

Report n° 734

Proceedings:

- X . . .
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On the ground of:

- murders
- - - - -

Subject:

- hearing of Birara Jean
- - - - -

Continuation of the case n°
02.02545 N94 C8 - marginal note
of 18.05.94 by the Judge
Advocate in Brussels

(sitting) Ver Elst-Reul

JUDGE ADVOCATE'S
DEPARTMENT
BRUSSELS

13 JUNE 1994

AS

(1) Delete where appropriate

PRO JUSTITIA

On this day twenty six May nineteen hundred and
ninety four at 10.00 hours

We the undersigned Artiges Guy, Warrant Officer - OPJ^a
of the gendarmerie.

Living in Brussels - Aud.Mil. xxxxxxxxxxxxxxxxxxxxxxxx (1)
in civilian dress, (1)

report that we have met and heard, at n° 103 Bd
[illegible] in Brussels, at the date and time of this
document:

B i r a r a Jean

Born in Mutura - Gisenyi on 21.07.37
Domiciled in Rubavu (Gisenyi) Rwanda

President of the company Rwandex in Kigali
and former President of the Banque
Nationale du Rwanda for 21 years.

who stated to us:

"I would like to express myself in French.

I am handing over 3 pages, which contain all that I have
said regarding the Rwandan affair.

(after being read out, he maintains is statement and
signs in our information book)

Information

- Mr. Birara informed us that the reference at the
bottom of the 3rd page is not correct; He was wrongly
informed of the death of the Ghanaian UN peacekeepers

- ~~Mr Birara pointed out that he saw together with 6~~
~~persons, on 20.02.94 the list of people who were to be~~
massacred. General Nsabimana who he presented to us as a
"moderate" managed to have the start of the massacres
postponed three times but it was a Presidential decree.
President Habyarimana had to give the signal.

^a Translator's note: Officier de Police Judiciaire - Law Enforcement Officer

- Mr. Birara explained to us that President Habyarimana was originally from Uganda and that his clan was not very powerful in Rwanda. On the other hand, his wife's clan is powerful and this is how the real rulers of Rwanda are the cousins of the wife, Agathe. These are

- Protée Zigiranyirazo (called Mr. "Z")
- Séraphin Rwabukumba
- Elie Sagatwa

- Séraphin Rwabukumba is the man who holds all the finances of Rwanda in his hands and who holds all signatures.

- Elie Sagatwa is the private secretary of the President and the Head of Security.

- we have found out also that Captain Simbikangwa (infirm) is the Head of the death Squadrons...

Additional information

- from several reputable sources, we have found out that Mr. Birara is a reliable, honest and decent man, who should be reckoned with in the future in Rwanda. It should also be noted that in the book by Shyirambere J. Barahinyura "Habyarimuna and 15 years of tyranny and hypocrisy in Rwanda" we establish that Mr. Birara had already accused three officers from Kigali of corruption and theft of State property. These were: (this happened in 1980)

- Colonel BUREGEYA
- Colonel SERUBUGA
- Major RWAGAFILITA

- according to the statement of Mr. Birara, these same three people are part of the conspiracy against the Head of State, under the leadership of Colonel Bagosora who is related both to the President and to his wife (cousin of both of them)

Whereof act,

[signed]

I

At the end of the month of March (30 or 31), President MOBUTU telephoned the *HABYALIMANA* residence and found him absent; he spoke with *Agathe.H.* and told her that attack was being planned and would be perpetrated on the return of President *HABYALIMANA* from Dar-Es-Salaam.

Similarly, the military information service of BURUNDI, which had a lot of correspondents at the Kanombe camp, asked the President of BURUNDI to be careful not to travel with *HABYALIMANA* because at the first opportunity at the beginning of April, there would be an attack against him.

The wife of *HABYALIMANA* would have spoken of it to *SAGATWA Elie*, the Colonel responsible for the security of the President and cousin of *Agathe.H.*, who wanted to see *HABYALIMANA* replaced. However, *SAGATWA* was solicited, had refused, without, however speaking to his superior (the President). After all this, *Agathe.H.* spoke on the telephone to Mitterand when he telephone at about 21.30 hours, on 6 April, to offer his condolences.

II

At the origin of the Coup d'Etat there were:

- 1) Colonel *SERUBUGA Laurent*, former Chief of Staff, retired against his will, and without the rank of General that he claimed.
- 2) Colonel *BUREGEYA*, former Secretary General to the Presidency (formerly Head of SECURITY), who before his retirement, was Director of the Military School; he did not have the rank of General that he demanded either.
- 3) Colonel *RWAGAFILITA*, former Chief of Staff of the Gendarmerie, retired without the coveted rank of General.

The first two are from the same region as the President (Bushiru); the second (*BUREGEYA*) is the cousin of *Agathe.H.* They consider they have been betrayed and humiliated. Both the latter parties were in debt and were destitute.

III

The ARUSHA agreements set out the merger of the two armies; therefore a large number of soldiers left the governmental army (soldiers who primarily came from the region of the President). Furthermore, officers from the north, particularly from Gisenyi, felt powerless, the reintegration into the army of officers from other regions that they had unjustly chased from the Army. These had all attended the E.R.M.^b (Brussels) and were going to remain in service in the merged Army, whereas their adversaries went back home. Among these officers from the North, there was Colonel *BAGOSORA*, a cousin of both *HABYALIMANA* and of *Agathe.H.*

Finally, the President's in-laws. With the ARUSHA agreements, the drastic reduction of powers of *HABYALIMANA* meant for them the loss of the source of wealth, honour and protection against their

^b Translator's note: Ecole Royale Militaire: Royal Military Academy (Belgium)

crimes and offences. It was they, in collusion with *Agathe HABYALIMANA* who took the decision in October 1992, to bring together the discontented officers and impose the principle of removing *HABYALIMANA* from power in 12 months or 2 years and replacing him with a member of the family who would once again transfer the position to *HABYALIMANA* after the liquidation of the OPPOSITION as a result of the military victory prevented, they claimed, by the TUTSIS from the interior and their accomplices the Hutus (opponents).

Lists were drawn up, it was known especially for Kigali, with the approval of the President. From 60 people in the beginning, the list lengthened to 1,500 people by 20/02/1994. Many times the massacres were cancelled or postponed as a result of the opposition by *NSABIMANA* Chief of Staff who spoke about it to me on 20/02/1994 and showed the final list.

The execution that was entrusted to the heads of militias (so the army should not be involved in this) was to commence on 23 March at midnight and end on Sunday 27 March at 6 o'clock in the morning; the order was not given by the President who was welcoming foreign delegations until 1.30 in the morning (24/03/1994). Everything was postponed.

IV

In any event, with the postponement of the massacres, the President seemed decided this time to apply the ARUSHA agreements; convinced finally by the minister DELACROIX.

On 4/04/1994, Easter Monday, Colonel *RUSATIRA*, Secretary to the Ministry of Defence for 15 years, then the Director of School of Officers, replacing *BUREGEYA*, came to me at midday. He told me that the President had just requested his Chief of Staff, *RUHIGIRA Enoch*, to prepare everything for the service of swearing in deputies and government, on his return from ARUSHA. When the in-laws and the officers were informed they summoned *BAGOSORA* back who was on holiday in Gisenyi, he got back to Kigali on 5/04/1994 in the evening. He took the decision to attack the President's aircraft and to recall *SERUBUGA*, *BUREGEYA* and *RWAGAFILITA* (the three discontented officers).

V

The firing came from the Kanombe camp (near to the President's residence and the airport); after the aeroplane had crashed, from the same camp, the President's residence was fired on to be certain that the guard soldiers who were there (generally: 200 soldiers with 3 armoured cars) would not counter attack. (The Presidential Guard includes 1,200 soldiers; during the war, 200 guarded the Residence).

1) After the death of the President, *Agathe.H.* personally gave (assisted by the two sisters of the President who are nuns) the order to execute:

- *NDASINGWA Landward*, a Tutsi Minister of Employment
- *RUCOGOSA*, Minister of Information.
- *KAVARUGANDA*, President of the Supreme Court.
- *UWILINGIYIMANA Agathe*, Prime Minister.

The soldiers who arrived at the house of *UWILINGIYIMANA Agathe* telephoned Mrs. *HABYALIMANA* to ask for instructions; they were told to force the domestic staff of the Prime Minister

to rape her, then to kill her.

“And the Belgian UN Peacekeepers?” the Rwandan soldiers asked.

Reply: “if they saw everything, they must be discretely removed¹... Furthermore, it was Belgium that assassinated my husband.”

2) *Agathe HABYALIMANA* and her sisters in-law were far away, because each time the execution of an opponent was announced, they shouted with joy and drank champagne and St-Pauli beer. This is when the Archbishop (*Vincent NSENGIYUMVA*) from Kigali decided to hold Masse and recommend that everyone should be pardoned, because *Agathe.H.* had just called for the massacre of ALL Tutsis.

3) Then the small group demanded the proclamation of doctor **BARARENGANA**, the younger brother of the President as the new Head of State. The soldiers who heard it warned **BAGOSORA**. A small committee decided to go and force *SINDIKUBWABO* who was at Butare, to take the head of the government and to appoint *KAMBANDA* as the Prime Minister. The cortege that returned from Butare had at its head *SINDIKUBWABO* (in the Head of State’s car) followed by *BAGOSORA*, followed by *MUSABE*, *BAGOSORA*’s brother and director of the B.A.C.A.R., followed by *HIGANIRO*, director of the match factory and son-in-law of the President’s doctor, and the Presidential Guard; F.P.R. soldiers fired at *HIGANIRO* without hitting him or continuing to try.

BARARENGANA was moved away under the pretext of protecting him – he was taken to Gitarama.

The soldiers of the Presidential Guard who did not come from Bushiru – the President’s region – lined up on the side of the new President; the others were thrown into confusion and began to destroy the military camp in the town that was suspected of wanting to support ARUSHA; it was Friday evening that everyone begrudgingly agreed to fight the F.P.R.

In the meantime, Marie-Rose, the second daughter of *HABYALIMANA* telephoned abroad claiming the execution of “Tutsi schoolteachers” by *ZIGIRANYIRAZO* (*Agathe.H.*’s brother); her mother added that the priests and nuns must be massacred because they were all F.P.R or Tutsis.

Now, despite the military defeat in sight, the “C.N.D.” – Council for National Development – is asked to elect a real Head of State in the place of *SINDIKUBWABO*. He should be chosen from *NZIRORERA* and *NGIRABATWARE*.

¹ The Ghanaian Peacekeepers guarding *NDASINGWA Landward* were also killed.