

SUMMARY OF EVIDENCE

Summary of Evidence in the case of NO: D141949 Pte RYBARD, Hugh, Cameron. North Nova Scotia Highlanders attached Canadian Section HQ Brussels Garrison, a soldier of the Canadian Army Overseas.

The Commanding Officer directs that the evidence be taken on oath.

First Witness: Mr Pierre Hubert RYBARD (Cafe Manager) 106 Blvd ANSPACH, BRUSSELS being unable to speak English requires an interpreter.

Interpreter (French-English) D21226 L/Cpl LEGAULT, A 2 Cdr L of C Provost Coy sworn.

Witness having been duly sworn states as follows:

"On SUNDAY 17 DECEMBER 1944 at approximately 2245 hrs at my Cafe AU BALLON, 106 ANSPACH, BRUSSELS two soldiers entered. This soldier I see here now was one of them. They asked for something to drink and they were after the waitress for quicker service, and that is how the trouble started. The waitress told them that she needed a bit of time, so this man pulled a pistol and waved it around saying "I want quick service." This happened at the bar. Then they both went over to the tables and started arguing with some British soldiers. The English soldiers didn't want to fight so the accused's comrade grabbed a chair throwing it on the floor and breaking it. He was drunk. This man calmed down then and I went to my other duties. A short while after I saw the accused and his friend on the terrace and they were arguing with other soldiers. It was 1100 PM so I rang the bell signalling the Cafe was closed. At this moment I saw the accused with his pistol in his hand waving it around. The other soldier (his friend) had a chair in his hand with which he hit more than one English soldier. At this time I approached them saying "It is now 11:00 o'clock and you will please leave now." The other soldier grabbed another chair, broke it on a table, also breaking some glasses which were on the table. Being afraid of more trouble I tried to get them out of the Cafe, assisted by four or five other soldiers, we put them out on the street. At this time the accused had me by the coat with one hand and with his other hand drew his pistol and holding it by the barrel, hit my on my right hand - fracturing my 5th metacarpal bone. I left then and the last thing I saw was the accused's pistol falling to the street, having been knocked from his hand by a civilian. Here is the Medical Certificate which I received from the hospital after they examined my hand, (Marked) Exhibit "A". In my opinion the accused was drunk. I wish to withdraw my complaints. I feel that the accused had no intention of harming me or anyone else and also that he has seen considerable fighting and is worthy of this consideration.

Accused declines to cross-examine.