

**THE REPUBLIC OF RWANDA
MINISTRY OF JUSTICE
OFFICE OF THE STATE PROSECUTOR**

Charge: Genocide
Crimes against humanity
Decree-Law No. 08/75 dated 12 February 1975

Accused: Théoneste Bagosora and accomplices

Plaintiff: OMP (State Prosecutor's Office)

Observations: Hearing of Marcel Gatsinzi

Report No. 0142, File No. **/CRIM/KK/KGL/95
File 57/95, J. I. Vandermeersch

PRO JUSTITIA

On the sixteenth day of June, nineteen hundred and ninety-five, at 1050 hours,

Before us, Kibibi Kamanzi, Inspector of Judicial Police with the Court of First Instance of Kigali, being in Kigali and resident there, Inspector of Judicial Police with general competency, acting in that capacity in accordance with Articles 1 and 2 of the Criminal Procedures Code.

In the context of the international commission rogatoire of Mr Damien Vandermeersch, Investigating Judge with the Court of Appeal of Brussels, Belgium.

In the presence of:

Mr Damien Vandermeersch, Investigating Judge with the Court of First Instance of Brussels, Belgium.

Mr Luc Ver Elst-Reul, Deputy Prosecutor for the King in Brussels.

Mrs Moijens, Clerk for Investigating Judge Vandermeersch.

The following appeared:

Marcel Gatsinzi, BEM Colonel, born on 9 January 1948 in Nyarungenge-Kigali, and resident in Kigali, who, in his capacity as witness, declared the following to us in the language of his choice.

I was assigned, before the events in Butare, as a commandant of the school for deputy officers (ESO) and commandant of the Square at Butare.

I left Butare on 7 April 1994.

Captain Nizeyimana was an instructor at the ESO. I know that Captain Nizeyimana and Alphonse Higaniro were friends, and in fact very close friends. They used to spend evenings together. They both originated from the Prefecture of Gisenyi.

I do not know Vincent Ntezimana.

I learned after the events that Captain Nizeyimana had initially sent soldiers to look for people and arrest them, and that these people were then killed.

Captain Nizeyimana had also sent his lieutenant to kill Queen Rosalie.

According to what I learned, he played an active part in the massacres.

He probably had significant levels of responsibility within the militia.

On questioning, I am not familiar with the lists that were compiled, but I can recall to you that I left on 7 April.

Nizeyimana lived in the same district as I, in Buye, and Higaniro lived not far away. It was Captain Nizeyimana who organised the defence of Higaniro, before 6 April. This protection was a private matter that had not been ordered by the military authorities in Butare. It happened outside the structure of things. Normally the Prefect and the Rector of the University should have been the first authorities to enjoy that level of protection. In contrast, in fact, the gendarmerie was protecting the prefect, at a time when for Higaniro, they were military. The protection should have been provided by the gendarmerie, not by the military.

Nizeyimana expressed MRND sympathies and even CDR sympathies. During the weekend he had a visit from the CDR leaders at his home. I saw them come to his place.

Higaniro, I didn't keep company with him. I knew that he was MRND. He was not moderate.

Kanyabashi was Burgomaster in Ngoma at the time. When I knew him, he was one of the moderates.

I did not hear that he was involved in the events.

To my knowledge certain MRND executives did not look on him with favour, because he was not an extremist. Indeed, he almost got himself put in prison in October 1990.

He was a friend of mine at the time.

I did not directly hear on the radio the talk from the interim president on 19 April 1994, or indeed the response from Kanyabashi, but I read in a paper dated November or December 1994, or January 1995, that Kanyabashi answered the President by telling him “work is what you’ve asked for, work is what we’ve already started”.

If he did say that, it was a compromising answer.

Elie Ndayambaje I don’t know *particularly well*. I know that he was *Burgomaster of Muganza before resuming his studies at (illegible)* [signed]. He was from Gitarama, not from the North. I know that afterwards, during the events, he changed and the people gave him the name of “Power”.

There were people who were known for being moderate before the events and whose extremist declarations made during the events astounded me.

There were even people who had been threatened before the events and who made 180-degree turns during the events.

It is something that we ourselves find difficult to take on board and assimilate.

I learned later that Hategekimana was actively involved in the massacres.

At around 2100 hours on 6 April 1994, I took a telephone call from Kanyabashi who asked me if I was aware that the President was dead. He wanted confirmation.

I state specifically that around 2000 hours, my wife telephoned her elder sister in Kigali and she mentioned an explosion and some unusual noises. After the explosion she heard some shooting – machine-gun fire.

Around two in the morning, I got a call from Colonel Bagosora who told me that I had been appointed temporary Chief of Staff of the Army. We had been informed in the meantime, by telegram, that the President and Chief of Staff were dead.

Bagosora said only that. We were not friends. I then asked him what was the procedure to be followed to have me appointed when there were other more senior and superior officers than I present in Kigali and better acquainted with the situation in Kigali.

He replied to me that it was the officers meeting in Kigali who had appointed me. He then gave me the order to return to Kigali for six in the morning. There was a meeting planned for eight in the morning with the Staff Captains, and the operational sector commandants.

I advised him that in the light of the situation, I could not travel during the night. He told me to come anyway, saying that there was nothing there, although I was hearing gunfire in Kigali down his telephone. I mentioned that to him. He said “so come at eight”. I told him that it depended on the situation prevailing in Kigali.

He continued to insist that I come early and told me that he would send an escort outside the Prefecture of Kigali to come and guide me.

I asked him what kind of escort. He told me that it was the reconnaissance unit based here, in the Kigali Camp.

In the morning I telephoned Kigali, to find out about the situation, and I got Major François Nzuwonemeye who told me that the situation was not certain, that we would have to wait because there was gunfire in the city.

I telephoned every hour to find out the situation, There was gunfire until midday.

During the morning an ESO Captain, Théophile Twagiramungu, had his wife on the line; she told him that the situation was catastrophic, that the military were firing on houses in the Kimihurura District. They were soldiers in uniform who were committing murder and other atrocities.

In the afternoon, around 1400 hours, I learned that the situation had eased, and decided to leave.

In the meantime, the President of the National Assembly (CND) had been contacted by the Dean of Ministers, who was an MNRD, to ask him to become interim president. The youngest brother of President Habyarimana, as well as Higaniro, were also asked to form part of the convoy. They left with us. Higaniro and the President's brother were accompanied by their families. President AI was alone.

We arrived at about 1610 or 1615 hours. There were not yet any barriers across the road, apart from the normal barriers (military, principally gendarmerie).

Afterwards, I learned that the other commandants who were outside Kigali had been sought in a helicopter so that they could be on time for the meeting at eight. I concluded from that, that Bagosora maybe wanted me to be eliminated during that journey. I was shot at as I entered Kigali. There were wounded in the military escort.

I went directly to the staff captain and met with the officers of the faction. I did not meet Bagosora. I only saw him during the meeting that was held later, on the evening of 7 April.

When I arrived I took the order, but I fell into the situation without knowing about it.

We remarked afterwards that at that moment, both the Defence Minister and the G2 (head of military information) and the G3 (head of operations) were abroad. Normally the onus was on the head of operations to take matters in hand.

During the meeting on the evening of the 7th, I felt some antagonism between Bagosora and the rest of the team, in that Bagosora wanted to take over as president of the crisis committee although it was a military committee. We did not agree to him presiding, as he was retired military and was a politician in his capacity as Director of Cabinet. We wanted the most senior military person to preside, that is, Augustin Ndindiliyimana. He was there during that meeting.

Bagosora stated that as representative of the minister who headed the two forces, the army and the gendarmerie, he should be the president, something that the meeting categorically refused him.

He then delivered a personal attack on certain officers, such as Colonel Léonides Rusatira, saying that while Rusatira was head of the Ministry of Defence Cabinet, he had priority over the staff captains. We then remarked that at that moment, it was the minister himself who delegated his heads of cabinet.

Finally, it was Ndindiliyimana who presided over the meeting. Bagosora sulked during the meeting and played no active part in it.

The conclusions of the meeting had been to see how discipline could be restored within the Presidential Guard and facilitate contact between the members of senior government and the politicians and the FPR via the Minuar, to put together a transitional government in the context of applying the Arusha Agreements.

Normally it was the Chief of Cabinet of the Ministry of Defence who had to provide the link between (hand written – illegible) the various political and governmental authorities and therefore ensure that the conclusions of the meeting were applied. *The staff captain did not have any direct contact with these authorities.*

After this meeting, Bagosora left angry.

The next morning, Ndindiliyimana invited us to a meeting to inform us that Bagosora had brought the political authorities together to form an interim government.

During this meeting, Bagosora arrived with the members of this government and we realised that it was he who chose these men and this was not at all in keeping with the conclusions of the previous day's meeting.

This government essentially consisted of MRND ministers (9 ministers). There were nine other ministers from the four parties MDR, PSD, PL and PDC.

We were presented with a fait accompli.

From the 8th onwards, I realised that there was no consensus between the politicians and the military, and I had to note that the situation in the field was continuing, I being absorbed in the military operations that had recommenced against the FPR.

From my point of view, the operations of that time consisted of the purely military operations (war with the FPR) and other operations carried out by the GP, namely the fulfilment of a previously established plan known to the clandestine networks. I had no knowledge of these last operations. I was well in control of the military operations on the front lines.

It was the commandant of the City of Kigali who had responsibility for these units that defended Kigali. I questioned him and he said that he knew how certain military personnel were deployed in various quarters to carry out the executions.

He then called the GP leader on his walkie-talkie to ask him why his soldiers had gone out into the city. The other answered that he had all his soldiers inside the camp.

The Presidential Guard had two missions, to protect the president and defend its own camp, which was included in the overall defence plan. The Arusha agreements provided that the guard would be dissolved *and replaced by a Republican Guard*.

I learned, a long time afterwards, when I was at the Gako reorganisation school in December 1994, via Colonel Havugamenshi during a conference in Gako, that for the defence of VIPs in the event of a resumption of hostilities, he had been told not to worry as these authorities would be defended by the military units stationed in place.

This specifically means that for example, the protection of Minister Agathe Uwinlingiyimana should have been reinforced with soldiers from the Kigali Camp.

All that I know is that soldiers carried out killings.

We learned afterwards that Bagosora had a radio network with him, parallel to the normal military network. Via this network he had direct contact with the GP, the para-commando battalion and the reconnaissance battalion. Through this network he was certainly able to issue orders to these units without the military authorities knowing.

Colonel Ndengeyinka, who was a technical adviser to the Ministry of National Defence, can confirm that to you.

I also recall that the two staff captains, from the gendarmerie and the army, received a telegram from the Ministry of National Defence ordering the two captains to recall to arms all officers who had retired since a certain time (January 1993 or January 1994).

I found out afterwards that this measure was aimed principally at Bagosora, Colonel Gasake and others.

I was made to sign that telegram, which did not contain a name, without recognising which people were covered by the measure.

Afterwards, I discussed it with the Chief of Staff of the Gendarmerie, who advised me that a ministerial decree was required for that. I then issued a counter-order via national radio.

In the meantime, the FPR advised that it did not recognise the interim government. With several officers from the staff captaincy, we issued a press communiqué via the radio on 12 April, deploring the massacres and proposing, via the Minuar, negotiations with the FPR with the aim of stopping the tragedy of Rwanda and (illegible) continuing to put the Arusha agreements in place.

We issued that communiqué without the knowledge of the government, which was reluctant to follow up the proposals made in the communiqué. Thanks to the intervention of General Ndindiliyimana, who supported the communiqué, the government finally agreed to the military commander of the FAR meeting with the commander of the FPR.

On 15 April, the Minuar brought the two delegations into contact. I was the representative of the FAR. We had discussions. The FPR set out preambles to the discussions, which we had to study, and we agreed to meet together at a later date. *A priori* we were in agreement with the FPR preambles, which were to stop the massacres and the inflaming propaganda (illegible hand-written text), dissolve the GP, and cancel the acts laid down by the interim government, as this was acting outside the competence of the command.

When I returned I reported to the interim government. One day later, I was replaced.

Within the framework of the interim government, Bagosora continued to work as Chief of Cabinet of the Defence Ministry and to accompany the interim government.

It is for this reason that I did not see him again after the morning of 8 April.

He telephoned me once, to tell me of the transfer of money from the National Bank of Kigali to Gitarama.

I asked him who issued the order. He answered that it had come from the interim government and that the Governor of the National Bank would contact me for details of the escort.

That was to happen on the 14th or 15th.

When the Governor of the National Bank contacted me, I asked him if the security of the funds was guaranteed in Gitarama. He agreed with me that the funds would be safer in Kigali but that it was an order from the interim government. *In fact, the Military Guard (illegible) from the Minuar was in negotiations and I hoped that these would have a positive outcome.*

I told him to tell the government that the military was not in a position to guarantee the safety of the funds in Gitarama. I added that in my opinion, he himself should refuse.

Without my knowledge, Bagosora issued the order to the commandant of the reconnaissance battalion to transport the funds to Gitarama.

I had the impression that Bagosora was meddling in the affairs of government.

With regard to Bernard Ntuyahaga, I can tell you simply that he dealt principally with transport (G4).

The hearing ended at 1315 hours.

After a reading, the witness persisted and signed in our information book.

I swear that the present report is genuine.

Kibibi Kamanzi

Inspector of Judicial Police

(Signature illegible)