No. You didn't tell Mr. MacDonald that. You said Forodo was the man who brought you the money.  
23 You never mentioned bringing a baby. That's a pretty important package, a baby.

24 MR. JEGEDE:

25 Objection, Your Honour, objection.

26 MR. BLACK:

27 To what?

28 MR. JEGEDE:

29 He never asked her that question.

30 MR. BLACK:

31 He asked her who brought the money --

32 MR. JEGEDE:

33 The money, not the baby.

34 MR. BLACK:

35 What? What are you talking about?

36 MR. JEGEDE:

37 He didn't ask her who brought the baby. He asked her who brought the money.

1 MR. BLACK:

2 *(Overlapping speakers)*...bringing a baby to him. He brought money. And for someone to forget that  
3 the man who brought money also brought a package like a baby, like a stork, is pretty important.

4 MR. PRESIDENT:

5 The subject of the baby didn't come up.

6 MR. BLACK:

7 You can't be serious.

8 MR. PRESIDENT:

9 Yes, you may continue.

10 BY MR. BLACK:

11 Q. So, ma'am, are you telling me now that not only did Forodo bring you money, he also brought you a  
12 baby? Why didn't you tell Mr. MacDonald that important fact? Because you said he brought you  
13 money to buy food for the baby, who wasn't there yet.

14 A. But I said it. I don't know why you didn't hear what I said. I did say that Forodo brought me money,  
15 and he was the same person who brought me the child. He was the only person who used to visit  
16 me.

17 Q. So Forodo came several times to visit you? That's implicit in your answer.

18 A. At a point in time, visitors were no longer allowed, and those who used to go and visit refugees never  
19 came back.

20 Q. Answer my question. You are telling me that Forodo came to see you several times?

21 A. No, that is not true, not at all true. I told you that he came only once. That is when he brought the  
22 child and the baby -- sorry, that's when he brought the money and the baby.

23 Q. Well, if there was a baby, why can't you tell me the baby's name? Why can't you tell me that name?  
24 You've evaded that question now for about three or four minutes.

25 A. The child is called \*\*\*\*\* .

26 THE ENGLISH INTERPRETER:

27 \*\*\*\*\*

28 MR. PRESIDENT:

29 Mr. Black, I think the other team is waiting outside for us.

30 MR. BLACK:

31 I'm sorry?

32 MR. PRESIDENT:

33 The team that is waiting to take over this courtroom.

34 MR. BLACK:

35 Oh, I'm sorry, sir. I might be another hour with her, I'm afraid.

36 MR. PRESIDENT:

37 We will --



1 MR. BÂ:

2 Mr. President --

3 THE ENGLISH INTERPRETER:

4 Microphone for counsel, please.

5 MR. BÂ:

6 This witness is going to be our last witness for this session. We were take taken off guard since last  
7 week, and this is the last witness we have available in Arusha.

8 MR. PRESIDENT:

9 So then we will give them time from tomorrow, one or two hours. Proceedings are postponed until 9  
10 tomorrow.

11 *(Court adjourned at 1156H)*

12 *(Pages 35 to 46 by S. Eboe-Osuji)*

## C E R T I F I C A T E

We, Leslie Todd, Roxane Lane, Ann Burum and Shannon Eboe-Osuji, 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.

\_\_\_\_\_  
Leslie Todd

\_\_\_\_\_  
Roxane Lane

\_\_\_\_\_  
Ann Burum

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Shannon Eboe-Osuji