

**REPUBLIC OF RWANDA**



**INDEPENDENT COMMITTEE OF EXPERTS  
INVESTIGATING THE FATAL CRASH  
ON 06 APRIL 1994 OF THE FALCON 50 PLANE  
WITH REGISTRATION NUMBER 9XR-NN**

**ESSENTIAL ELEMENTS  
CONTAINED IN THE  
INVESTIGATION REPORT**

**Kigali, April 20, 2009**

# I. CAUSES AND CIRCUMSTANCES OF THE PLANE CRASH

## 1) INTRODUCTION

The introduction develops two aspects: the methodology used and the description of the fundamental aspects of the political period preceding Habyarimana's plane crash. The report gives a general picture of the prevailing situation in Rwanda in 1994. The description starts with the invasion on 1<sup>st</sup> October 1990 and the war up to the evening before the plane crash and it includes the following points:

- Birth and development of State extremism ;
- The Arusha negotiations which resulted into a Peace Agreement that brought an end to hostilities between the RPF and the FAR. The Agreement is comprised of four Protocols, namely The Rule of Law, Power Sharing, Return of Refugees and Settlement of the displaced, Intergration of the two Armies and diverse questions and other final arrangements.
- The setting up of UNAMIR and its mission ;
- The persistent refusal of the extremist Hutu, both military and political, of the intergration of the two armies ;
- Isolation of President HABYARIMANA and assassination threats by the extremists in his camp, namely Colonels Theoneste Bagosora, Anatole Nsengiyumva and Joseph Nzirorera who was Secretary General of MRND;
- External pressure on HABYARIMANA to put in place the Transition Institutions ;
- President Habyarimana's reluctant acceptance to put in place the Transition Institutions was seen by the Hutu extremists as a betrayal to the Hutu cause.

## 2) The assassination of Habyarimana announced even before the shooting down of his plane.

Right from the beginning of 1994, there was a lot of information emanating from various sources about the possible assassination of president Habyarimana. This plan was hatched by the Hutu extremists who did not at any cost wish to share power.

This information was obtained from different sources namely :

- Reports written by the extremist Coalition for the Defence of Democracy (CDR) in March 1994 indicated that the assassination would be carried out by a Hutu acting on behalf of the Tutsi.
- On the 3rd April 1994, the “Radio Télévision Libre des Mille Collines” (RTL), announced an imminent « unexpected small happening » (« *un petit événement inattendu (akantu)* ») which would trigger a fatal attack in Kigali, between the 3rd and 8th April.
- Testimonies from soldiers of the former Rwanda Armed Forces personnel interviewed by the Committee during the investigation confirmed that the talk of the assassination of President HABYARIMANA was often mentioned in conversations especially by colleagues from Gisenyi and Ruhengeri. They also testified to the fact that the president himself was aware of such conversations and, he and his security services, took them seriously.
- The Crew of Falcon 50 were equally aware of this information and showed signs of concern and fear
- The plan to kill President HABYARIMANA was also known in outside circles. The Belgians, who were friends of HABYARIMANA, had knowledge in the course of the month of April 1994; there was high risk of gunning down the President’s plane during landing or taking off at Kanombe Airport.
- Belgian military cooperation personnel serving in Rwanda also had information regarding an eventual coup d’Etat occurring in Rwanda.
- The same information was known to President MOBUTU’s Secret Services towards the end of March 1994, and MOBUTU had actually communicated this information to Agatha KANZIGA, HABYARIMANA’s wife. MOBUTU advised Habyarimana not to go to Dar es Salaam. But his wife did not inform him about it.
- In February 1994, the intelligence services of UNAMIR made allusion to the fact that the FAR were preparing for an all out War.

- The wife of General NSABIMANA confirmed that FAR were reinforcing, making intensive preparations for war and planning massive murders of Tutsis and other unwanted persons.

### **3. Departure for the Dar-es-Salaam Summit, an occasion to get rid of President Habyarimana.**

From some documents obtained from the Summit and interviews conducted with Rwandan, Burundian and Tanzanian diplomats who participated in the meeting, as well as members of the Presidential Guards who were close to HABYARIMANA and were in Dar es Salaam then, it was possible for the Committee to establish that:

- At the very beginning of the Summit, President Habyarimana declared that all Transitional Institutions would be put in place immediately after his return to Rwanda. The debate then switched to the security situation in Burundi.
- Towards 4.00 p.m, the pilots of Falcon 50 realised that if they returned to Kigali, they risked arriving at night, and so they insisted on returning the next day. The Tanzanian President, Ali Hassan Mwinyi, proposed to his Rwandan counterpart, Juvenal Habyarimana to spend the night in Dar es Salaam, but HABYARIMANA and his entourage declined the offer of hospitality and chose to return to Kigali.
- Members of the Burundian delegation who gave testimony to the Committee said that President Ntaryamira of Burundi wanted to go back to Bujumbura urgently, and that it was he who asked to pass via Kigali with President Habyarimana whose plane was said to be much faster. It was planned that President Ntaryamira would continue to Bujumbura after dropping off President Habyarimana in Kigali.
- Just a little while before the departure of the Falcon 50 from Dar es Salaam, the Army Chief of Staff, General NSABIMANA and Dr. Akingeneye, President Habyarimana's personal Doctor, retreated behind the plane's wings, not wishing to board the plane while other passengers were already on Board. President HABYARIMANA went out of the plane and ordered them on board. According to witnesses, General NSABIMANA and Dr. Akingeneye were visibly scared of boarding the plane.
- The decision to have the Army Chief of Staff travelling to Dar es Salaam with the head of state is absolutely abnormal and amounts to a conspiracy of some sort. General NSABIMANA was informed by BAGOSORA in the evening before the departure that he would be travelling with the President to Dar-es-salaam. He had been on duty in Ruhengeri, when he was hastily summoned to come to Kigali on the 5th April. Witnesses have confirmed to the Committee that President HABYARIMANA had not been aware that his Chief of staff was travelling with him to Dar es Salaam until he saw him on the plane at the Airport in the morning of 6th April. This raises a number of questions!

**4. CND was under the control of UNAMIR and surveillance by FAR, which excludes any possibility by the RPF to bring in heavy weapons and transport the same to Masaka.**

- Immediately after the RPF had reached and settled into a section of the National Development Council (CND), a UNAMIR detach unit was deployed there to ensure the daily security of CND. There were rules of procedure put in place for entry and exit and these were strictly imposed in order to control movement.
- For the RPF to travel to the city or any other distant place, UNAMIR provided escort. All persons and vehicles were thoroughly checked on entering and exiting the CND. UNAMIR also had detectors which they used at entrances used by RPF. The RPF soldiers were only allowed to carry light weapons for the protection of their officers.
- With regard to movement to the RPF Headquarters in Mulindi, UNAMIR recorded the number of departures and did the same on return.
- In Mulindi, all off-loading was done in the presence of UNAMIR and a record of the contents in the vehicles was co-signed by the two parties. Then UNAMIR would escort all the vehicles back to Kigali. An air surveillance by helicopter would follow the convoy up to their entry into the CND in Kigali.
- Once the vehicles reached the CND, they were subjected to another search by UNAMIR; the contents of the vehicles as well as the people coming from Mulindi and their identity were once again recorded.
- The FAR carried out discreet but efficient surveillance. Teams from the Presidential guard had been deployed to conduct surveillance on all movements taking place around CND. Soldiers would put on civilian clothes and walk on foot in areas around CND, watching and identifying all the people entering and coming out. Another team conducted the same surveillance using motorcycles and secretly followed people coming out of CND in order to find out their homes or their places of work.
- Some ex-Far witnesses talked of roadblocks which were put between CND and Kabuga at Remera-Giporoso, Nyandungu, Mulindi and another at Km 19 at the junction of the main tarmac road and the feeder road leading to Masaka.
- A Belgian Colonel serving in UNAMIR, **Walter Balis** who rushed to the CND in the minutes following the plane shooting and who stayed on duty beside the RPF all day on the 7th April excluded any possibility of transporting missiles from CND up to the spot presumed to be where the shooting took place. He also stated that he had remained in radio contact with UNAMIR observers deployed in the demilitarized zone and he had been assured that there was no single RPF troop movement before the 7th April 1994.

**5. Lies and information manipulation regarding the so-called messages from the RPF intercepted by FAR, indicating involvement of RPF in the shooting down of the plane.**

- Accusations hatched by the principal authors of the genocide who were on trial in Arusha, the same accusations relayed by Judge Jean-Louis Bruguière, allege that one of the things implicating RPF in the shooting down of Falcon 50 Presidential plane is a copy of a message which General Augustin Ndindiriyimana gave to Jen-Louis Bruguière in Arusha. This same message was allegedly *picked up on the 7th April 1994 at 8.45 a.m by the FAR monitoring services in Gisenyi; this same message was emanating from the RPF Headquarters in Mulindi and announcing the success of the « reinforced squad mission »*
- Judge Bruguière emphasizes that *« the reality of that message, corroborated by the testimony of Lieutenant-colonel Grégoire DE SAINT QUENTIN, was confirmed by the evidence given by ex-FAR Major NTABAKUZE, Colonel Théoneste BAGOSORA, General Gratien KABILIGI, former commandant of Gisenyi, Colonel Anatole NSENGIYUMVA, head of the communication station for Northern Rwanda who had intercepted the first message of RPA on the 6th April 1994 in the morning, relating to troop movement during the night of 5th to 6th, and a second message on the 7th April at 8.45 a.m relating to the shooting of the plane, same with the evidence given by Major Epiphane HANYURWIMANA and Lieutenant-Colonel Alphonse NZUNGIZE »*.
- To corroborate these accusations, Judge Bruguière adds that *« Mugenzi Richard, a radio operator for the FAR, specially recruited for that mission due to his competence in the field of radio transmission and his linguistic aptitude since he spoke French, English, Swahili, Kinyarwanda and Igika (sic), confirmed, on the 5<sup>th</sup> June 2000, having re-transcribed the message of 7th April, a message which was in Swahili, and which was not coded according to him, and which he had personally intercepted, announcing the success of the reinforced squad »*
- The Committee heard MUGENZI Richard, the very person who had received and transmitted the message in question. MUGENZI Richard explained to the Committee that that message was false; that he never intercepted it on the frequency of RPF. MUGENZI Richard clearly stated that the message was brought to him by Lieutenant Colonel Anatole NSENGIYUMVA and was ordered to transcribe it manually as if it was a true intercepted message. MUGENZI Richard stated clearly that such manipulation of messages was common in FAR and that he had often written other messages of the same type on orders of Lieutenant Colonel NSENGIYUMVA.

## 6. OTHER INTRIGUING QUESTIONS

### A. Absence of an immediate investigation after the shooting down of the plane

Neither, the United Nations present in Rwanda at the time nor the FAR, and neither the Interim Government nor any other entity made an effort to institute any inquiry into the shooting down of the plane. But a lot of suppositions were put forward by UNAMIR, Belgium and Rwanda, without really coming any closer to putting up a Commission of inquiry

- Dallaire declared that on the evening of 6th April 1994, he asked the head of UNAMIR in Kigali Sector, Colonel Luc Marchal to send military personnel to secure the area of the crash pending an international inquiry but he was clearly refused access by the Presidential Guards.
- Dallaire has also declared that in the evening of 6th April 1994, he was approached by French army instructors in the Para-commando battallion who asked him to let them carry out an investigation on the crash but he refused them because he doubted the neutrality of the French.
- On the 2<sup>nd</sup> of May 1994, Dallaire informed Jean Kambanda that UNAMIR was intending to put in place an international investigation commission and asked him for his opinion on this. In his letter of 7<sup>th</sup> May 1994, KAMBANDA replied that such a Commission should include France, Rwanda, Burundi, Tanzania and ICAO. Kambanda wanted France to lead the Investigation.
- Belgium, on its part, was being accused by extremist quarters of being responsible or an accomplice in HABYARIMANA's death and urgently felt that there should be an inquiry to establish the truth. On the 12<sup>th</sup> April 1994, Belgium asked the International Civil Aviation Organisation (ICAO) to institute an inquiry to that effect. ICAO put the request on the AGENDA of its Council meeting of 25th April 1994. But the Chairperson (President) of the Council suggested that they suspend the debate on the issue because he reckoned Belgium should furnish more information.
- Successive United Nations Security Council Resolutions between April and July 1994 kept advocating for putting in place an international inquiry but there was never any follow up on the issue.
- On 13<sup>th</sup> August 1994, while the ICAO Regional Representative for Southern Africa was on a working Tour, the necessity for an investigation into the crash was raised by the relevant Rwandan authorities.
- In a public declaration in early 1995, the Vice President and Minister of Defence, General KAGAME said that setting up an inquiry into the circumstances and who bore the responsibility of the shooting down of the Falcon 50 was a priority for Rwanda; he deplored lack of support by the UN and assured Rwandans and the world

that an investigation would be conducted as soon as the necessary means were available.

- On 28<sup>th</sup> March 1996, the Minister of Transport and Communications Dr Charles MULIGANDE sent a letter to the Regional Representative of ICAO based in Nairobi requesting the organisation to assist Rwanda in evaluating the fitness of the plane. Rwanda was thinking of involving Dassault Company, the manufacturer of the Falcon 50. The Rwanda Government efforts were not heeded.
- The OAU report of 29<sup>th</sup> May 2000 recommended to the International Commission of Jurists to open up an independent investigation to determine the responsibility of the shooting of the plane but this also met with the same indifference and negligence.

**B. Documents, Recordings and the Black Box relevant to the shooting were taken in the custody of the French**

- Judge Jean-Louis Bruguière declares in his so-called Indictment (Ordonance) that he had the transcripts of the Kigali Airport Control Tower recording of the 6<sup>th</sup> April 1994. This Indictment (Ordonance) gives assessment results. In an interview with Judge Bruguiere at the ICTR in the framework of an international Rogatory Commission on the 18<sup>th</sup> May 2000, Colonel Bagosora explained that they had sent Colonel Ephrem Rwabarinda to Paris on the 8<sup>th</sup> May 1994 to deliver photos of missiles and tape recordings of the air traffic control communications for the 6<sup>th</sup> April 1994 so that France could assist them.
- On 28<sup>th</sup> June 1994, Barril appeared on televised news on France 2 and exhibited a black piece of metal and three big reels and claimed to be holding SAM 7 missile launchers which he claimed had been used to gun down President HABYARIMANA's plane. He accused RPF of being responsible for the crash and said that the missiles were shot from Masaka Hill, a zone controlled by the RPF according to him.
- Barril also showed a set of telexes recovered at the airport on the days and hours preceding the shooting of the plane, a duty roster of the airport containing names of those on permanent duty as well as those on radio communication transmission services. He at the same time displayed photos of debris of the plane and the bodies of the victims of the crash.
- After these revelations by Barril, Dassault Falcon Service, which was the manufacturer and responsible for maintenance of President HABYARIMANA's Falcon 50 indicated that there was no conversation recording installed in the plane. But they noted that there was pre-equipment fitted in the plane to that effect which the user could fit in easily. Dassault stated precisely that during the previous service in October 1993, there was no recorder on the plane.

- On the 19<sup>th</sup> June 2001, Dassault completely reversed its position in a note they gave to the French justice authorities when they said that the presidential plane was well equipped with a CVR (Cockpit Voice Recorder) and not a simple installation as had been said earlier in 1994 and 1995.
- Information available in and outside Rwanda since 1994 shows that a black box was recovered by French military officers in Rwanda: an article in April, by Mme Spérancie Karwera-Mutwe one of the influential top leaders of MRND, declaration to the diplomatic corps by the Minister of Foreign Affairs, Jérôme Bicomumpaka on 15<sup>th</sup> April 1994, establish that the Interim Government was in possession of the black box.
- On 19<sup>th</sup> April 1994, two French officers serving in Rwanda, Bernard Cussac and Jean-Jacques Maurin, sent a note to their superiors in France in which they stated that on 6<sup>th</sup> April 1994, at 9.30 p.m, De Saint Quentin sent them a report indicating that a trace of a black box was possible.
- In June 1994, Belgian investigators indicated that the black box had been recovered by De Saint Quentin at the site of the crash and that it was in Paris but very highly classified.
- A note from the Belgian Embassy in Ethiopia quoting a press conference held on the 5th may 1994 in Addis Abbaba by two Rwandan diplomats indicated that these two acknowledged that the Foreign Affairs Minister, Jerome Bicomumpaka, of the interim Government was visiting Paris to ask France to decipher the black box of Habyarimana's plane.
- On 27<sup>th</sup> June 1994, the French Minister for Transport revealed to the Director of Cabinet of the Belgian vice Prime Minister, Mr Di Rupo that the French authorities were in possession of the black box. Judge Damien Vandermeersch who was investigating the assassination of Belgian peacekeepers then requested to be allowed to consult the black box. The French authorities retracted and said that they did not have it.
- A source emanating from an unpublished internal note of the Parliamentary information Mission, in its Annexes, indicates that a certain French General Rannou confirmed that the Falcon 50 had been equipped with two black boxes.
- On the 10<sup>th</sup> March 2004, Le Monde Newspaper revealed that the Falcon 50 black box had been recovered and sent to the UN Headquarters. The UN made an internal inquiry and a cockpit voice recorder (CVR) was discovered in the archives which were believed to be that of the Falcon 50, belonging to the Rwandese President. The expert report, however, showed that conversations and technical parameters point to a recording effected on the ground rather than during a flight and thought that the examined recorder had never been fitted in the plane at the time of the crash.

- Scores of probing testimonies from the Presidential Guards who were guarding the residence of president Habyarimana on the evening of April 6<sup>th</sup> 1994 and several soldiers of the para-commando battallion who had participated in the crash site search indicate that Lieutenant Colonel Gregoire De Saint Quentin, with two or three French military instructors in the para-commando battalion, accompanied by Major Aloys NTABAKUZE who was commanding the same battalion, had access to all the privileged sensitive areas, participated in the crash search and carried away the pieces which were recovered at the site of the plane crash, obviously with the intention of trying to get the black box.
- On his side, Dr Pasuch, a lieutenant-colonel in the Belgian technical military Cooperation, said in an interview with the Belgian military on the 9th of May 1994, that Lieutenant Colonel Gregoire De Saint Quentin had informed him in the evening of 6th April 1994 that « *the French were probably the only people authorised to go near the crash site but that it would be better to wait for daylight in order to look for the black box* ». And it is known that De Saint Quentin went to the Presidential residence at least four times from the 6<sup>th</sup> April 1994. Could De Saint Quentin and Ntabakuze apply so much effort looking for a piece they knew did not exist?

## II. RESPONSIBILITIES

### 1. The motive: refusal to share power according the Arusha agreement.

- The situation prevailing in Rwanda on the evening of 6<sup>th</sup> April 1994 was a result of an operation very carefully nurtured by extremist politicians and senior military officers belonging to the Hutu Power faction that was opposed to the implementation of the Arusha Agreement. Having failed to derail its conclusion, they now wanted to use all means to see that the implementation fails. They exerted a lot of pressure on President Habyarimana not to impliment the Agreement which he did not allow them. Through repeated and unequivocal warnings, they indicated to him that his acceptance to implement the Agreement would be signing for his own death and this is exactly what happened.
- Testimonies of witnesses from the para-commando battalion unanimously confirmed that Major NTABAKUZE used to implore his soldiers never to accept the Arusha Agreement, especially the protocol related to the integration of the two armies which would see half the officers and 40% men of FAR demobilised.
- Testimonies from ex-Far witnesses also stated that Colonel BAGOSORA, though retired from the army, after slamming the door on the Arusha negotiations, and declaring that he was going home to prepare for the apocalypse of Tutsi, often visited the Anti-Air Artillery Company in Kanombe barracks, which he had earlier commanded and the para-commando battalion to give mobilisation sessions in which he told them to drive the RPF back to Uganda.

- Other witnesses, essentially Belgian officers in UNAMIR and from the Belgian Technical Military Cooperation who had connections with Rwanda Armed Forces also told of the determination of extremist FAR officers to put an end to the Arusha Agreement. This determination was aggravated during the week preceding the shooting of the presidential Falcon 50 plane.
- External pressure from some external powers: Belgium, the United States and the United Nations became too strong and forced President BABYARIMANA to accept to impliment the Arusha Agreement despite opposition from his camp and influential members of his in-laws.

## 2. Means used to shoot down the plane

These were in two forms: political and military means

- The Belgian UN Peacekeepers were seen by the extremist political and military class as an obstacle to their strategy to block the Arusha Agreement. From January 1994, these extremists had started a series of direct actions to sabotage the Belgians with the deliberate intention to incite them to withdraw from Rwanda. This would deprive UNAMIR of better equipped and better performing elements and it would lead to total withdrawal of UNAMIR or at least it would be weakened and made ineffective, and according to declarations of some ex-Far officers, this would make a way for the FAR to crush the RPF in just a matter of days.
- It was then decided to launch an anti-belgian propaganda using the media controlled by the Hutu extremists close to Power, especially Kangura newspaper and RTLM. Hence the RTLM hosts and presenters such as Georges Ruggiu, Valérie Bemeriki, Noël Hitimana, Gaspard Gahigi, started attacking the Belgians, inciting the population to consider them as ennemies of the country just like the Tutsi.
- On 27th January 1994, UNAMIR intelligence services issued a statement informing that, in a meeting held in the morning of the same day in Kimihurura MRND Headquarters, RTLM had broadcast a message in Kinyarwanda inciting violence against the Belgians. Colonel Andrew Vincent, who was Head of the Belgian Technical Military Cooperation in Rwanda, reported that he had asked Rwandan authorities to stop that slundering campaign but it had not been heeded.
- Several Rwandan witnesses, former members of the Presidential Guard and those of the para-commando battalion gave testimony to the effect that some of them were secretly selected by their immediate superiors, Majors Mpiranya and Ntabakuze respectively, and sent to join Political Parties demonstrations, in civilian clothes, with the aim of causing chaos together with Interahamwe, and to put pressure on the Belgians in UNAMIR. This information was confirmed by members of the Gendermerie who were in charge of law and order in Kigali City.

- Provocation against the Belgians became particularly visible after the shooting down of the Falcon 50 plane when the extremists spread a rumour attributing the shooting to them. This rumour was aimed at inciting the military and the Hutu Power extremists to rise up against the Belgians and provoke an immediate withdrawal from UNAMIR.
- One of the arguments advanced by people who wished to exonerate the FAR from the responsibility of preparing and executing the shooting down the plane is that they were ill-equipped and less trained than the RPF and that their heavy arms were in the hands of UNAMIR and that they only had light anti-air weapons and no missiles at all.
- This inquiry revealed that, on one part, that the FAR had hidden some of their heavy arms in different areas not accessible to UNAMIR and that they could use them any time. During the days immediately before the crash, UNAMIR was barred from access to all Military Barracks and especially from Kanombe military barracks.
- FAR had specialists in anti aircraft artillery trained in different countries, including France, Libya, China, North Korea and the former Soviet Union. These specialists were distributed in two principal battalions: Reconnaissance Squad and Anti-Aircraft battalion (L.A.A). Technicians in L.A.A were trained in the handling and use of ground - ground and ground-air missiles and were essentially experienced adjudants who had spent several years in the military. As for the specialists in the reconnaissance Squad, they were essentially trained in France in the handling and use of ground-ground missiles used in battles with light armoured vehicles (LAV); they were trained to use Milan missiles, but received at the same training in ground-air missiles.
- Documentary evidence has shown that since the breaking out of the war in 1990, the FAR had always been preoccupied with amassing missiles to enrich their military arsenal and their anti-aircraft defence. Between November 1990 and February 1992, the FAR ordered missile-launchers and SAM 7 missiles in huge quantities and from five different countries under military loans to be repaid back or through direct military aid. Such countries include North Korea, China, Soviet Union and Egypt and Brazil. UNAMIR specialist had also noticed that between September and October 1994, the FAR arsenal stored in Goma contained anti-aircraft missiles among which were SAM 7 missiles.
- Investigations carried out by Patrick De Saint Exupéry within french military sources show that between the end of 1993 and the beginning of 1994, two ground-air missiles were ordered from a certain arms dealer named Dominique Lemonnier for the Rwanda Government and this was done through a relative of Paul Barril, and then through a french company specialised in the export of war material.

- A witness called Richard MUGENZI, an insider in the FAR secret services between 1990 and 1996 and Head of a FAR strategic information centre situated near the Gisenyi presidential residence and who received confidential information from FAR officers in key positions, testified that an officer in the Rwandan military intelligence called Lt Bizumuremyi revealed to him in 1993 that the FAR were in possession of SAM 16 ground-air missiles which had been given to them by France. The said officer told Richard MUGENZI that these missiles were from a lot that France had got from the war in Iraq.
- The French Parliamentary Information Mission (MIP) reproduced a telegram from the French Military Attaché in Kigali dated 22<sup>nd</sup> May 1991. The telegram indicated that the FAR headquarters were supposed to hand him a Soviet made ground-air SAM 16 missile which had been captured from the rebels on the 18th May 1991 in Akagera National Parc and was wondering if there could be any organisation interested in acquiring that missile. The MIP drew conclusion that the Hutu extremists could have used these missiles allegedly captured from the RPF to perpetrate the downing of the presidential plane.
- In 2000, Judge Jean-Louis Bruguière executed an International Rogatory Commission in Arusha and interviewed several suspects detained by ICTR, including General Augustin Ndindiriyimana, former Head of the Rwandan Gendarmerie from 1991 to 1994. He was interviewed on the 19th May 2000. On being asked to mention the cases in which the RPF had used missiles during the war, General Ndindiriyimana answered that there are cases attributed to RPF but which are not true. For example, the plane that was shot in Matimba, which was at that time situated in the Akagera National Park, Ndindiriyimana said that he had reached the spot and confirmed that the plane had been hit by bullets and not a missile as alleged. A second case concerned a Zairean plane belonging to Mr. Bemba. On this, Ndindiriyimana told him that the plane was hit by bullets and had been able to return and land in Goma. He indicated that if the plane had been hit by a missile, it would not have been able to land in Goma. Despite that clear explanation of General Ndindiriyimana to Judge Bruguière, the latter chose to make his own subjective conclusion that on the 10<sup>th</sup> September 1991, a plane belonging to SCIBE from Kigali to Beni (Zaire) had been hit by a missile. He wanted to wrongly give impression that that missile belonged to RPF (Ordonance of the so-called Communiqué, page 42)

### **3. The course of the action**

- On 30th March 1994, colonel Bagosora went to Gisenyi and on 2<sup>nd</sup> April, he participated in a meeting at the presidential residence of Butotori on the shore of Lake Kivu. The meeting was between Habyarimana and the Special Representative of the UN, Jacques—Roger Booh-Booh and other MRND dignitaries among others, the MRND Secretary General Joseph Nzirorera. In this meeting President Habyarimana said that he was going to put in place Institutions provided for by the Arusha Agreement. Bagosora and Nzirorera did not agree with this decision. Nzirorera

threatened the President in these words: « *On ne se laissera pas faire Monsieur le Président* » ! (*We shall not allow it, Mr. President!*)

- On 4<sup>th</sup> April 1994, President Habyarimana gave instructions to his Director of Cabinet, Ruhigira Enock, to prepare the swearing in of Parliamentarians and the Government on his return from Arusha. When the extremist officers came to know of this, they started to prepare for the overthrow of the regime, the assassination of the President and the implementation of the genocide. Bagosora was at the helm of this action and called upon Colonels Serubuga, Buregeya and Rwagafirita. The three were discontented for having been sent in retirement by the Head of State without being awarded the rank of General which they had been canvassing for.
- Testimonies received also indicate that there was unexplained change in the freedom of control usually enjoyed by UNAMIR in the FAR military barracks. Whereas UNAMIR did not have any difficulties in entering military barracks for its routine checks, an order had been issued by the Kanombe Barracks Commander not to allow UNAMIR to enter the military barracks from 5<sup>th</sup> April 1994 where preparations for war were going on.
- Several ex-FAR witnesses indicated that FAR Commanders only showed UNAMIR light weapons and hid a big part of their heavy arms in the far military barracks of Gako, Gabiro and at the Presidential residence of Rambura and elsewhere. The arms stocks for the presidential guards were hidden in an underground cave built for that purpose. The FAR were therefore preparing for an all out war and not the peace provided for by the Arusha Agreement.
- Testimonies from FAR witnesses also indicated an unexpected change which was effected from the morning of 6<sup>th</sup> April 1994 on the communication frequencies of the FAR which left access and control of the military transmission network to highly trusted operators from Gisenyi and Ruhengeri.
- On 6<sup>th</sup> April 1994, between 2.00 p.m and 3.00 p.m, soldiers from the Presidential guard and Kanombe military barracks stormed the Mulindi market, wearing civilian clothes and ordered people to disperse and business to close and everybody to go home. The residents were advised to stay indoors and not to loiter around during the night.
- On 6<sup>th</sup> April during the day, a series of actions leading to a strategy were observed in the army. First of all there were many presidential guards patrolling in large numbers around the Kanombe neighbourhood on that day, and this equally surprised the soldiers in Kanombe barracks who were not used to seeing such movements usually considered as their bastion.
- From the morning of 6<sup>th</sup> April 1994, the para-commando battalion was put on alert and major Ntabakuze unexpectedly cancelled parachuting training exercises in Nyandungu valley.

- On the evening of 6<sup>th</sup> April 1994, at least one hour before the crash, the presidential guards had already taken position in the kimihurura neighborhood and this surprised the residents, both Rwandans and foreigners who witnessed this unusually abnormal deployment.
- Once the shooting of the plane had been accomplished, the presidential guards at Kimihurura residential area withdrew and immediately escorted MRND ministers to a secure area in the presidential guards' barracks and then to the french embassy. Others soldiers set for the residences of prominent opposition politicians to kill them.
- After President Habyarimana's plane crash, the flow of events proved that FAR officers led by Colonel BAGOSORA had planned a military coup d'Etat, to impose it on civilians, on UNAMIR and the United Nations and to put in place a regime suited to their cause. However, the coup d'Etat could not succeed due to the objections raised to Bagosora by western diplomats, UN representatives (Dallaire and Booh-Booh) whom he contacted in the night of 6<sup>th</sup> April and morning of 7<sup>th</sup> April 1994.
- During the immediate moments after the crash, some expatriates resident in Rwanda gave testimonies that in some FAR residences particularly at Major Bernard Ntuyahaga's home, there was jubilation.

#### **4. Questions relating to the shooting itself**

- Landing trajectory : It has been established through traffic control recordings that the Falcon 50 plane had followed the trajectory leading directly to Platform 28, in the East-West direction passing above Rusororo hill and continuing to Kanombe hill. The plane did not fly over Masaka hill.
- Crash site: The plane crashed in a banana plantation juxtaposed to the presidential residence and its gardens on the West cape. The angle of descent must have been relatively small (20 degrees maximum) given the low depth of the pit dug in the ground. The plane must have had a left inclination: right wing and entire right horizontal plan, left wing and left horizontal plan highly damaged.
- Spot air space area where the plane was hit by the missiles: The missiles hit the plane when it was overflying Nyarugunga neighbourhood near the presidential residence. Given that the plane was hit directly by a missile while it was flying at a low altitude at a few metres to the landing field, and the fact that it landed in the residence which was very near the airport, the conclusion is that the place where the plane was hit by the missile is not far from the residence.
- Number of shots: People living nearby talked of having heard two to three shots or of two big bullets moving towards the plane while witnesses with technical knowledge have concluded that two or three missiles were shot, without giving the precise type of missiles.

- Area where the missiles were shot : People who have so far written on the shooting of the Falcon 50 think that the missiles were fired from the small valley separating Masaka hill and Rusororo, in a place where a project called CEBOL (Centre for Dairy Farming) used to be. The theory about the plane being shot from this small valley separating Masaka and Rusosoro at CEBOL was concocted and propagated by the FAR for stage management. It raises a lot of incoherences and unlikelihoods that led the Committee to exclude it as the point of the possible departure of the missile fire.

#### **a) Shots were not fired from Masaka-CEBOL**

- The road leading to Masaka is a very busy road, due to a large number of administrative, economic and agricultural activities taking place there. Several dignitaries of the Habyarimana regime, both civil and military, had their main or secondary residences in the area and went there regularly. There was a very big Health Centre in Masaka, the biggest for that part of the District. There was the St Agatha Orphanage which was also frequently visited as the wife of president Habyarimana was the patron and most orphans of the FAR who fell on the war front were being sent there. The road led to different places, passed very close to CEBOL and was highly guarded.
- At 300 m from Masaka-CEBOL, there was a military detach on a roadblock at Km 19. This was still there on 6<sup>th</sup> April 1994. In general terms, witnesses testified that the air space in which the plane was shot was clear that evening and that visibility was good.
- If the shots had been fired from that said place, the soldiers guarding the roadblock at Km 19 would have heard them and would have been in position to pursue and attack those who shot before they left the area.
- The chief of Staff of the Gendermerie, General Ndindiriyimana, declared that, during all the time he was in Kigali, he had never heard of anyone talking of having discovered any missile-launchers which were used to shoot the plane of the Head of state, especially that the so-called discovery was only 300 metres from a roadblock guarded by the gendarmes.
- Colonel Bagosora who represented the Minister of defence during his absence in the country and whose role in the whole saga is well known confirmed that he did not know how the missile launchers were discovered, saying that he only saw them at the Ministry of Defence.
- A witness by the name of Paul Henrion reported that on 6<sup>th</sup> April at 08 a.m, while going to Lake Muhazi, he saw Rwandan soldiers, putting on black berets like those of the presidential guards. Two of these soldiers' berets had a right side inclination in the "french style" and their insignia were clearly visible. On his return towards 8.00 p.m, he found the same group at the same place. This signifies that that place was

heavily guarded by elements of the FAR and any infiltration that evening was not possible, including the fleeing of those who shot the plane.

**b) Kanombe military domain, area of departure of the fire shots that hit the plane.**

- The plausible theory, which is supported by eyewitnesses and witnesses who heard the sounds, and who were in different places at the time of the shooting, is the theory which situates the area of departure of the shots inside Kanombe Military Barracks or in its neighborhood. These witnesses are from different entities, different professions and different nationalities.
- Two Experts in Ballistics and Aircraft accidents from Cranfield University/Defense Academy of the United Kingdom who carried out an investigation in Kanombe, Masaka and elsewhere came to a conclusion that : *“The elements of witness statements accepted by the authors as credible and well founded indicate that the firing point for the surface to air missile/s launch would be bordered by an area incorporating the eastern end of the runway, the President’s Residence, and the northern extremities of Kanombe Camp”*.
- A Belgian witness who was serving in UNAMIR by the name of Matthieu Gerlache and who happened to be in the former Control Tower at the time of the shooting said that on the 6th April 1994, at 8.30 p.m, he was on duty on radio communication in that control tower. He noticed that the airport lights had been switched on whereas they had always been off. This made it easy for him to see what was happening. He went out of the control tower and leaned on the rail guard of the platform to check the plane. As the plane was approaching the airport, he saw a luminous point leaving the ground and he clearly stated that *“the direction of departure of that luminous point was Kanombe Barracks”*. Witness Gerlache has clear understanding of notions of distance between places in the localities (Airport, Kanombe barracks, Masaka) owing to the position he held and inherent technical knowledge through his military profession. He also happened to be in a raised position of 6 m high in the control tower which was an ideal place for observation of planes about to land. It is therefore impossible for an observer (of the same night) who was at the airport, and more to that in the control tower overlooking the whole area, to fail to differentiate between a shot fired in any of the three places located at different distances at different levels in relation to the area of observation.
- Other witnesses, members of UNAMIR and Belgian Technical Military Cooperation, namely Lt Col. Dr Pasuch Massimo and Dr Daubresse, Belgian Military doctors (Major) happened to be at the residence of Pasuch in Kanombe barracks. They gave their testimonies confirming that the departure of the shots which hit the plane was Kanombe military Barracks. Dr Daubresse immediately reported on the radio network of the Belgian battalion in UNAMIR that **“missiles have been fired from Kanombe barracks and have hit an approaching plane”**. As for Dr Pasuch, he testified that he heard **“the sound of a “blow” and saw a fast trailing orange light (...) followed by detonations”**. From that moment Dr Pasuch **“did not hear the sound of the plane**

(reactor)". If the shots which hit the plane had been fired in Masaka, Dr Pasuch and Dr Daubresse would not have heard the "sound of the "breath" of the missiles, while at the residence of Dr Pasuch in Kanombe. The shots were definitely fired from an area situated very close to the residence of Dr Pasuch.

- Another direct witness of the shooting of the plane is Cyprien SINDANO, the Commandant and Duty manager that evening. He testified that after being informed by the Control tower about the imminent arrival of the plane, he went out of his office to follow its descent and see it landing. He then saw two tracer bullets moving towards the plane and both were coming from "**around the neighbourhoods of Kanombe military barracks, if not from the barracks itself**", he said. Kanombe airport, in front of which witness Shindano was standing, is situated on a plateau above Kanombe military barracks which is on a lower level, just on the prolongation of the runway towards the East. Nyarugunga valley is, on its part, on a lower level in relation to the Kanombe military barracks, in the same direction in the East of the landing field. Masaka Hill is farther (10 km from the airport, 2km short cut); it is quite visible from the airport. Masaka hill and Masaka valley are also visible to anybody who is in the airport control tower at a height of 6 m. It offers a diving view on the whole area from the end of the airfield (East), sweeping through Kanombe barracks and Nyarugunga valley up to Masaka hill which is on an upper level. Both witnesses Gerlache and Sindano are avid observers, owing to their profession and through their routine work; they perfectly know the area in question so much that there no room for being mistaken.
- Another testimony which corroborates the theory of Kanombe barracks being the departure area of the shots came from a certain UNAMIR military observer known as Moreau Nicolas who at that time was on top of Rutongo hill. He testified that he saw clearly the shots moving towards the plane from his left side and he evaluated the angle of the shots at 70 degrees. It is impossible for someone in Rutongo to see a bullet shot from Masaka with such precision. If the shots had been fired from MASAKA, Nicolas Moreau would not have been able to observe the scene of the shooting as he does describe it. This is because the hills of Ndera and Rusororo stand between his visionary field and the Masaka valley. But again a technical study carried out by the Committee indicated that, given the trajectory of the plane and the point of impact of the missiles, the firing angle from CEBOL corresponds to 30 degrees while the shooting angle of 70 degrees corresponds to Kanombe military barracks.
- Several other witnesses, particularly those from the Presidential Guards who were in charge of security at the airport and in the neighbourhood on the evening of the shooting of the plane testified that **the shot which exploded the plane went off below Konombe Airport, in the barracks or very close to it**. If the missile which hit the plane had been fired from Masaka hill, these observers, direct witnesses on the scene, would have recognised the area as the point of departure of the missiles. It should be noted that UNAMIR observers reported it immediately on their telecommunication network before their legal department could collect testimonies on

13<sup>th</sup> April 1994 and before the hearing of the Military tribunal in Brussels in May 1994.

- Another person who is not necessarily a direct witness but who nevertheless has carried out some professional investigation on the shooting of the Falcon 50 plane is Captain Sean Moorhouse. He has come to the conclusion that missiles were fired from Kanombe military barracks. Sean Moorhouse is a former officer of the British army who worked in Rwanda from September 1994 to March 1995 in a UNAMIR team charged with the collection of information regarding the shooting of the Presidential plane and the genocide. He was part of a team of four intelligence specialists composed of Sean Moorhouse himself, a Canadian, an Australian and an American. Sean Moorhouse stated clearly that, in the course of their work, they gathered information from numerous sources which they evaluated, filtered and analysed in order to remain with only the very likely elements. Regarding the shooting, Sean Moorhouse reported that the information collected had helped his team to establish that **“the plane of the President of Rwanda was shot by three White people with the help of the presidential guards and that the shots which hit the plane were fired from Kanombe military barracks”**.

### CONCLUSION

**It is the opinion of the Committee therefore that the Falcon 50 plane of President Habyarimana was shot down from Kanombe Military Barracks by elements of the Rwanda Armed Forces which controlled that zone.**