

REPUBLIC OF RWANDA



**INDEPENDENT COMMITTEE OF EXPERTS
CHARGED WITH THE INVESTIGATION INTO THE CRASH
ON 06/04/1994 OF FALCON 50 AEROPLANE,
REGISTRATION NUMBER 9XR-NN.**

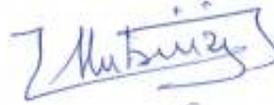
**REPORT OF THE INVESTIGATION INTO THE CAUSES
AND CIRCUMSTANCES OF AND RESPONSIBILITY
FOR THE ATTACK OF 06/04/1994 AGAINST THE
FALCON 50 RWANDAN PRESIDENTIAL AEROPLANE,
REGISTRATION NUMBER 9XR-NN**



MEMBERS OF THE COMMITTEE

MEMBRES DU COMITE

1. Dr MUTSINZI Jean, Président



2. Dr BIZIMANA Jean Damascène, Vice-Président



3. RUGIRA Alice, Secrétaire



4. MBABAZI Judith, Membre



5. MUKAMA Augustin, Membre



6. MUGENZI Peter, Membre



7. MVANO Jean-Baptiste, Membre

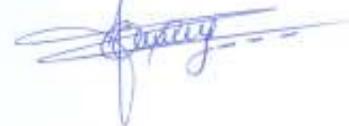


TABLE OF CONTENTS

GENERAL INTRODUCTION	5
History and Mandate of the Committee	5
Methodology used	6
Political context prior to the attack of 06 April 1994	9
SECTION ONE: THE CIRCUMSTANCES OF THE PLANNED ATTACK AND ITS EXECUTION	17
The revelation of a plot targeting the imminent assassination of President Habyarimana before the attack against his aeroplane	18
Intelligence announced by the leaders of Hutu Power	18
Intelligence known by Rwandan military circles	22
Intelligence known by president Habyarimana and foreign sources	25
The organisation and issues of the Dar es Salaam Summit	28
Settlement of the political deadlock prevailing in Rwanda	28
Pressure on president Habyarimana before the Summit	28
Instability in Burundi: the main subject of the Dar es Salaam Summit	29
Questions surrounding the journey of the chief of staff of the Rwandan army	30
The proceedings of the Summit and circumstances of the return flight of the Falcon 50	35
Execution of the attack and its repercussions	29
The absence of an investigation into the attack	40
Questions about the voice recorder known as the “Black Box”	42
Information published soon after the attack: the black box in France	42
Manipulation by Paul Barril and a turnaround from Dassault Service Aviation	43
The Rwandan, Belgian and French sources	44
Further turnarounds: a fake black box in the hands of the UN	46
Convincing testimonies on the recovery of the black box by the French	47
The sequence of events of the attack reported by eye witnesses	50
The airport technicians	50
The soldiers from the presidential guard who were present at the airport	55
The UNAMIR blue helmets posted at the airport and the members of the Belgian technical military cooperation	58
Refusal for the UNAMIR to access the crash site	65
Preferential access to the site of the attack granted to French soldiers	73
The RPF’s Situation at the National Development Council	75
Surveillance and monitoring by the UNAMIR	75
Discreet and constant surveillance of the CND by the presidential guard	78
The RPF’s situation at the CND on the evening of the attack and in the following days	81
Inventing of radio-messages by the FAR and their attribution to the RPF	84
Course of the main questions relating to the shooting down of the aeroplane Falcon 50	88
The Falcon 50’s Approach Trajectory	88
The site of the Falcon 50’s crash	88
The type of weapon used to shoot down the Falcon 50	89
CONCLUSION OF SECTION I ON THE CAUSES AND CIRCUMSTANCES OF THE ATTACK	91

SECTION TWO: RESPONSIBILITIES	94
Different hypotheses put forward about the perpetrators of the attack	94
Accusation of Belgian UNAMIR soldiers	94
Calling into question of Burundian soldiers and opponents	96
<i>Calling into question of President Mobutu</i>	97
Incrimination of the Rwandan Patriotic Front	98
Incrimination of Hutu extremists	101
Evidence of the involvement of the FAR and Akazu dignitaries in the preparation and execution of the attack	104
The motive of the attack: the decision to finally put the Arusha Accords behind them	105
The methods used to carry out the attack	108
The provocation for the withdrawal of the UNAMIR's Belgian contingent	108
Preparations for going into action in the days prior to the attack	113
The UNAMIR's prevention from entering the Kanombe camp before the attack	114
The monitoring and abrupt modification of military communication	116
Forced evacuation of the market in Mulindi near Kanombe	119
Deployment of the presidential guard before the attack and its involvement immediately after the attack	121
Other actions which reveal the preparation of the attack by the FAR	126
Coup d'état on the night of 06 April 1994, revealing the motives for the attack	128
Reactions revealing the prior knowledge of the plan for an attack	133
The FAR had specialists in anti-aircraft artillery	134
The possession of missile launchers and missiles by the FAR	136
The different orders for missiles and missile launchers	136
Results of the UNAMIR enquiry and independent investigations	139
The possession of missiles by the RPA is not a recognised fact	143
Weakness of evidence from the French Parliamentary Commission of Inquiry	146
False story of the discovery of a missile in Akagera in 1991	146
The MIP's suspicious omission to publish a note by General Quesnot attesting to the possession of a new missile by the FAR	146
The contradictions or lies of Colonel Bernard Cussac	147
General Ndiriyimana's doubts about missiles held by the RPF	148
The site from which the missiles were fired	149
Masaka-CEBOL	150
Alleged discovery of missile launch tubes in Masaka	152
Questions raised by the alleged discovery of missile launch tubes	156
Questions which arise from the photos of the alleged missile launchers handed over to France by Lieutenant Colonel Ephrem Rwabalinda	157
Conclusion on the hypothesis of Masaka as the missile firing site	158
Different locations in Kanombe	159
From the fence around the presidential residence, or very close to this residence	160
In Nyarugunga and Nyandungu	162
In the area around the Kanombe military camp	162
In the Kanombe military camp	164
Assessment of the witnesses and their accounts	165
The perpetrators of the attack	166
GENERAL CONCLUSION	167

GENERAL INTRODUCTION

History and Mandate of the Committee

The Independent Committee of Experts charged with the investigation into the crash on 06 April 1994 of the Falcon 50 aeroplane, registration no. 9XR-NN (hereinafter the Committee) was created by Prime Ministerial Decree no. 07/03 of 16/04/2007 for an indeterminate period. It is placed under the authority of the Minister whose remit covers justice, to whom it submits its reports.

In accordance with article 3 of the Decree, *“The Committee of Experts has the general task of establishing the truth regarding the circumstances of the crash of the Falcon 50 aeroplane, registration number 9XR-NN on 06/04/1994, taking the life of the following persons:*

- MR HABYARIMANA Juvénal, former President of the Republic of Rwanda, and the members of his entourage;

- MR NTARYAMIRA Cyprien, former President of the Republic of Burundi, and the members of his entourage;

- The French crew members of the aeroplane.

Within this context, the Committee of Experts has in particular the specific tasks of:

- gathering all the information relating to the aeroplane crash;*
- analysing the information thus gathered with a view to obtaining a general direction for the investigations;*
- looking for, gathering and examining evidence relating to the aeroplane crash;*
- establishing the causes and circumstances of the aeroplane crash and determining the responsibility for the crash.”*

The members of the Committee, who number seven, were appointed by Prime Ministerial Decree no. 29/3 of 20/11/2007, for a mandate of one year as of 1st December 2007, the date of the start of their activities. This mandate has been renewed twice, first for a period of three months from 1st December 2008 to 28 February 2009 dedicated to the finalisation of the investigation report, the ballistic study and the technical analysis of the remains of the aeroplane; then for two months from 1st March to 30 April 2009 dedicated to the translation of the report into English and Kinyarwanda.

The first two months of activities were dedicated to the setting up of the Committee, the internal organisation, the establishment of the support staff, the drawing up of the by-laws and of the organisational framework, the defining of the action plan with its provisional budget, the adoption of research and investigation methodology, the scheduling of the timetable of activities, and the collection and reading of available information. The Committee then concentrated on the definition of the methods of execution of its mandate in accordance with a methodological approach likely to enable it to carry out a professional, rigorous investigation.

Methodology used

With a view to fulfilling the objectives assigned to it, the Committee first identified sources and collected information within and outside the country. Within the country, the Committee visited the site of the crash and its surroundings, and heard witnesses who lived at the site in 1994 or who were there for various reasons, and anyone who could have had information directly related to the attack. Priority was given to eye witnesses and ear witnesses to the facts.

The Committee travelled up and down the entire country to hear the soldiers from the specialist units of the former Rwandan armed forces, such as the Reconnaissance Squadron, Para-Commando, Anti-aircraft (LAA), Presidential Guard, Transmission Unit and Military Engineering battalions; the gendarmerie company which was in charge of security at Kanombe Airport, and the soldiers of the former RPA, plus in particular those who formed part of the contingent appointed to the National Development Council (NDC) from December 1993 to April 1994.

The Committee also interviewed technicians from Kanombe International Airport, in particular those who were on duty during the night between 06 and 07 April 1994, including the commander on duty, control tower officers, electrical and communication maintenance technicians and fire officers. As far as possible, the Committee has always favoured the collecting of testimonies via direct recording with the express agreement of the witnesses.

From the outset, in the documents and testimonies, the Committee laid down for itself the rule of constantly looking for evidence which meets the criteria of objectivity, impartiality and credibility. Documents and testimonies verified and validated in court, accounts from professionals and eye witnesses, and reports from competent institutions have therefore been given preference in the handling and consideration of the information. The following table indicates the volume of investigations and research carried out in all the districts of Rwanda and in Kigali City, a total of five hundred and fifty-seven (557) witnesses heard by the Committee over a period of one year from February 2008 to February 2009.

PROVINCE	DISTRICT	NUMBER OF WITNESSES
EAST	Bugesera	3
	Kayonza	13
	Kirehe	15
	Ngoma	34
	Gatsibo	2
	Nyagatare	1
	Rwamagana	10
Sub-Total		78
NORTH	Burera	15
	Gakenke	7
	Gicumbi	40
	Musanze	22
	Rulindo	7
Sub-Total		91
SOUTH	Gisagara	3
	Huye	15
	Nyamagabe	28
	Nyanza	8
	Nyaruguru	9
	Muhanga	13
	Ruhango	3
	Kamonyi	5
	Sub-Total	
WEST	Ngororero	9
	Rubavu	23
	Rutsiro	1
	Rusizi	5
	Karongi	6
	Nyamasheke	8
	Nyabihu	15
	Sub-Total	
Kigali City	Gasabo	82
	Kicukiro	133
	Nyarugenge	22
Sub-Total		237
OVERALL TOTAL		557

At the same time, searches for available information involving the gathering of documents and information were carried out outside the country. The investigations abroad were carried out in Burundi and Tanzania (Arusha and Dar es Salaam) in order to hear people who were involved in the Summit of 06 April 1994 and witnesses to the Summit. Special attention was paid to Rwandan and foreign officials and diplomats who, either closely or from afar, followed the preparations for and proceedings of the Dar es Salaam Summit of 06 April 1994. Investigation tasks were also carried out in Kenya at the regional office of the International Civil Aviation Organisation (ICAO), in Benin and in England. The Committee also contacted General Roméo Dallaire in writing to ask for a testimony, but he replied that he could not provide one without formal authorisation from the Secretary General of the United Nations.

The Committee attached a great deal of importance to testimonies from UNAMIR officials, particularly the blue helmets who were on duty at Kanombe Airport during the night of 06 April 1994. Some of them were placed in key services, such as the control tower, and had the task of ensuring security during this tense period, whilst following and closely observing the sequence of events that could take place. These officers are professional soldiers who related the facts as they saw them at the very time at which they happened and in the moments immediately following the attack against the presidential aeroplane.

Furthermore, the Committee attached considerable importance to the search for documentary evidence, both in the archives of various services and institutions of the Rwandan Government and in those of international institutions, such as the International Criminal Tribunal for Rwanda (ICTR). Finally, searches were carried out in the file of the persons prosecuted for the death of Belgian blue helmets prepared by the Brussels military hearing. In fact, following the murder of ten Belgian blue helmets, Belgium was particularly interested to know the circumstances and perpetrators of this crime, all the more so because Radio Télévision Libre des Mille Collines (RTL) and the FAR (Rwandan Armed Forces) accused Belgian soldiers of being responsible for the attack, in complicity with the RPF. It is in this context that a Belgian internal investigation was launched in mid-April 1994. Several testimonies and documents were then gathered from Belgian soldiers present at Kanombe International Airport on the evening of the attack and from Belgian civilian and military cooperants posted in Rwanda.

The Committee examined these documents from the Belgian military hearing and compared them with the information gathered in the context of its own investigation in Rwanda. All the data gathered from all these sources converge towards the confirmation of the theory of an attack rather than that of an accident, which is why, in this report, the expression “*attack*” will be automatically used instead of and in place of the word “*crash*” or “*accident*”.

Political context prior to the attack of 06 April 1994

The attack against the Falcon 50 was perpetrated in an extremely tense political context, marked by a series of tragic events. Towards the end of the 1980s, the Rwandan regime found its power declining, with power being monopolised by a close circle, “the Akazu”¹. This core was centred around the family of the Head of State, particularly around his wife, and committed serious abuses denounced by politicians and journalists, prompting, from 1988, organised and targeted murders². With the outbreak of the war between the RPF and the Rwandan government, on 1st October 1990, the regime was plunged into radical totalitarianism within the context of which the Rwandan authorities quickly implemented an ideological framework using ethnicity based on the disinformation and psychological poisoning of the people³, coupled with repression organised within the highest level of the Government.⁴

The first application of this policy was observed during the night between 04 and 05 October 1990, when the Rwandan armed forces simulated an attack by the RPF in the capital, firing blanks for the whole night and pretending to respond to an enemy infiltration⁵. This pretence served as a pretext for the arrest of around ten thousand civilians, mostly Tutsis, particularly those with a wealthy social status. There followed the practice of doublespeak⁶, partisan spirit⁷, growing propaganda⁸ and violence characterised by recurrent pogroms against Tutsis⁹, terrorist acts and targeted murders of Hutu politicians, journalists and other people who were causing trouble for the group in power¹⁰. Extremist publications supported and financed by

¹ Report of the CLADHO-KANYARWANDA Investigation Commission on the serious and massive breaches of human rights committed in Rwanda from 06 April 1994, p.13; François Misser, *Vers un nouveau Rwanda? (Towards a new Rwanda?)*, Paris, Karthala, 1995, pp.82-86; Colette Braeckman, *Rwanda : Histoire d'un génocide (Rwanda: The story of a genocide)*, Paris, Fayard, 1994, pp.104-105 ; Monique Mas, *Paris-Kigali 1990-1994. Lunettes coloniales, Politique du sabre et onction humanitaire. Pour un génocide en Afrique (Paris-Kigali 1990-1994. Colonial Spectacles, Politics of the Sword and Humanitarian Unction. For a Genocide in Africa)*, Paris L'Harmattan, 1999, pp.326-330.

² Organisation of African Unity, Report on the Rwandan genocide (OAU Report), May 2000, pp.40-44; G. Prunier, *Rwanda 1959-1996 : Histoire d'un génocide (Rwanda 1959-1996: The story of a genocide)*, Paris, Dagorno, 1997, pp.111-114.

³ A. Munyaneza and Jean-Berchmas Birara, « *Rwanda : Appel pressant à l'opinion internationale* » (*Rwanda: An urgent call for international opinion*), Brussels, 18 June 1994, pp.4-5.

⁴ Final report of the Commission of experts presented in accordance with resolution 935 (1994) of the Security Council, S/1994/1405, 9 December 1994, pp.24-25; Africa Watch, « *Rwanda. Talking peace and waging war, human rights since the October 1990 invasion* », Washington, 27 February 1992.

⁵ Human Rights Watch (hereinafter HRW) and International Federation of Human Rights Leagues (hereinafter FIDH), *Aucun témoin ne doit survivre. Le génocide au Rwanda (No witnesses must survive. The genocide in Rwanda)*, Paris, Karthala, 1999, pp.63-65

⁶ Message to the nation from the Head of State following the attack of 1/10/1990, Radio Rwanda, 5/10/1990

⁷ Statement by the Minister for Foreign Affairs and Cooperation, at the address of accredited heads of diplomatic and consular missions in Kigali, 8 October 1990

⁸ Speech by the President of the Republic before the National Development Council, Kigali, 13/11/1990

⁹ Report of the International Commission of Investigation into the breaches of human rights in Rwanda, 22 February 1993, pp.18-48; C. Vidal, « *Les politiques de la haine* » (*The politics of hatred*), *Les Temps modernes* n° 583, July-August 1995 ; Jean-Claude Willame, *Aux sources de l'hécatombe rwandaise (At the roots of the Rwandan massacre)*, L'Harmattan 1995, pp. 99-106

¹⁰ Amnesty International, « *Rwanda : Persecution of Tutsi Minority and repression of Government critics, 1990-1992* », London, May 1992 ; Rwandan association for the defence of human rights and public liberties (ADL), « *Rapport sur les droits de l'homme au Rwanda* », septembre 1991 - septembre 1992 » (*Report on human rights in Rwanda, September 1991 – September 1992*), Kigali, December 1992.

the Akazu progressively came into being and were dedicated to the extreme demonisation of Tutsis and Hutus opposed to this propaganda¹¹.

Following pressure exerted by a group of Rwandan intellectuals and foreign countries, on 21 February 1991 president Habyarimana announced the launch of political pluralism, which was sanctioned in a new constitution promulgated on 10 June 1991. A series of several political parties were created, the main ones being the Democratic Republican Movement (MDR), the successor of the MDR-PARMEHUTU, the Social Democrat Party (PSD), the Liberal Party (PL) and the Christian Democrat Party (PDC). Small parties also grew in number, such as the Ecologist Party (PECO), the Islamic Democrat Party (PDI), the Workers' Rally for Democracy (RTD), the Rwandan Revolutionary Party (PARERWA) and many others.

Two motivations seem to have inspired these new parties: firstly, the call for democracy embodied by the legitimate desire for a change in power; secondly, the claim of the regions excluded from power denouncing the monopolisation of positions in the army, the administration, and financial and economic affairs by natives of the prefectures of Gisenyi and Ruhengeri. This multipartyism adopted during a period of conflict was difficult to implement following the resistance of the former Government Party, the MRND, until then the sole holder of power and the provider of all privileges, which did not show itself to be ready to accept a real democratic change¹².

On 13 October 1991, president Habyarimana called the justice minister, Sylvestre Nsanzimana, considered a moderate, though a member of the MRND, to constitute a government including representatives of the opposition. The opposition imposed, as a prior condition to its participation, the fulfilment of basic reforms, which the President refused, thus leading to the failure of the establishment of a coalition government. On 07 November 1991, three main opposition parties addressed a joint memorandum to the President of the Republic in which they described the obstacles to democratisation which they attributed to the ruling Party, the MRND, and concluded with a call for the organisation of a national conference¹³. After the dissemination of this memorandum, the government reacted by harshly accusing the opposition of “*speaking the same language as the enemy which is attacking us*”¹⁴ and resumed the perpetration of a long series of murders targeting the Tutsis and influential Hutu members of the opposition¹⁵. This climate of violence is attributed to the death squads linked to the president's family, supervised and supported by extremist Hutu executives of the civilian and military administration¹⁶.

¹¹ Jean-Pierre Chrétien, Jean-François Dupaquier, Marcel Kabanda, Joseph Ngarambe, *Rwanda : les médias du génocide (Rwanda: the media of the genocide)*, Paris, Karthala, new edition 2002.

¹² HRW and FIDH, *Aucun témoin...* op. cit., pp.66-73

¹³ Letter from the MDR, PL and PSD political parties, addressed to the President of the Republic, Kigali, 07 November 1991. Signatories: Bagaragaza Thadée, Nsengiyaremye Dismas and Twagiramungu Faustin for the MDR ; Mugenzi Justin, Ntamabyaliro Agnès, Ndasingwa Landoald and Mbonampeka Stanislas for the PL ; Nzamurambaho Frédéric, Ngango Félicien, Gafaranga Théoneste and Gatabazi Félicien for the PSD.

¹⁴ Radio Rwanda, 1st December 1991

¹⁵ G. Prunier, *Rwanda 1959-1996...* op. cit., pp.168-178

¹⁶ Christophe Mfizi, Open letter to the President of the National Republican Movement for Democracy and Development - MRND, Paris, 15 August 1992 ; C. Breackman [sic], *Rwanda : Histoire d'un génocide*, Paris, Fayard, 1994, pp.115-120 ; Monique Mas, *Paris-Kigali 1990-1194* [sic]...op. cit., p.124

The year 1992 was marked by an increase in violence and genuine racism on the Government's part, characterised by the mobilisation in ethnic terms of the Hutu majority and the Tutsi minority, justifying the maintaining in power of the demographic majority. Ethnic massacres were perpetrated in several regions of the country, including Bugesera (March 1992) and Kibuye (August 1992), always by resorting to manipulation to provoke the killings of Tutsi civilian populations¹⁷. Specifically, the Bugesera massacres took place following a press release broadcast on 03 March 1992 five times by Radio Rwanda, - the only one to broadcast in the whole of the national territory -, stating the discovery of a press release written by a human rights defence association based in Nairobi named the "*Inter-African Commission for Non-violence*", mentioning a plot which had been planned by the Tutsis in order to kill notable Hutus, particularly those in the political parties. It later emerged that this association had never existed and that the press release broadcast on Radio Rwanda was a falsified document forged by the hardliners of the regime in order to serve as a pretext for the unleashing of ethnic massacres targeting the Tutsis¹⁸.

Throughout 1992, an extremist wing, "*Hutu Power*", was developed within the MRND, MDR, PSD and PL political parties, with the emergence of paramilitary militias who had undergone psychological conditioning and had a material organisation backed by their political parties, as well as by the army and the administration. An ultra-ethnist political party, the Coalition for the Defence of the Republic (CDR), was created and contributed to the fuelling of ethnic fundamentalism, making Tutsis the scapegoats for the country's socio-political problems. Its members embarked upon a series of acts of violence, such as public demonstrations and the distribution of firearms to militias. A deliberate policy to create an internal enemy was developed and expanded by the army and the administration. Thus, on 21 September 1992, Colonel Nsabimana addressed to the captains of the operational sectors of the FAR a secret document classifying "*The internal and external Tutsis*" as "*The main enemy*", "*the secondary enemy*" being "*the Hutus discontented with the regime and anyone who gives his support to the main enemy*".

In March 1992, the MRND had, after a fashion, agreed to share power with the other political parties. A coalition government led by Dismas Nsengiyaremye of the MDR was established and officially opened talks with the RPF, under the aegis of Governments and international and regional organisations. Independently of the RPF, two opposing political camps were formed within this government, the pro-Habyarimana bloc and the anti-Habyarimana bloc¹⁹. The presidential party pretended to support the talks, but chose a tactic of doublespeak and intimidation through ethnic massacres²⁰, and made endless declarations of hostility towards the talks²¹.

In November 1992, after the signing of the protocol on the rule of law and the protocol on power sharing, president Habyarimana described them as "*scraps of paper*" signed without the Rwandan people's knowing and congratulated the Interahamwe militias on their acts of sabotage. Prime Minister Dismas Nsengiyaremye immediately reacted by drawing the attention of the President of the Republic to the dangers of such talk with regard to public

¹⁷ Report of the International Investigation Commission, pp.52-60

¹⁸ Report of the International Investigation Commission, pp.42-47; J.P.Chrétien et alii, *Rwanda. Les médias du génocide*, op. cit., pp. 57-61 ; C. Braeckman, *Rwanda : Histoire...* op. cit., p.118

¹⁹ Press release from the MDR, PSD and PL parties on the status of the Arusha peace talks, Kigali, 17 December 1992, p.2

²⁰ Rwandan Associations for the defence of human rights ADL, ARDHO, AVP, LICHREDOR and Kanyarwanda, "*Statement on the massacres in the prefecture of Kibuye*", Kigali, 26 August 1992.

²¹ Press release from the political office of the MRND, Kigali, 28/10/1992 and 5/11/1992; Group of ministers from the MRND, Letter to His Excellency the Prime Minister, Kigali, 15/10/1992 and 10/11/1992; Mehdi Ba, *Rwanda, un génocide français (Rwanda, a French genocide)*, Paris, L'Esprit frappeur, 1997, pp.10-18

security and the peace process²². A week later, the representative of the MRND in Gisenyi, the President's native region, Mr Léon Mugesera, gave a violent and racist speech, inciting the Hutu population to massacre the Tutsis and to throw them into the country's watercourses flowing towards Ethiopia. Mugesera expressed himself in the following terms:

“Ladies and Gentleman, you know what vigilance is. There are Inyenzi in the country. They have sent their children to the front to help the Inkotanyi (...). Why do we not stop these parents so we can exterminate them? Why not exterminate all these people who send these young people to the front? Tell me, are you waiting blissfully for them to come and massacre us? (...) Remember that it says in our constitution that justice is administered in the name of the people. We ourselves will take care of the massacring of this group of bastards. (...) Any element outside the cell must be noted; if he is an accomplice of the Inyenzi, he must be killed without any other form of indictment. I was recently saying to a member of the PL that the mistake we made in 1959, -when I was a child-, is that we let you leave the country unscathed. And then I asked him whether he had heard the recent story of the Falasha who returned home to Israel from Ethiopia. He replied that he knew nothing about it. And I replied: ‘You must be deaf and illiterate; I’m telling you that your country is Ethiopia, and that we are soon going to send you home on an express journey via the Nyabarongo’. That is it. I therefore repeat that we must get down to work²³”.

From December 1992 to March 1993, large-scale ethnic massacres targeting Tutsis were committed in several regions of the country, mainly in Kibuye, Gisenyi, Ruhengeri and rural Kigali²⁴. On 08 January 1993, when he was in Arusha, Colonel Bagosora, head of cabinet at the Ministry of Defence, closed the door on the peace talks by saying these words with regard to the Tutsis and the RPF: *“I am returning to prepare the apocalypse for them²⁵”*. Two weeks later, just after the signing of the third Arusha protocol, on the merger of the two armies, a secret association, AMASASU²⁶, was created within the Rwandan army on 20 January 1993 by extremist officers who chose to pursue the armed conflict against the RPF, advocated the ostracism of Tutsis, organised acts of ethnic massacre²⁷, and set themselves the objective of *“detecting and, if necessary, destroying all the hypocritical politicians who are doing their best to handle this war in order to illegally remain in or fraudulently come to power²⁸”*. On the same day, the group published a list of people to be killed whose characteristics closely

²² Letter n°718/02.00 from the Prime Minister, Dr Dismas Nsengiyaremye, to His Excellency the President of the Rwandan Republic, Kigali, 17/11/1992

²³ J.P. Chrétien et alii, *Rwanda : les médias du génocide*, op. cit., pp.55-56 ; Final report of the Commission of Experts... op. cit., p.24 ; HRW et FIDH, *Aucun témoin...* op. cit., pp.103-106.

²⁴ Nzabakiriraho Cyprien and Banyurwabuke André, Report of the mission on the troubles perpetrated in some communes of the Gisenyi and Kibuye prefectures at the end of December 1992 and in January 1993; Statement of the Rwandan associations for the defence of human rights on the atrocities committed in the country: ADL, ARDHO, AVP, KANYARWANDA and LICHREDOR, Kigali, 26/01/1993.

²⁵ Mehdi Ba, *Rwanda : un génocide...*, op. cit., p.12. Confirmed by the investigations carried out by the Committee (see testimony of Cpl Nambajimana Jean-Marie Vianney, heard in Kigali on 13 August 2008).

²⁶ Alliance of Soldiers Aggravated by the Underhand Secular Acts of the Unarists. AMASASU means ‘bullets’ in Kinyarwanda, but here the name Unarists refers to the UNAR party, which was thrown out of power in 1959.

²⁷ Letter from the Rwandan associations for the defence of human rights, ADL, KANYARWANDA, ARDHO, AVP and LICHREDOR, to the Minister of Defence, Kigali, 23/02/1993; Ibarwa y’Abaturage ba Komini Mbogo, Perefegitura ya Kigali, kuri Nyakubahwa Bwana Minisitiri w’intebe, Kigali, kuwa 2 Werurwe 1993. Impamvu : Gutabariza Abanyambogo bari mu kaga.

²⁸ Letter from AMASASU to His Excellency the President of the Rwandan Republic, Kigali, 20/1/1993. Re: Creation and raison d’être of AMASASU.

corresponded to the definition of “*the enemy*”, as described by Colonel Deogratias Nsabimana in the document of September 1992²⁹. AMASASU thought of itself as the armed wing of *Hutu Power*³⁰ and was led by Colonel Théoneste Bagosora under the pseudonym of “*Commander Mike Tango*”, describing himself as the “*Supreme Council of the AMASASU*”³¹.”

Despite these difficulties, the negotiation process laboriously continued. On 30 July 1993 the Rwandan parliament, named the National Development Council (CND), eventually adopted law no. 18/93 involving a revision of the Constitution of 10 June 1991. This revision law provided for the text of article 101 of the Constitution of 10 June 1991 to be abrogated and replaced by the following provisions: “*This Constitution and the Peace Accord to be reached between the Government of the Rwandan Republic and the Rwandan Patriotic Front indissolubly constitute the fundamental law which governs the Country during the transitional period. In the event of conflict between the provisions of the Constitution and those of the Peace Accord, the provisions of the Accord will be applied*”. This law came into force on the day of its promulgation, 03 August 1993.

Following international pressure exerted upon him, on 04 August 1993 the Rwandan president signed the Arusha Peace Accords, comprising a series of protocols on the rule of law³², power sharing³³, the repatriation of refugees and the resettlement of displaced persons³⁴, and the integration of the armed forces, as well as other matters and the final provisions³⁵. These Accords regulated in minute detail the terms of power sharing between the former Government party, the opposition parties and the RPF. They sanctioned a substantial decrease in the powers of the President of the Republic in favour of the various political parties which shared the key ministerial positions. The presidential party was to have only five portfolios from a total of 21 ministries, the rest being divided among the opposition. With a minority representation within the government, the MRND was also to have a minority representation within the transitional National Assembly, where it was to have only eleven seats out of seventy.

The Accords also provided for the establishment of a transitional National Assembly, which would have to monitor the broad-based transitional government including the RPF, unlike the previous situation, where the government answered only to the President of the Republic. They also provided for the return to the country of former refugees and the merger of the two armies. On this last point, the Accords specified that the new national army would number 19,000 men, including 13,000 soldiers and 6,000 gendarmes, of which 60% would represent government forces and 40% RPF forces, with a participation level of 50% for each party at the command level. Members of the hard core of the Rwandan army believed they were losing their supremacy and adopted an attitude of total rejection of the Accords, fearing a demobilisation which would lead them into unemployment and cause them to lose their comfortable living conditions. The Rwandan army at that time comprised an estimated 35,000 men, which meant the return to civilian life, and therefore the loss of income, of tens of thousands of soldiers who would not be kept on in the new army. Among them were a majority of officers of Habyarimana’s generation who, due to their age, were primarily concerned about the end of their career³⁶.

²⁹ Observers believe that this secret group was led by Colonel Bagosora, who was resolutely opposed to the merger of the two armies provided for by the Arusha Accords: see François Misser, *Vers un nouveau Rwanda ?* Brussels-Paris, Luc Pire and Karthala, 1995, p.86

³⁰ Report of the CLADHO-KANYARWANDA Investigation Commission....op. cit., p.23

³¹ AMASASU, Letter to His Excellency the President of the Republic...op. cit.

³² Protocol signed on 18 August 1992

³³ Signed on 30 October 1992 and 9 January 1993

³⁴ 9 June 1993

³⁵ 3 August 1993

³⁶ C. Braeckman, *Rwanda : Histoire...*, op. cit., pp.134-137

The extremist tendency grouped together to form *Hutu Power* felt betrayed by the governmental party that had signed the Peace Accords, accused the latter of having excessively given in to the RPF, chose to favour a fierce ideological struggle based on ethnic divides, channelling its anger against the Tutsis and the Hutus in favour of the Accords, and closed ranks around president Habyarimana to prevent him from establishing the institutions envisaged by the Accords³⁷. The rejection of any idea of cohabitation and power sharing with the RPF became the watchword³⁸. Militia training was stepped up and a programme of civilian self-defence was implemented through the arming of part of the population which was loyal to the regime³⁹. The government managed to infiltrate the opposition parties and divide them through corruption⁴⁰. Some of the leading lights of the opposition then chose the *Power* camp, and the large opposition parties split into two tendencies, moderate and extremist. The latter adopted an attitude of hostility and rejection of the RPF⁴¹ and organised acts of violence, ethnic massacres and large-scale public attacks depending on areas and times throughout the country, without the perpetrators ever being brought to justice⁴².

In order to supervise the implementation of the Accords, an international force of 2548 blue helmets named the United Nations Assistance Mission for Rwanda (UNAMIR) was created on 05 October 1993 by resolution 872 of the Security Council. Its deployment on the territory began on 22 October 1993 with the arrival of General Dallaire in Rwanda. In accordance with the Arusha Accords, an RPF battalion comprising 600 soldiers in charge of the security of its officials forming part of the transitional Government was installed in Kigali on 28 December 1993, under the supervision of the UNAMIR. This arrival was welcomed by a large part of the population⁴³, but at the same time caused ethnic and political radicalism to be exacerbated, leading to the deterioration of security conditions and the blockage of the political process by the presidential camp and its allies, who began to actively plan the genocide of the Tutsis and large-scale massacres of the opposition⁴⁴.

On 11 January 1994, signs of the implementation of the genocide were denounced by the UNAMIR via a cable addressed by General Dallaire to the UN in which, at that time, the prediction of a “*strategy aiming to prompt the murder of Belgian UNAMIR soldiers and the withdrawal of their battalion*”⁴⁵ was mentioned. On 20 February 1994 the chief of staff of the FAR, Colonel Nsabimana, showed his cousin, Jean Berchmans Birara, a list of 1500 people who must be killed⁴⁶, a sign of the radicalisation of the supporters of *Hutu Power* and their resolute determination to cause the failure of the Accords by any means possible, including genocide⁴⁷. In Colonel Bagosora’s diary, dated 21 February 1994, Bagosora noted the need to

³⁷ Press release from the MDR, PSD and PL parties on the state of the Arusha peace talks, Kigali, 17 December 1992; HRW and FIDH, *Aucun témoin...*, pp.164-166 ; G. Prunier, *Rwanda 1959-1996...* op. cit., pp.203-211 ; C. Breackman [sic], *Rwanda : Histoire...* op. cit., pp.134-137

³⁸ Report of the International Investigation Committee of 1993, op. cit., pp.78-84

³⁹ Report of the Independent Commission of investigation into the actions of the United Nations during the 1994 Rwandan genocide, 15 December 1999 (hereinafter UN Report), S/1999/1257, p.6

⁴⁰ Report of the CLADHO-KANYARWANDA Investigation Commission...op. cit., p.20

⁴¹ HRW and FIDH, *Aucun témoin...*, op. cit., pp.135-140

⁴² Report presented by Bacre Wally Ndiaye, special reporter on extra-judicial, perfunctory and arbitrary executions, on the mission that he carried out in Rwanda from 8 to 17 April 1993. UN document E/CN-4/1994/7/Add.1, 11 August 1995

⁴³ Robert Kalinda, « *Inkotanyi zassekaye mu mugwi wa Kigali mu byishimo byinshi n’urugwiro* », Kanyarwanda, January 1994.

⁴⁴ HRW and FIDH, *Aucun témoin...*, pp.117-139 ; C. Breackman [sic], *Rwanda : Histoire...* op. cit., pp.113-120

⁴⁵ UN Report, pp.10-13

⁴⁶ Testimony provided by the interested party to Marie-France Cros, *La Libre Belgique*, 24 May 1994

⁴⁷ Roméo Dallaire, *J’ai serré la main du diable. La faillite de l’humanité au Rwanda (Shake Hands With the Devil: the Failure of Humanity in Rwanda)*, Libre Expression, Montreal, 2004, pp.225-260

carry out the “*identification of reservists*” who were to be reintegrated into the army⁴⁸. At the same time, the UNAMIR mentioned in its reports to the UN a plot organised by individuals identified as being part of death squads, aiming to murder Tutsis, politicians and senior civil servants from the opposition⁴⁹.

On 04 April 1994, at a reception organised to celebrate Senegal Independence Day, Colonel Bagosora revealed to the people present, including General Dallaire, that “*the only plausible solution for Rwanda appears to be the extermination of the Tutsis*”⁵⁰. Witness Mugenzi Richard, who established and headed up a radio listening and interception centre for the benefit of the FAR in the military camp of Butotori in Gisenyi between November 1990 and July 1994 and who had regular contact with Colonel Bagosora, stated that, at a secret meeting held in Butotori, he heard Bagosora say: “*There is a plan for the extermination of the Hutus by the Tutsis; we must foil this plot, and in order to do so we must get rid of the Inyenzi*”⁵¹.

International pressure on president Habyarimana increased with a view to implementing the Accords, with the UN Secretary General going as far as to threaten to withdraw the UNAMIR if nothing was done to break the deadlock⁵². Thus, in April 1994, the crisis became so serious that the neighbouring States decided to intervene and organised a summit in Dar es Salaam intended to find a settlement for both the Rwandan affair and the explosive situation in Burundi. President Habyarimana participated in the summit and eventually undertook to implement the Accords, whereas the radicals, among the most prominent of whom were influential members of his wife’s family, were determined to oppose them by any means possible. It was on his return to Kigali that his aeroplane was shot down by two missile shots and exploded in mid-flight before coming down within the grounds of the presidential residence.

Before news of the attack had even been made public, Colonel Bagosora, though retired from the army, took command of political and military affairs. He called an emergency meeting at the École Supérieure Militaire (Superior Military Academy) in which mainly extremist officers participated and which was also attended by General Dallaire and Colonel Luc Marchal, commander of the UNAMIR in the operational sector of Kigali. The meeting was seemingly chaired by the chief of staff of the gendarmerie, General Augustin Ndiririyimana, but in reality it was Colonel Bagosora who was in charge⁵³. According to Dallaire, Bagosora declared during the meeting that the officers present were planning to take the situation of the army in hand:

*“Bagosora welcomed us and explained to us that, given that the Minister of Defence had travelled outside of Rwanda to attend a meeting of the Olympic Committee, the gathering of the ranks present in the conference room represented the command in chief of the army and Gendarmerie. The army was to take control of the country due to the lack of security caused by the crash involving the president’s aeroplane”*⁵⁴.

General Dallaire warned the participants that any seizure of power by the army would directly result in the withdrawal of the UNAMIR. Bagosora consulted the special representative of the UN Secretary General, Jacques-Roger Booh-Booh, who advised him to implement a

⁴⁸ HRW and FIDH, *Aucun témoin...* op. cit., p.132

⁴⁹ UN Report, p.19

⁵⁰ Senate of Belgium, Report of the Commission of Parliamentary Investigation concerning the events of Rwanda, Brussels, 1997 (hereinafter Report of the Senate of Belgium), p.79.

⁵¹ Hearing of Richard Mugenzi by the ICTR on 15 and 19 May 1998, then 15-20 June 1998. ICTR document no. K0149480 to K0149503

⁵² UN Report, pp.13-16

⁵³ HRW and FIDH, *Aucun témoin...* op. cit., p.219

⁵⁴ R. Dallaire, *J’ai serré la main...* op. cit., p.292 ; Carlsson Report, p.16

civilian government, namely by making contact with the prime minister, Mrs Agathe Uwilingiyimana, which Bagosora categorically refused to do⁵⁵. On 06 April 1994 in the evening, Bagosora fiercely opposed the idea that the prime minister address the population on Radio Rwanda, under the pretext that she lacked credibility and that her Government was not sufficiently unanimous to resolve problems⁵⁶. While these negotiations were taking place, the extremist officers under the orders of Bagosora were in fact in the process of carrying out a veritable coup d'état. The prime minister was hunted down and later killed, and this was followed by the systematic elimination of other politicians likely to embody the legitimacy of the government, including Joseph Kavaruganda, president of the constitutional court before which the possible Head of State was to be sworn in⁵⁷.

A military crisis committee made up of radical officers was formed and appointed a government comprising only Hutu extremists⁵⁸, from which moderates and the RPF were excluded, thus breaching the provisions of the Arusha Accords on power sharing. Dallaire testified :

“I surprised Bagosora again on arrival at the Ministry, while he was seated at the head of the ministry conference table in the process of chairing a meeting of politicians from different parties. In these men, I recognised supporters of the hard line. He stood up to greet me and announced that he was chairing a meeting with the various political parties in order to speed up the transition between the current state of military control and political control. He was obviously nervous. (...) He did not want me to be present at the meeting. Before throwing me out and shutting the door in my face, he told me that the new government would be sworn in the following day, 9 April”⁵⁹.

The interim government appointed by extremist military officers immediately carried out a genocide against the Tutsis which had been carefully thought out and meticulously prepared well in advance and which, according to several authors and researchers, had just been waiting to get underway⁶⁰. The event which served as a pretext for the immediate execution of this genocide was the attack against the presidential aeroplane, a premeditated act on top of other intentional acts such as the compilation of lists of people to be killed, the creation, training and arming of militias, the establishment of State terrorism and ethnic hate propaganda, and many other preparatory actions which alone were insufficient to prompt the genocide and the execution of the Coup d'État by Hutu extremists, politicians and soldiers.

The perpetration of genocide and massacres would be facilitated by the fact that, since the beginning of the offensive of 1st October 1990, the population had been conditioned to prepare for a war against the common and outside invaders which were the RPF, the Tutsis and the Hutus who showed that they had a free and independent mind in the face of the direction taken by the regime⁶¹. After this brief synopsis of the background to the attack, this investigation report will be based on two major sections: the establishment of the causes and circumstances of the attack against president Habyarimana's Falcon 50 aeroplane, and the determining of responsibility.

⁵⁵ HRW, FIDH, *Aucun témoin...* op. cit., p.220; Statement of Colonel Bagosora in his hearing by judge Bruguière during the rogatory commission in Arusha in 2000.

⁵⁶ Monique Mas, *Paris-Kigali, ...* op. cit., p.371

⁵⁷ Final report of the Commission of Experts..., op. cit., p.26

⁵⁸ HRW and FIDH, *Aucun témoin...* op. cit., pp.219-220 and 223-226

⁵⁹ R. Dallaire, *J'ai serré la main...*, op. cit., p.344

⁶⁰ Several studies and publications exist on this subject. Let us cite the Carlsson (UN) and OAU reports; C. Braeckman, *Rwanda. Histoire d'un génocide*, op. cit. ; HRW and FIDH, *Aucun témoin ne doit survivre...* op. cit. ; G. Prunier, *Rwanda 1959-1996*, op. cit., etc.

⁶¹ Jean-Claude Willame, *Aux sources...* op. cit., p.106

**SECTION ONE: THE CIRCUMSTANCES OF THE
PLANNED ATTACK AND ITS EXECUTION**

The information available to date proves the existence of a premeditated plan to attack the President of the Republic that extremists touched on without revealing the specific details of its execution. The planned journey of the President of the Republic to the Dar es Salaam Summit was the chance that had been hoped for to get down to action, finalising the criminal plan and preparing the human and material resources needed for it to be carried out.

The revelation of a plot targeting the imminent assassination of president Habyarimana before the attack against his aeroplane

The beginnings of the plot to assassinate president Habyarimana appeared in 1992 after he ordered the minister of defence, James Gasana, to withdraw the leading lights of the army and the gendarmerie, including the two chiefs of staff, Colonels Laurent Serubuga and Pierre-Célestin Rwagafirita, as well as Colonel Bonaventure Buregeya, head of national security and the cousin of the President's wife⁶². Reacting against this measure, some of the superior officers affected came together in a precursor association to AMASASU named ABARUHARANIYE⁶³, which was headed by Colonel Serubuga; this association embarked upon a fierce campaign of opposition to the merger of the two armies and the withdrawal of the FAR soldiers⁶⁴. The minister of defence, James Gasana, faced with death threats, had to flee to take refuge abroad⁶⁵.

Intelligence announced by the leaders of Hutu Power

From the beginning of 1994, publicly expressed comments relayed via writings by the extremists of the Coalition for the Defence of the Republic (CDR) and published by Hassan Ngeze, editor in chief of *Kangura*, predicted that the death of president Habyarimana would take place in March 1994, stating that the perpetrator of the assassination would be a Hutu acting for the benefit of the Tutsis. The cover of special edition 53 of the newspaper *Kangura*, published in December 1993, read "*Habyarimana will die in March 1994*" and explained that this death would take place by means of an assassination executed alongside a religious ceremony or large-scale international conference:

"During the last three months, we have mentioned ill-intentioned plans hidden in the heads of some people. Some of them are written down on paper, while others have been planned without their perpetrators having managed to execute them. Last month we received perfectly convincing signs demonstrating the way in which president Habyarimana will be killed. He will not be assassinated by a Tutsi, but by

⁶² C. Braeckman, Rwanda : *Histoire...* op. cit., pp.169-170 ; G. Prunier, *Rwanda...* op. cit., p.267

⁶³ Literally: "*Those who fought for their homeland*"

⁶⁴ UNAMIR document, For the attention of KIBAT Commander, Info S3, Kigali, 16 February 1994; J. Morel and G. Kapler, *La note du 27 juillet 1992 sur l'état d'esprit des militaires et de la population civile (The note of 27 July 1992 on the state of mind of the soldiers and the civilian population)*, in *La Nuit Rwandaise (The Rwandan Night)*, op. cit., p.105

⁶⁵ Testimony of Captain Bwanakweri Isidore, former secretary to the Rwandan defence minister from 1992 to 1994, taken by the Committee in Rilima, 12 June 2008

a Hutu who will have been bribed by the Tutsis. We have checked this information with the greatest of care, analysed these signs, and have ascertained that the plan has been being prepared and thought out for some time, but that its execution will not be easy because the perpetrators fear its consequences. (...) President Habyarimana will be killed in the following way:

- 1. he will be shot during mass;*
- 2. he will be shot during an important meeting which he will have attended with the other leaders of the time.*

President Habyarimana will be shot by a person who will have been demobilised from the Rwandan army in accordance with the Arusha Accords. This person will be a Hutu paid by the Inyenzi. The motive put forward to explain the causes of this tragedy will relate to the discontent of the soldiers who will consider themselves to be ill-rewarded for the efforts they made for the country during the war. There will not be much protest about this assassination because our intelligence services, including the gendarmerie, are infiltrated by Inyenzi.

As regards our armed forces, they will not be very angry about this act. Part of them will say that he [president Habyarimana] is the cause of his own death due to the allegiance he granted to the Inyenzi and the unseemly promises he made them. We have this information from extremely well-informed sources. (...) Nobody loves the life of Habyarimana more than him himself, and the most important thing for us is to reveal to him the way in which he will be killed”.

These writings of warning in *Kangura* went hand in hand with propaganda spread by Hutu extremists close to the government who had no qualms about speaking loudly and clearly about the assassination of president Habyarimana, much to the surprise of ordinary people who heard this kind of talk expressed openly, without the slightest reaction from the authorities. 1st Sergeant Bimenyimana Appolinaire, a member of the FAR in 1994, stated having heard Hassan Ngeze, on 04 March 1994, in the presence of Simbizi Stanislas, publicly say that president Habyarimana would be killed in the coming days:

“On 04 March 1994, I was in a bar called Devinière below the Kigali military camp, near the offices of ONATRACOM. I was watching a football match during the African Nations Cup. Hassan Ngeze, who was there with Simbizi Stanislas, said to us: ‘You know, president Habyarimana is going to be killed’. A large number of us heard him say this. Nobody reacted to his comments because we thought he was being provocative so as to gauge our opinions. People were afraid to say anything. We knew that he was close to the government and that it was a risk for any of the people present to make the slightest comment on such a subject⁶⁶”.

⁶⁶ Testimony gathered by the Committee in Nyaruguru, 13 June 2008. Another officer of the FAR, Capt. Nsengiyumva Théogène, reported that there was close collaboration between Simbizi and Ngeze and that Simbizi had intelligence from well-informed military sources (interview with the Committee in Gako, 19 June 2008).

Appolinaire Bimenyimana stated that Stanislas Simbizi fervently supported the comments made by Hassan Ngeze, denouncing a sort of treason by the President of the Republic with regard to the so-called social revolution of 1959, whose achievements were deeply affected by the implementation of the Arusha Accords. Let us point out that Simbizi held the position of director-general of aeronautics at the Ministry of Transport and Communication, whose remit included the management of Kanombe Airport. It was Simbizi who took charge of the management of the airport on the evening of the attack, collaborating closely with the presidential guard⁶⁷. Native to the Kinigi commune (former prefecture of Ruhengeri), Simbizi was a very active member of the political office of the CDR on a national level, and headed up an “*Initiative group in favour of war victims*”, which mobilised people displaced due to war against the RPF, accusing it of wanting to create a “*Tutsi homeland*” region in Rwanda with the help of president Museveni “*with a view to establishing a puppet state of solely Tutsi ethnicity*” and of driving the Hutus out in order to distribute their property to the “*Tutsi diaspora*”⁶⁸.

In addition to Stanislas Simbizi’s self-professed extremist side, he was also known as a well-informed person who was familiar with the upper echelons of the regime. On this subject, François Misser wrote that Simbizi harshly reproached president Habyarimana in September 1992 “*for having given the Tutsi businessmen too good a deal before the October war*” and that this favour had enabled the Tutsi businessmen “*to finance the RPF attack*”. According to Misser, at that time, “*Simbizi made a point of describing this behaviour as ‘treason’ against the ‘Hutu cause’ and stigmatising the corruption of the regime*”⁶⁹. These elements indicate the importance of the position that Simbizi held within the radicals, as well as the opportunity that he had to access reliable information from the same circles which predicted the assassination of the President before 06 April 1994.

In February 1994, another newspaper close to Hutu Power, *La Médaille Nyiramacibiri*, in its 5th issue, mentioned the imminence of a full-blown war which nobody would survive: “*Who will survive the March war? (...) The masses will rise up with the help of the army and blood will flow freely*”. On 03 April 1994, journalist Noël Hitimana announced in his editorial on the airwaves of RTLM the imminent arrival of “*a small unexpected event (akantu)*” which was to end in a fatal attack in Kigali between 3 and 8 April. Noël Hitimana attributed the responsibility for this event to the RPF and stated that it would provoke an immediate and violent reaction from the FAR:

“In fact the RPF would do better to calm down. There are our agents who are passing the information on to us. They tell us the following: on the 3rd, 4th and 5th there will be an unexpected event here in Kigali, Kigali City. And even on the 7th and 8th. You will hear the noise of the bullets or you will even hear grenades sounding. But I hope that the Rwandan armed forces are on the alert. [...] Otherwise, to hold Kigali, we know how to do it, we know how to do it. On the 3rd, 4th and 5th, it is expected that an unusual event will take place here in Kigali, and they will even continue and rest on the 6th. Then, on the 7th and 8th, they will trigger an unusual event using these bullets and grenades. But in reality, they predict the final attack (Simusiga).”

⁶⁷ Testimonies of airport officers who worked on the night between 06 and 07 April 1994, namely airport commander Cyprien Sindano and air traffic controller Patrice Munyaneza (see below).

⁶⁸ Letter from Simbizi Stanislas, President of the Initiative Group in favour of war victims, to His Excellency the United Nations Secretary General, Kigali, 04/03/1993.

⁶⁹ Fr. Misser. *Vers un nouveau Rwanda...* op. cit., pp. 85-86

And they say: 'when we have completed this event to disrupt the city, we will get down to the final attack. As regards the date itself, my officer has not yet told it to me, he has not yet told it to me. [...] This will anger the country's armed forces and it's tough luck! All that is to do with the Tutsis; it is them who are making us dizzy'⁷⁰.

Valérie Bemeriki, the cousin of Bagosora and a former journalist and presenter on RTLM, stated having been aware in March 1994 of the possibility that president Habyarimana could be assassinated, without knowing the primary source of this information broadcast by her colleague Noël Hitimana: *"This information was reported to me by Mukangwije Astérie, a member of parliament from the MRND, who participated in the peace talks fairly frequently on behalf of her party. She was very close to Matthieu Ngirumpatse. It was her who clearly spoke to me of the possibility that president Habyarimana could be assassinated"⁷¹.*

Lieutenant Jean de Dieu Tuyisenge, who worked as an intelligence officer for the President of the Republic from 1988 to 1994, then as a secret agent in the service of Colonel Elie Sagatwa, special secretary to the President of the Republic, stated that the idea of assassinating president Habyarimana began to be mentioned in February 1994, at the instigation of the AMASASU group, which was fighting the Arusha talks and Peace Accords:

"It was from 26 February 1994 that the news of the assassination of president Habyarimana was gradually revealed. I mention this date because on that day Colonel Sagatwa appointed me as military intelligence officer and gave me the task of discreetly gauging opinions within the army to establish the negative impact that could be caused if certain influential people, including military officers, were imprisoned. I kept myself informed and I finally realised that the commanders of the elite units of the FAR were all in this clique that wanted to carry out a coup d'état, whether it was Mpiranya, Neretse, Nubaha or others. These officers wanted at the same time to make an attempt on the life of Nsabimana, alias Castar, but when they saw the importance of his popularity in the army and outside, they were reluctant to imprison him. They then thought of other ways to cause problems for the government, and it was thus that they gave money to Ngeze Hassan and dictated to him the text that he wrote on the imminent assassination of president Habyarimana. It was not Ngeze who invented this information himself; it was officers who gave it to him so that he would publish it in order to see the reaction of the public on this subject. This information came from the military intelligence services and was given to Ngeze for publication in the newspaper Kangura"⁷².

⁷⁰ Gabriel Periès and David Servenay, *Une guerre noire. Enquête sur les origines du génocide rwandais (1959-1994) (A black war. Investigation into the origins of the Rwandan genocide (1959-1994))*, Paris, La Découverte, 2007, pp.262-266 ; HRW and FIDH, *Aucun témoin...*, pp.213-214

⁷¹ Hearing by the Rwandan national independent commission of investigation into the role of France in the genocide of the Tutsis, Kigali, 27 October 2006

⁷² Testimony given to the Rwandan commission of investigation into the role of the French Government in the genocide of the Tutsis perpetrated in Rwanda in 1994, Kigali, 15/03/2007

Intelligence known by Rwandan military circles

Soldiers from the FAR stated that the mention of the assassination of president Habyarimana often came up in conversations initiated by their colleagues native to Gisenyi and Ruhengeri, and that this intelligence had been taken very seriously by the services close to the President of the Republic. The crew of the Falcon 50 was also aware of this intelligence and showed signs of concern and fear in the face of this danger.

Colonel Habimana Pierre Claver, at the time major of the FAR, stated: “*Rumours on the probable assassination of president Habyarimana were circulating both in the army and among politicians, but I was not able to find out the origin and substance of this intelligence. What is clear is that it was being talked about*⁷³”. Major Bernard Ntuyahaga, during his interrogation by investigators from the ICTR, confirmed the existence of this intelligence: “*He [president Habyarimana] refused to go to the funeral of Melchior Ndadaye because he could have been killed during this travelling*⁷⁴”.

Twagirayezu Innocent, a member of the close security staff of president Habyarimana, gave more extensive statements on this fear of assassination, pointing out: “*The death of Habyarimana did not really surprise those of us who were in charge of protecting him. I remember that upon the death of his counterpart in Côte d’Ivoire, Houphoüet Boigny [sic], President Habyarimana had planned to attend his funeral. At the last minute, he received intelligence that his aeroplane was at risk of being shot down or that he could encounter other problems if he travelled there. He therefore refused to travel and sent a representative*⁷⁵”.

Senkeri Salathiel, another member of the presidential guard, who was in the delegation tasked with the security of the Head of State at the Dar es Salaam summit, also remembered the existence of intelligence mentioning the possible assassination of president Habyarimana and the cancellation of his visit to Côte d’Ivoire due to fear that he could be killed on that occasion: “*As someone who worked in the close security staff of the President of the Republic, I was told about intelligence according to which the president’s aeroplane was at risk of being shot down on his return from Côte d’Ivoire. It was around three months before the attack of 06 April 1994*”.

Mwongereza Evariste, also a member of the presidential guard, confirmed the existence of this intelligence and the adoption of special protection measures:

“I learnt from my colleague Ntarindwa Gaspard that it was likely that president Habyarimana would be assassinated. Ntarindwa explained to me that he had accompanied president Habyarimana to his residence in Gisenyi to ensure his safety when he received Booh-Booh and that the latter told the President that he must take new precautions because he had intelligence indicating that the President was at risk of being killed. Reinforced protection measures were effectively adopted from that day. Soldiers from the presidential guard dressed in civilian clothing were deployed along the route from the President’s residence in Kanombe to the city.”

⁷³ Testimony gathered by the Committee in Kigali, 25 June 2008

⁷⁴ Hearing of Bernard Ntuyahaga, Belgian military hearing document (see Appendices to this Report)

⁷⁵ Testimony gathered by the Committee in Rubavu, 28/02/2008

*Others were in uniform and sometimes travelled in vehicles in order to keep watch over all the places where the President usually went*⁷⁶. Furthermore, the Belgian intelligence services had noticed that “*more than a fortnight before the attack on the presidential aeroplane, HABYARIMANA made sure he was always accompanied by a Rwandan or even a foreigner*”⁷⁷.

Furayide Jean-Paul, an FAR sergeant resident in the Kigali military camp, also mentioned intelligence that he heard from extremist soldiers regarding the death of the President of the Republic:

“A little before the accident involving the President’s aeroplane, soldiers from Gisenyi and Ruhengeri, (...) were in the habit of bragging in the camp that the President would soon be dead ‘by falling from a tree or hung like a dog’. Sergeant Major RUHAMANYA, my roommate, who was part of the Intelligence Unit, was one of those men and was in the habit of telling us in the bedroom the way in which the President was going to die. He seemed to be certain of what he was saying, and it did not seem to be empty bragging. (...) At one time, around 2 to 3 days before the accident, the same group of soldiers declared that the President was in fact dead. Sergeant Harerimana, commander of the H90 tank, was one of the most obvious culprits. Another was a sergeant whose name I cannot remember, but who was nicknamed ‘Kwetu’ and ‘CDR’⁷⁸”.

Gasana Jean-Marie Vianney, a para-commando at the Kanombe camp and part of an elite unit, CRAP⁷⁹, trained by the French, testified that he was also informed of the imminent death of president Habyarimana:

“In fact, we knew that Habyarimana was going to be killed. We did not know the identity of the person who was going to kill him, but we were familiar with the planning of his death. Extremist soldiers criticised Habyarimana for giving the Tutsis too good a deal. They were angry about the fact that, during the Arusha talks, he took the side of the Tutsis from outside Rwanda and supported them in their desire to return to the country unconditionally. They also added that Rwandan emissaries sent by president Habyarimana to the Arusha talks did the same thing as him. From then on, they said they were prepared to carry out a coup d’état. You understand, therefore, that his death was not a surprise to us⁸⁰”.

Several other FAR soldiers, particularly those of the Kanombe camp, heard by the Committee in various parts of the country, confirmed the existence of a plan to carry out a coup d’état and to kill the President of the Republic, which was mentioned to some extent in the three months prior to the execution of the attack. Sgt Muhutu Corneille stated: “*This news regarding the coup d’état had circulated in the Kanombe military camp. People were saying that Major Ntabakuze was planning the coup d’état with the support of the para-commando battalion. It was before the aeroplane was shot down, around February*⁸¹”. Nkeshumpatse

⁷⁶ Testimony gathered by the Committee in Muhanga, 12 September 2008. Kamana François, also a member of the close security staff of president Habyarimana, reported the same information as Mwangereza (Hearing in Rwamagana, 21 September 2008).

⁷⁷ B. VAN LIJSEBETH, general administrator of the Belgian security forces, Letter to the Interior Minister, Brussels, 02 December 1994. Re: Rwanda : AMASASU Association.

⁷⁸ Interrogation by the ICTR investigators, 14 August 1998

⁷⁹ Commandos d’Action et de Recherche en Profondeur (Reconnaissance and In-depth Action Commando)

⁸⁰ Testimony gathered by the Committee in Rubavu, 29 February 2008

⁸¹ Testimony gathered by the Committee in Rubavu, 14 May 2008

Callixte, a corporal in the para-commando battalion, added: “Rumours circulated within the army about Bagosora’s desire to carry out a coup d’état in order to overthrow the president. I heard them⁸²”. His comrade Sengendo Vénuste heard similar things:

“I am going to tell you another little thing. Three months before the attack, some soldiers mentioned that Habyarimana was going to be brought down, that there was a plot against his aeroplane, that that was the reason why he left discreetly to go abroad. They said that it was Habyarimana who had prevented us from massacring the Tutsis, from exterminating the Inyenzi. They refused to mix the two armies and said that that would be done after his death. They said that Bagosora and the French had a plan to kill Habyarimana. It was said that if he died, they would be able to kill the Tutsis, to execute the genocide⁸³”.

These testimonies tally with the content of a confidential note of 27 July 1992 addressed to the chief of staff of the FAR by Colonel Anatole Nsengiyumva, head of the military intelligence services. Protesting against the implementation of the provisions of the Arusha Accords on the merger of the two armed forces, the FAR and the RPA, Colonel Nsengiyumva wrote that in such an event, the FAR would be prepared to “*massacre the Tutsis (...) and those of our leaders who are at the root of the disaster. (...) They will bump off the officers who give in easily to the will of the civilian leaders*”. Colonel Nsengiyumva pointed out in this note that the soldiers felt deceived by the prime minister, Dismas Nsengiyaremye, and by the foreign affairs minister, Boniface Ngulinzira, as well as by the Head of State himself. In no uncertain terms, Colonel Nsengiyumva warned president Habyarimana of the fate that he could suffer: “*If this President does not defend his men, if he does not object in time [...] he will find himself alone. (...) If the Head of State is not prepared to assume his responsibility to save the country, he only has to hand over⁸⁴*”.

In a more clear-cut manner, at a reception at the Meridian hotel in Kigali on 04 April 1994, Colonel Bagosora revealed that he did not accept the Arusha Accords and that he disapproved of president Habyarimana’s travelling to Dar es Salaam, where he was going to formally undertake to implement them. Colonel Bagosora added that president Habyarimana would be killed in an attack against his aeroplane and that his death would be followed by the extermination of the Tutsis. This information was given by Major General Laurent Muryakazi during his trial and was reported in his judgment as follows:

“On 11 September 2006, the trial began on the request for clarification addressed to Major General Muryakazi in order for him to explain the comments that he had made, describing the behaviour of Colonel Bagosora and Lt Colonel Renzaho as similar to that of the Interahamwe. Major General Muryakazi explained that on 04/04/1994 Colonel Bagosora, then head of cabinet at the ministry of defence, at a reception at the Meridian Hotel, said these extremely serious words which showed that he was planning the extermination of the Tutsis. On this occasion, Bagosora said that he contested the legitimacy of the Arusha Accords despite the fact that they had been signed by the President of the Republic and the RPF. He declared that he was opposed to the President of the Republic’s travelling to Tanzania and that the aeroplane in which he was going to travel would be shot down.

After having heard these words spoken by Bagosora, Major General Muryakazi took the decision as superior officer of the gendarmerie to draw up a secret report which he entrusted to the chief of staff of the gendarmerie, pointing out that the

⁸² Testimony gathered by the Committee in Kigali, 04 April 2008

⁸³ Testimony gathered by the Committee in Kigali, 06 June 2008

⁸⁴ Jacques Morel and Georges Kapler, *La note du 27 juillet 1992 sur l’état d’esprit des militaires et de la population civile*, in *La Nuit Rwandaise*, Number 2, 7 April 2008, p.105

extermination of the Tutsis was in the process of being prepared, as was an attack against the presidential aeroplane. Major General Munyakazi told the court that this report got into the hands of Colonel Sagatwa and that the latter then called him on the telephone in order to for him to give an explanation to the presidency. When he arrived, Major General Munyakazi reported to president Habyarimana the comments that he had heard, spoken publicly by Colonel Bagosora.

President Habyarimana asked him whether there was another superior officer who had heard these comments. Major General Munyakazi replied that Lieutenant Colonel Nzabanita, alias Dictionary, had heard them and that he could be a witness. President Habyarimana replied that he had also learnt this intelligence and that he had given strict orders not to talk about it again to anyone, not to officers of the army nor to those of the gendarmerie⁸⁵”.

Intelligence known by president Habyarimana and foreign sources

The possible assassination of president Habyarimana was known by him and by circles outside of the Rwandan regime. Before the commission of the Senate of Belgium, Johann Scheers, a friend and legal adviser of president Habyarimana, who held a role that he described as one of “*parallel diplomacy*” for the president, declared that president Habyarimana had revealed to him in February 1994 that if he left Rwanda, he would be killed⁸⁶. Johann Scheers reported that president Habyarimana had revealed this to him in confidence in December 1993, complaining that he no longer had the support of the Court of Belgium since the death of King Baudouin. Johann Scheers had then passed this complaint on to the Palace of Brussels, which is believed to have reacted by planning a meeting between president Habyarimana and Prince Philippe alongside the funeral of the Head of State of Côte d’Ivoire, Houphouët Boigny [*sic*], on 07 February 1994 in Yamoussoukro.

According to Johann Scheers, the Rwandan President declined the invitation at the last minute due to security reasons: “*I told him, Mr President, I hope you have serious reasons because I cannot justify it. He told me: ‘I fear that something will happen if I leave the country’⁸⁷”.* In March 1994, president Habyarimana this time said to Johann Scheers that he was at risk of suffering an attack against his aeroplane: “*I must tell you that in a direct telephone conversation with HABYARIMANA he confided to me that he feared travelling by aeroplane for his own safety because an attack was possible on taking off or landing⁸⁸”.*

Belgian military cooperants posted in Rwanda also had intelligence on the occurrence of an extraordinary event which could be a coup d’état, which possibly presupposes the capture or killing of the Head of State. 1st Sergeant Beyens Marc, who from 1st July 1993 to April 1994 worked in Gisenyi as a military cooperant in the Bigogwe military camp, testified:

“Due to my role, I was in regular contact with the local head of the wing in question, Master Warrant Officer Nemeyabahizi. Some weeks before the attack on the president, he let it slip that he thought it was unusually calm. (...) Two or three weeks before the attack on the president, the wing received an order from the top to remain on its guard and to go to ground. Holes had to be dug for gunmen.

⁸⁵ Military court of Nyamirambo, file n° RP/GEN/0002/0/TM RMP1515/S1/AM/KGL/IKT/97 between the Military Prosecution and Major General Laurent Munyakazi and Father Wenceslas Munyeshyaka, p.78

⁸⁶ Hearing of Mr Scheers, 24 June 1997 (Report of the Senate of Belgium, p. 653)

⁸⁷ J. Scheers, *ibidem*

⁸⁸ J. Scheers, witness statement before Judge Damien Vandermeersch, 08 October 1997

*They were expecting something. They were very nervous. People felt that there was something in the air and that something was going to happen*⁸⁹”.

The same intelligence was known by the secret services of president Mobutu towards the end of March 1994, and he telephoned the residence of president Habyarimana but did not manage to speak to him, as he was not present at his residence. Mobutu told the Rwandan president's wife that an attack against the Head of State was being planned and would be perpetrated on his return from Tanzania, and told him not to go. It is Mrs Habyarimana in person who is thought to have revealed this intelligence on the evening of the attack in response to a telephone call of condolence made by the French president, François Mitterrand. Witness Jean Birara expressed it as follows:

*“At the end of March (30 or 31), President MOBUTU telephoned the residence of HABYALIMANA [sic], who was not there; he spoke to Agathe H. and told her that an attack was being planned and would be perpetrated on President HABYARIMANA's return from Dar es Salaam. Similarly, the military intelligence service of BURUNDI, which had a large number of correspondents at the Kanombe camp, asked the President of BURUNDI to be careful not to travel with HABYALIMANA [sic] because on the first occasion at the beginning of April, there would be an attack against him. HABYALIMANA's [sic] wife is believed to have said to SAGATWA Elie, the colonel in charge of the security of the President and the cousin of Agathe H., that she wanted to see HABYALIMANA [sic] replaced. But SAGATWA, when asked, is thought to have refused, but did not talk to his superior (the President). All this Agathe H. said to Mitterrand when he telephoned at around 21:30 on 6 April to extend his condolences*⁹⁰”.

A note dated 02 December 1994 from the General Administrator of the Security of the Belgian State said on this matter that the members of the “AMASASU” association had warned president Habyarimana that “*the act of signing the Arusha Accords would be considered as an act of weakness on his part and that he would pay for this action with his death*⁹¹”. The wife of the captain of the Falcon 50, Jacky Héraud, revealed in turn that the French crew was aware of intelligence regarding the assassination of the President of the Republic during the last weeks prior to the attack. When questioned by French author Sébastien Spitzer, Mrs Héraud revealed that her husband had spoken about “*threats hanging over the president*” from “*Certain Hutu extremists who oppose any form of concession (...) of part of the power to men from the RPF*”. Sébastien Spitzer stated that Mrs Héraud told him that her husband “*heard the worst rumours. Some were about a planned attack. It could well target the Falcon that he is piloting, the aeroplane of the Rwandan president, Juvénal Habyarimana*⁹²”.

Jean-Berchmans Birara, the former governor of the national bank of Rwanda, who had direct contact with members of the upper hierarchy of the FAR, particularly superior officers who, like him, were native to Gisenyi, a government stronghold, stated having received reliable intelligence from a high-ranking officer informing him, on 04 April 1994, that “*very serious things are being prepared*” and that he did not know “*whether he himself will be alive in a week*⁹³”. Birara also pointed out that two months earlier he had received from the same

⁸⁹ Belgian military hearing, hearing of Beyens Marc in file no. 02.02545n/94/C8, 18 May 1994

⁹⁰ Brussels military hearing, Appendix to report no. 7 of 26/05/1994 of Jean Birara in file no. 02.02545N94 C8, reference 1/945

⁹¹ Letter from B. Van Lijsebeth to the interior minister, Brussels, 02 December 1994

⁹² Sébastien Spitzer, *Contre-enquête sur le juge Bruguière. Raisons d'Etat. Justice ou politique? (Counter-investigation into Judge Bruguière. Reasons of State. Justice or politics?)* Paris, Privé, 2007, pp.227-228

⁹³ Jean Birara, Interview with *La Libre Belgique*, 24 May 1994

officer, who some identified as the chief of staff, general Deogratias Nsabimana, who died in the attack⁹⁴, a list of 1500 names of people to be killed in Kigali City alone: “*Lists were drawn up; people especially knew about it with regard to Kigali with the President’s approval. From 60 people to begin with, the list was extended to 1500 people on 20/02/1994. On three occasions the massacres were cancelled or postponed due to the opposition of NSABIMANA, Chief of Staff, who told me about it on 20/02/1994 and showed the definitive list*”⁹⁵. Jean Berchmans Birara indicated having reported this intelligence to Western chancelleries and “*to a very high political level in Belgium*”⁹⁶ without being heard.

In February 1994, the UNAMIR intelligence services also pointed out a complete logic of war for which the FAR was preparing: “*Throughout Kigali people are speaking of a rebirth of the war (...) the FAR troops are thought to be in a state of alert and heavy weapons are believed to have been transported towards FAR posts*”⁹⁷. Mrs Uwimana, the wife of General Nsabimana, confirmed the existence of the radicalisation of the FAR, intensive preparation for the war and the planning of the massacres:

“(...) I can tell you that my husband was expecting an internal ‘explosion’. He feared a repeat of the hostilities in the light of the arms race of the various factions and the disagreements between politicians. (...) My husband told me that he knew that there were people to be massacred but he never told me about the lists. He often gave me advice because he was expecting that it would ‘break out’ from one moment to the next. I still know that my husband intervened on the day of the assassination of Gatabazi in order to stop the outbreak of organised killing”⁹⁸.

Another witness, the late Alphonse-Marie Nkubito, the former public prosecutor and Rwandan minister of justice in the government formed on 19 July 1994, acknowledged before the Belgian police officers acting in the context of the rogatory commission on the preparation of the file of Major Ntuyahaga in May 1995 that he had learnt in February 1994 of the imminence of a serious event: “*In early 1994, a rumour was circulating that something was going to happen in February of that year*”⁹⁹. Nkubito had been warned by one of his friends, Daniel Nduwimana, second lieutenant of the Rwandan army, that “*lists of people to be killed were drawn up and that massacres would begin at the slightest incident*”¹⁰⁰.

With the same logic, a Belgian military assistant working at the Kanombe camp as a munitions restorer, Warrant Officer Daubie Benoît, said: “*The week prior to the attack, my cleaning lady told me to be careful, that we were going to become ‘white Tutsis’. She meant that there were lists of people to be slaughtered and that we, the Belgians, could be on this list*”¹⁰¹. To put it clearly, the announcement of the death of president Habyarimana in a context of power seizing and large-scale massacres constituted intelligence spread throughout Rwandan extremist political and military circles, expressed publicly, and known by sources independent of the government, particularly the Belgian and French embassies and military cooperation services.

⁹⁴ G. Prunier, *Rwanda : Histoire d’un génocide...* op.cit, p.268

⁹⁵ Brussels military hearing, hearing of Birara Jean on 26 May 1994, with reference to file no. 02.02545 N94C8, Appendix to report no. 734 (reference Ntuyahaga 1/945)

⁹⁶ Jean Birara, Interview with *La Libre Belgique*, 24 May 1994

⁹⁷ Lt S2 Mr Nees, for the attention of KIBAT Commander, Info S3, Kigali, 16 February 1994

⁹⁸ Hearing of Mrs Uwimana Athanasie, record of hearing no. 1023 carried out on 30 June 1994 by the Belgian military hearing, file no. 02 02545 N94 C8 of the Military Auditor in Brussels.

⁹⁹ Hearing of Mr Nkubito, Belgian military hearing documents, report of 1st to 13th May 1995

¹⁰⁰ Ibidem

¹⁰¹ Belgian military hearing, hearing of Daubie Benoît with reference to file no. 0202545N94C8, 10 May 1994

The organisation and issues of the Dar es Salaam Summit

The regional summit held in Dar es Salaam on 06 April 1994 was intended to find the ways and means on the one hand to facilitate the implementation of the institutions arising from the Arusha Peace Accords (Broad-Based Transitional Government = hereinafter BBTG, transitional Parliament and merger of the two Armies), and on the other to examine the situation of tension and insecurity which had prevailed in Burundi¹⁰² since the assassination of president Melchior Ndadaye in October 1993.

Settlement of the political deadlock prevailing in Rwanda

Despite the signing of the Arusha Accord on 04 August 1993 (final Accord comprising 5 protocols), its implementation had not taken place in practice due to the deadlock and the climate of insecurity fostered by the ruling party, the MRND, and its allies, particularly the CDR and the hard wing of the FAR. In fact, on 15 March 1994, five non-governmental human rights defence organisations “*deplored the fresh upsurge of violence in Rwanda, the distribution of weapons, the delay in the implementation of the Arusha Accords and the attempts of the MRND to obtain a promise of amnesty for those who were involved in previously perpetrated breaches of human rights*”¹⁰³. The only instance of implementation of the Accords was the swearing-in of the President of the Republic which took place on 05 January 1994. The Dar es Salaam Summit was one last attempt by the facilitator to end the political deadlock, and president Habyarimana, who had received several warnings from countries which had backed the accords, as well as from the UN, was ready from then on to put them into practice.

Pressure on president Habyarimana before the Summit

Several of Rwanda’s partners exerted pressure on the Rwandan Head of State to bring the country out of crisis. It was in this context that on 14 January 1994 the UN secretary general told president Habyarimana in a telephone conversation that “*...if no progress was made, the UN would be forced to put an end to its presence...*”¹⁰⁴ in Rwanda. On 1st March 1994, the UN secretary general, on receiving a special envoy of president Habyarimana, repeated his threat to “*withdraw the UNAMIR if no progress was made*”¹⁰⁵.

President Habyarimana then travelled to Uganda on 09 March 1994 and Zaire on 04 April 1994 in order to consult his peers in the sub-region. His journey to Uganda was badly received by the extremist circles within his Party; a note from the Belgian intelligence services stated to this effect that:

*“The Central Committee of the MRND was furious that Habyarimana went to meet the Ugandan President, Museveni, without consulting it. Mathieu Ndirumpatse, President of the MRND, considered it ‘a grave political error’. Habyarimana had to explain himself to the leaders of the party”*¹⁰⁶. During the same period, “*The Ambassador of Germany, speaking on behalf of the European Union, expressed his*

¹⁰² Communiqué issued at the end of regional summit meeting held in Dar es Salaam on 6th April 1994 on the situation prevailing in Burundi and Rwanda, done in Dar es Salaam, 6th April, 1994

¹⁰³ UN Report, p.13; HRW and FIDH, *Aucun témoin...*, p.198

¹⁰⁴ UN Report, p.13

¹⁰⁵ Ibidem, p.15. The special envoy of president Habyarimana was his transport and communication minister, Mr André Ntagerura.

¹⁰⁶ HRW and FIDH, *Aucun témoin...*Op. Cit., p.197

concerns regarding the growing insecurity, the proliferation of weapons and the 'unacceptable role of certain media'. He implied that the support of the European Union will from now on depend on the implementation of the Accords¹⁰⁷”.

Feeling pressure from all sides, president Habyarimana thus found himself forced to give in, prompting the wrath and animosity of extremists from his own party who did not forgive him for this. In fact, on 02 April 1994, he announced to the special representative of the UN secretary general, Jacques-Roger Booh-Booh, who had been invited for the occasion to his private residence in Gisenyi, that the swearing-in of the BBTG was scheduled for 08 April 1994, after his visit to Gbadolite on 04 April and to Dar es Salaam on 06 April, and asked him to pass on this message to the UN secretary general¹⁰⁸. It was then that Mr Nzirorera Joseph, secretary general of the MRND, present at this interview in Gisenyi, retorted to the President of the Republic: “*We will not be pushed around Mr President¹⁰⁹”*. Some imagined the link that existed between this thinly veiled threat against the President and the announcement made by RTLM the next day, 03 April, predicting that the RPF was planning to do “*a little thing*” with its bullets and grenades between 03 and 05 April then between 07 and 08 April 1994.

Instability in Burundi: the main subject of the Dar es Salaam Summit

Following the assurances given by president Habyarimana on the implementation of transitional institutions on his return to Rwanda, the debates that took place during the Dar es Salaam Summit were centred around Burundi. In fact, the security situation in Burundi had become more and more alarming since the assassination of President Melchior Ndadaye in October 1993. The country was going through an unprecedented institutional and political crisis. An interim president had been named, Ntaryamira Cyprien, but he considered himself powerless to rule without an in-depth reform of the Burundian national army. The risk of collapse was feared all the more because the Burundian army was accused of having assassinated president Ndadaye, and was suspected of resisting the army reform called for by the political power in place. Contrary to a certain opinion which saw in president Habyarimana’s travelling a premeditated plot hatched by one or more regional powers¹¹⁰, the convocation of the Dar es Salaam Summit was in response to the pre-existing security concerns both in Rwanda and Burundi.

¹⁰⁷ Ibidem see also Prunier, *The Rwanda crisis...*, p.209

¹⁰⁸ Vénuste Nshimiyimana, heard by Mr Van Winsen, Military Auditor with the Permanent War Council in Brussels, 18 November 1994, in the context of the preparation of the case on the death of the Belgian blue helmets. See also his book, *Prélude du génocide rwandais. Enquête sur les circonstances politiques et militaires du meurtre du président Habyarimana (Prelude to the Rwandan genocide. An investigation into the political and military circumstances of the murder of president Habyarimana)*, Brussels, Quorum, 1995, pp. 49-51. Nshimiyimana was a press attaché with the GOMN (Group of Neutral Military Observers), then the UNAMIR from 1st November 1993 to 1st May 1994, the day of the resignation of Booh-Booh.

¹⁰⁹ V. Nshimiyimana, interview with the Committee in London, 10 January 2009. The following were present at this dinner : The President and his wife, J. Roger Booh-Booh, Alphonse Higaniro and his wife, Joseph Nzirorera and his wife, Pasteur Musabe (brother of Bagosora) and his wife, Alphonse Ntirivamunda and his wife (daughter of the Head of State) and Colonel Anatole Nsengiyumva, commander of the military region of Gisenyi. During his interview with the Committee, V. Nshimiyimana stated that this important information was revealed to him by Jacques-Roger Booh-Booh on his return from Gisenyi.

¹¹⁰ Jean-Louis Bruguière, Paris Court of First Instance, Subpoena Duces Tecum, p.49 : « *This Summit appears to have been only a pretext to facilitate the Attack* ».

Questions surrounding the journey of the chief of staff of the Rwandan army

The Rwandan delegation on board the presidential aeroplane comprised the usual delegates accompanying the President of the Republic to this kind of meeting, with the exception of the chief of staff of the Rwandan army, General Déogratias Nsabimana, who was forced to accompany the president for the first time at the very last minute. General Nsabimana was informed that he would accompany the President of the Republic the day before the president's departure, and his travel order, which was prepared hastily without following the due procedures applicable, is believed to have been given to him at his home on the evening of the day before his departure for Tanzania.

His wife, Mrs Uwimana Athanasie, heard on 30 June 1994 in Brussels by the Belgian military hearing, declared: *"My Husband was told on 05.04.94 that he was to accompany the President to Dar es Salaam on 06.04.94 very early to go to Tanzania. My Husband did not know the reason for this journey. It was the first time he had been invited to go on this kind of journey"*¹¹¹. She later added, when she went on her own initiative to the presidential residence the day after the attack in the afternoon, having heard president Habyarimana's wife say that *"It had to happen"*¹¹² in response to her questions about her husband's unexpected and unplanned journey.

Capt. Bwanakweri Isidore, secretary of the defence minister from June 1993 to April 1994, reported having received intelligence from retired Lieutenant Colonel Stanislas Bangamwabo, the older brother of General Nsabimana, proving that his brother's being sent to the Dar es Salaam Summit came as a surprise. Capt. Bwanakweri first told how he experienced the attack: *"On the evening of 06 April, I was in Kanombe in the Kajagali district near the airport. I heard the noise of two shots coming from the hills behind president Habyarimana's residence, then I saw a vast fire spreading in the sky above the residence. I did not know straight away that it was an attack against his aeroplane"*.

Then, Capt. Bwanakweri reported the things that the older brother of General Nsabimana had told him in confidence on the very evening of the attack: *"I went directly to the house of Lieutenant Colonel Bangamwabo, who was a friend, and I told him what I had just seen and heard. He then explained to me that his younger brother, General Nsabimana, had gone to Dar es Salaam unexpectedly. He told me in the following words: 'my younger brother did not know anything. On the morning of 05 April, he went to Ruhengeri in a helicopter to see his mother and he planned to continue immediately towards Byumba to visit the FAR units of this operational sector. Before he had completed his visit, he was called urgently by the defence minister to go to Kigali, and it was upon his arrival that he learnt that he was to accompany the Head of State to Tanzania the next day"*¹¹³.

Mrs Nsabimana's comments and those of Lieutenant Colonel Bangamwabo were relayed by Runyinya Barabwiriza, who was a political affairs adviser to the presidency of the Republic, and who was the officer ordinarily in charge of drawing up the travel orders of the senior members of the Government. Runyinya indicated to the Committee that certain Rwandans, including the chief of staff, went to the Dar es Salaam summit without him having issued their respective travel orders, and stated that he did not know the identity of the person who ordered their departure for Dar es Salaam:

"The drawing up of the travel orders of Government officials was within my remit. The ministry of foreign affairs gave me a list of people planning to travel, and I then

¹¹¹ Hearing of Uwimana Athanasie in file no. 02 02545 N94 C8, Brussels military hearing

¹¹² Hearing of Uwimana Athanasie, ibidem

¹¹³ Hearing by the Committee in Rilima, 08 August 2008

drew up their travel orders. On my departure from Kigali for Dar es Salaam on 05 April, I had signed the travel orders of all the members of the delegation, but that of General Nsabimana was not among them. It had not been planned for him to be among the members of the delegation. It was the defence minister who was supposed to go. On my departure, I had drawn up his travel order, but he was not there. I believe that Nsabimana had been appointed to replace him; he had been added to the list later, after my departure from Kigali, most probably to replace the defence minister¹¹⁴.

Even Colonel Bagosora confirmed to the judicial police officers acting in the context of the rogatory commission carried out by Judge Bruguière in Arusha that General Nsabimana did not know that he was to go to Dar es Salaam: “*Anyway, the arrangement must have been [sic] made quickly... because on the 4th, I was with General Nsabimana, who did not even know that he was to leave. General Nsabimana himself, again, on 4th April, did not know that he was to leave¹¹⁵.*”

Other witnesses went as far as stating that the sending of General Nsabimana was hiding the malicious intentions of the Hutu extremists, led by Colonel Bagosora, who wanted to commit genocide in the context of a coup d'état. A soldier from the former Rwandan Armed Forces, Nsengiyumva Tharcisse, who moved within a specialist elite unit in the anti-aircraft battalion (LAA), revealed that the sending of General Nsabimana to Dar es Salaam was decided by Bagosora with a very specific aim of finding the freedom to execute a genocide plan that Nsabimana did not completely support. It is thus believed to be in order to get rid of this somewhat troublesome chief of staff that Bagosora is thought to have planned to send Nsabimana to Tanzania in order to carry out the planned genocide and coup d'état that he was planning:

“I was the chauffeur of Bagosora when he was commander of the Kanombe camp after the death of Colonel Mayuya. During the day of 05 April 1994 at around 16:00, Bagosora, who was head of cabinet at the ministry of defence, called Colonel Nsabimana on the telephone to tell him that he would leave with president Habyarimana. It was a Tuesday. The reason why he wanted him to leave with Habyarimana lies in the fact that Nsabimana was opposed to Bagosora as regards the existing genocide plan and the conditions of its being put into practice. Bagosora was therefore looking to get rid of Nsabimana so as to have a free hand with a vie to undertaking and accomplishing everything that he wanted¹¹⁶.”

To the question of knowing how Nsengiyumva Tharcisse, a mere corporal of the FAR, came to know this extremely important intelligence, he replied:

“On 08 April 1994, I met Major Dr Kazenga, an officer-doctor who worked in the Kanombe military hospital who I knew well. I was with Warrant Officer Nduwamungu. Major Kazenga asked if we wanted to go and have a Fanta in a bar in Kanombe called La Majorette. We talked about the situation prevailing in the country at the time, and particularly about Habyarimana's death. On this matter, Major Kazenga told us that Nsabimana did not know that he was to leave on assignment, that his departure had been decided by Bagosora at the very last minute. Major Kazenga stated that Bagosora telephoned Nsabimana on 05 April at around 16:00 to inform him that he would leave with president Habyarimana. Major Kazenga added that Bagosora, as head of cabinet at MINADEF (the ministry of defence), decided to send Nsabimana because he, like president Habyarimana to a

¹¹⁴ Hearing by the Committee in Huye on 20 March 2008 and 20 June 2008

¹¹⁵ Hearing of Colonel Bagosora by rogatory commission of Judge Bruguière, Arusha, 18 May 2000

¹¹⁶ Testimony gathered by the Committee in Kigali, 04 June 2008

lesser extent, was opposed to the idea of a total genocide, while Bagosora supported the final solution. In order to achieve this, Bagosora and some of the extremist military officers planned for Nsabimana to accompany Habyarimana in order to eliminate both of them and to take advantage of the void created by their death to carry out the planned genocide¹¹⁷”.

Jean Berchmans Birara confirmed the theory according to which Nsabimana did not support the genocide plan, presenting General Nsabimana as “a moderate” who “managed three times to secure the postponement of the beginning of the massacres” which were to “begin 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 receiving foreign delegations until 01:30 in the morning (24/03/1994). Everything was postponed¹¹⁸”. Captain Nsengiyumva Théogène, a former FAR officer, also mentioned strong disagreements between Bagosora and Nsabimana with regard to their perception of the settlement of the Rwandan conflict, which appears to have justified his being sent to Dar es Salaam so as to be able to easily prepare the subsequent events:

“During the war, I worked under the orders of Colonel Nsabimana at Mutara for two years before he was appointed chief of staff of the army. He was a first-class officer who had good strategic vision and who saw that the soldiers were tired of fighting. He knew the problems of the soldiers better than the other officers who lived in Kigali, such as Bagosora. Nsabimana did not have the same perception of the settlement of the conflict as they did. As such, he was a troublesome element for those who did not want to find a peaceful solution to the definitive end of the war¹¹⁹”.

In fact, although General Nsabimana, in the company of extremist officers, particularly Anatole Nsengiyumva, participated in the definition of the enemy and its identification, specifically identifying by name the Tutsis and the Hutus who were discontented with the regime¹²⁰, and showed an anti-Tutsi hatred¹²¹, it would appear in fact that for all that, he did not support the total genocide plan such as it had been planned by his extremist colleagues, which constituted an obstacle for those colleagues, who did not want the implementation of transitional institutions by president Habyarimana that he had planned to organise on 08 April 1994, the day after his return from the Dar es Salaam Summit.

Two other elements cause one to wonder about the sending of General Nsabimana to Dar es Salaam. Firstly, his travel order was delivered to him at his residence through an unofficial channel, which is not the usual procedure. Secondly, the President of the Republic’s reaction of surprise at the airport on the morning of 06 April 1994 reveals that the President was probably not aware that he was going to be travelling with his chief of staff, which is very strange.

In fact, members of the immediate guard stated that when president Habyarimana arrived at Kanombe Airport, ready to board the aeroplane, he was surprised to find General Nsabimana at the bottom of the aeroplane steps, forming part of the members of the delegation.

¹¹⁷ Ibidem

¹¹⁸ Hearing of Jean Birara in file no. 02.02545 N94 C8, Brussels military hearing, 26 May 1994, report no. 734 and Appendices (reference Ntuyahaga 1/946)

¹¹⁹ Testimony gathered by the Committee in Bugesera (Gako), 22 June 2008

¹²⁰ Document relating to the definition of the enemy drawn up by the staff of the FAR on 21 September 1992

¹²¹ A confidential document drawn up by Nsabimana on 26 July 1993 when he was chief of staff of the Rwandan army reveals an attitude of persecution on his part of certain Hutu soldiers whom he suspected of being Tutsis due to the simple fact that they associated with the latter: Letter no. 164/G2.1.3.1 addressed to the defence minister. Re: behaviour of the soldiers.

According to these witnesses, the Head of State reacted with great surprise and hesitation, before recovering and boarding the aeroplane. Either the President feigned surprise so as not to make people think that it was he who had wanted General Nsabimana to accompany him, or the Head of State genuinely did not know about it, which would have been unusual. In any case, the President could have asked Nsabimana not to board. Twagirayezu Innocent, a member of president Habyarimana's immediate guard, reported the episode in the following terms:

“We accompanied the President very early in the morning; there was still fog at the airport. What I remember very well, because I was very near to them, is that when the President arrived before CASTAR¹²², the latter gave him a military salute, and the President looked at him for a long time and asked him directly if he was also planning to travel; the chief of staff replied that he had received the travel order inviting him to go to the Summit. The President seemed to hesitate slightly, then the two men boarded the aeroplane¹²³”.

Similarly, Colonel Bagosora declared to French judge Jean-Louis Bruguière that, after Habyarimana seized power in 1973, he had never seen either of the two chiefs of staff, whether of the army or of the gendarmerie, go on assignment with the President¹²⁴. Two other witnesses, close assistants to president Habyarimana, agreed wholeheartedly, supporting the statements of Mrs Nsabimana. Jean-Marie Vianney Mvulirwenande, the adviser in charge of intelligence and communication to the presidency of the Republic between 1992 and 1994, stressed that to his knowledge, the President of the Republic and the chief of staff of the army used not to leave the country at the same time, and that this double absence should not have taken place in any event when the defence minister was also absent:

“In principle, for high-level delegations like that which went to Dar es Salaam in April 1994, it was the President of the Republic who in the last resort signed the travel orders that his head of cabinet or one of his advisers presented to him. The organisation of the assignments was carried out in consultation with the ministry of foreign affairs, but it was the President who affixed his signature on the list of people due to leave. I suppose with regard to the applicable procedure that it is the head of State who decided on Nsabimana's departure, but I admit that I was not the only one to be surprised when I saw Nsabimana among the members of the delegation who met us in Dar es Salaam. I left Rwanda on 05 April and I remember that Nsabimana was not on the list of people planning to depart for Dar es Salaam, and when we saw him there, we wondered about the reasons for his presence. For me, it was the first time I had seen that. And yet, as his communication adviser, I had accompanied the President several times. It was me who wrote up the press releases of the interviews that he gave. I had never seen the President of the Republic be accompanied by his chief of staff, whether it was Nsabimana or his predecessor Serubuga. Moreover, it was for that reason that there were many rumours about that trip”.

Mvulirwenande specified how the travel orders of the senior officers were issued, pointing out the essential role that Bagosora played in his capacity as head of cabinet at the ministry of defence:

“As the defence minister was on assignment, it was the head of cabinet at MINADEF, Colonel Bagosora, who was responsible for drawing up the travel orders in his absence. Moreover, Bagosora clearly had more power than the minister, who was a civilian, and who furthermore had been appointed in a delicate situation to replace

¹²² CASTAR is the pseudonym given to General Nsabimana

¹²³ Testimony gathered by the Committee in Rubavu, 28 February 2008

¹²⁴ International rogatory commission at the ICTR in Arusha, hearing of 18 May 2000

James Gasana, who had left the country in a strange way. Bagosora was a very powerful man. It was him who was the real head of MINADEF's affairs. It could have been him who suggested sending Nsabimana to the Summit¹²⁵”.

Kamana François, a member of the immediate guard of president Habyarimana from 1980 to 1994 who had accompanied the President to the Dar es Salaam summit, made comments identical to those of Jean-Marie Vianney Mvulirwenande in several aspects, expressing the incomprehension felt by several people with regard to the presence of the chief of staff at the Summit:

“When it was a delegation of two or more people who went abroad, it was placed on a collective travel order comprising the names of everyone, and the president of the Republic affixed his signature on it. The names of Sagatwa and Nsabimana were not included on the travel order which was delivered to us before our departure for Dar es Salaam. I am adamant on this point. Sagatwa was supposed to go to the United States on 06 April; I saw his travel order myself when I went to take my passport to MINAFFET (the ministry of foreign affairs and cooperation). The decision to send him to Dar es Salaam was taken very late.

The question that haunted me after I saw the agenda of the Summit, which was dedicated to Burundi, was that of wondering why president Habyarimana had gone away with the chief of staff when the country was at war. In my position as bodyguard, I was unable to know more about it, but it is true that it is a question that went through my mind as I could not understand that logic, seeing that the President had come to the Summit with the chief of staff in order to participate in a meeting whose main subject was Burundi. They never used to go away together.

I interpreted Nsabimana's going away by telling myself that during his stay with the President, they were perhaps going to plan an extremely important military operation that needed the opinion of the chief of staff. However, it was not that. I must also state that, ordinarily, for a one-day journey, the President of the Republic did not leave with Sagatwa. I accompanied him several times and I noticed that for this type of short journey, Sagatwa stayed in the country. Moreover, I have told you that Sagatwa was supposed to go to the United States. I therefore could not understand this last-minute turnaround in sending Sagatwa to Dar es Salaam¹²⁶”.

The Committee examined the rules of functioning of the ministry of defence at the time in order to verify the extent of the remit of the head of cabinet and realised that the latter was replacing the minister in his absence and was therefore able to authorise extremely wide-ranging administrative acts, including the drawing up of foreign travel orders. A directive of the ministry of defence regarding the “*Functioning of the services of the Ministry of Defence in the absence of the Minister*” specifies the powers of the head of cabinet in these terms:

“In the event of unforeseen difficulty or absence of the Defence Minister, the Head of Cabinet oversees the proper functioning of the Services of the Ministry of Defence, carrying out its everyday affairs. ‘Everyday affairs’ refers to all the administrative and management acts of the Ministry for affairs within the remit of the Defence Minister not delegated to the Chiefs of Staff of the Forces. (...) The Head of Cabinet deals with the everyday affairs submitted to him by the Departments or Services concerned, namely:

¹²⁵ Hearing by the Committee in Karongi, 13 September 2008

¹²⁶ Hearing by the Committee in Rwamagana, 21 September 2008

- *The Department of Administrative and Legal Affairs: Administration of Staff and Legal Affairs*
- *The Department of the External Security of the State: Security and Operations*
- *The Department of Former Combatants: Social Affairs and Reservists*
- *The Military Cooperation Division: Military Cooperation*
- *The Public Relations Division: Press, Ceremonial and Public Relations*
- *The Intelligence and Documentation Division: Military Security and intelligence from the Minister and management of the Centre for Security of Transmission of the Ministry of Defence*
- *The Studies and Programmes Division: Studies, Planning and Military Teaching*

(...) *The Head of Cabinet can convoke and chair meetings of the Chiefs of Staff and/or the MINADEF Directors¹²⁷*”.

It is clear that if Bagosora had the planning of a coup d'état in mind, there is nothing illogical about him hurrying to get rid of the President of the Republic and the Chief of Staff of the army or any other troublesome person. On the contrary.

The proceedings of the Summit and circumstances of the return flight of the Falcon 50

The Summit bringing together the presidents of Uganda, Tanzania, Burundi and Rwanda and the Kenyan vice-president – the president of Zaire having cancelled his plans to participate – was chaired by His Excellency Ali Hassan Mwinyi, president of the Federal Republic of Tanzania, in his capacity as facilitator in the process of resolution of the Rwandan and Burundian conflicts. Upon the opening of the Summit at around 12:00 (local time), president Habyarimana declared that the obstacles to the execution of the Arusha Accords had been removed and that nothing was standing in the way of the planned state institutions being established on his return to Kigali. As can be read in the UN report written under the supervision of Ingvar Carlson quoting the Tanzanian officials, “*the Dar es Salaam talks had been crowned with success and president Habyarimana had undertaken to implement the Arusha Accords¹²⁸*”.

The prospect of resolution of the Rwandan situation was also confirmed by Mr Déo Ngendahayo, a member of the Burundian delegation who was present at the Summit: “*the situation in Rwanda was mentioned only briefly, because from the start the Rwandan president announced that as regards Rwanda, the establishment of the government was going to take place immediately on his return, in accordance with the Arusha Peace Accords. The Summit was immediately dedicated to the security situation in Burundi, when the Burundian president described to his peers the resistance he was facing in his attempts to initiate the reform of the Burundian army, without which the security situation would not be able to improve¹²⁹*”.

At around 16:00 (local time), the French pilots, realising that there was a chance that the return to Kigali would take place at night, asked the immediate security officer who had remained on guard near the presidential aeroplane, Corporal Salathiel Senkeri, to inform president Habyarimana. The pilots suggested instead delaying the return until the next day, pointing out that they had received intelligence on threats of an attack. Furthermore, Corporal Senkeri said he had noticed an attitude of apprehension within the crew of the Falcon 50 on

¹²⁷ Directive of the Defence Minister, Dr James Gasana, not dated.

¹²⁸ UN Report, p.16

¹²⁹ Deo Ngendahayo : Head of the central information office of Burundi, heard by the Committee in Bujumbura, 28/02/2008

the tarmac of Dar es Salaam Airport, realising that they had not been listened to and that the departure was imminent:

“I was with my colleague Nzabirinda and a member of the crew at Dar es Salaam Airport, awaiting the arrival of president Habyarimana. At around 16:00 it was reported to us that the President was going to arrive very shortly. A little before he arrived, the pilot came towards us and asked us to tell our President that it was too risky to return at that time. I asked him what this risk was based on and he replied that he had intelligence mentioning a possible attack against the aeroplane. I then told him that I did not have the authority to speak to the President and I told him to speak to Major Mageza, head of protocol. He headed towards his two colleagues from the crew and conversed with them.

In the meantime, I went to give the intelligence to Major Mageza. While we were talking, the crew members joined us at the place where we were with Major Mageza. I moved out of the way to leave the path clear for them. I did not hear what they were saying, but I was near to the place and I saw the gestures that Mageza was making as if to make them understand that the return to Rwanda could not be avoided. Shortly afterwards, president Habyarimana arrived and the discussion came to an end¹³⁰”.

Other sources stressed that the Tanzanian authorities asked president Habyarimana to postpone his return in light of the late hour at which the meeting had ended, but the president rejected the suggestion. The UN report underlined it in these terms: *“The people to whom the Investigation Commission spoke in Tanzania declared that they had encouraged President Habyarimana to put off his return to Rwanda until the next day but that he had insisted on leaving that very evening¹³¹”.*

Kamana François, assigned to the immediate protection of president Habyarimana during this trip, confirmed that measures had been taken for the Rwandan presidential delegation to sleep on site: *“Before Habyarimana entered the room where the Summit was taking place, the head of presidential security, who was my immediate superior, Captain Léopold Mujambere, came to inform us that the President was going to sleep on site. Finally, on leaving the Summit, I saw that the President immediately headed towards the airport. The crew expressed concerns to Colonel Sagatwa about the night departure, but the decision to return was not abandoned¹³²”.*

The communication adviser to president Habyarimana, Mvulirwenande Jean-Marie Vianney, said that he heard members of the Rwandan delegation who remained in Dar es Salaam regret Habyarimana’s death, saying that president Mwinyi had suggested that he spend the night in Dar es Salaam and that he had declined the suggestion: *“They said it straight away after hearing the news of his death¹³³”.*

As regards president Ntaryamira of Burundi, it was on his request that he boarded the Rwandan Falcon 50. His aeroplane was not in good condition and did not fly very quickly, and president Ntaryamira wanted to return to Bujumbura quickly. He therefore suggested to president Habyarimana that he go to Kigali in the same aeroplane as him, then go directly to Bujumbura in the Rwandan Falcon 50, which was to return to Rwanda the same evening after dropping the Burundian president off in Bujumbura. This information came from ear

¹³⁰ Testimony gathered by the Committee in Rubavu, 28/02/2008

¹³¹ UN Report, p.16

¹³² Testimony gathered by the Committee in Rwamagana, 21 September 2008

¹³³ Testimony gathered by the Committee in Karongi, 13 September 2008

witnesses, namely Colonel T rence Cishahayo, who was an aide-de-camp of president Ntaryamira:

“At the end of the meeting, when I was going to take president Ntaryamira’s bag, I heard him ask president Habyarimana if he could make the return journey with him, given the late hour and the wear and tear suffered by his aeroplane. I remember that two days earlier in Gbadolite, it was instead President Mobutu who had asked president Habyarimana to take the Burundian president in his Falcon 50, because the latter had complained about the state of his aeroplane¹³⁴”.

Shortly before the departure of the Falcon 50, another troubling fact was noticed within the Rwandan delegation. When president Habyarimana was already on board, he noticed the absence on board of the chief of staff of the army, General Nsabimana, who had remained on the tarmac with Dr Akingeneye, not wanting to board. President Habyarimana came out of the aeroplane again straight away and immediately ordered them to board the aeroplane with him. Cpl Senkeri, a direct witness of the scene, explained:

“Ordinarily, when we travelled with the President, he boarded the aeroplane last, and that is how it happened when we were in Dar es Salaam. When he arrived on the aeroplane, he noticed that General Nsabimana and Dr Akingeneye were missing. The two men were hiding near one of the wings of the aeroplane. President Habyarimana came out of the aeroplane, which he never did, and said in a loud voice: ‘Where is Akingeneye?’ Dr Akingeneye appeared. ‘Where is Nsabimana?’ He also appeared. Then he asked them: ‘Why are you not boarding the aeroplane?’ They replied that they thought that there were no more seats because the Burundians had taken them. President Habyarimana then said to them: ‘Get on quickly and let’s go’. They boarded and the aeroplane took off¹³⁵”.

The flight plan of the Falcon 50, which had been revised from the initial plan following the delay, planned for the Rwandan delegation to arrive at Kanombe Airport at 20:26, local time. This flight plan was communicated to the Kanombe control tower at around 19:00, shortly before the Falcon 50 entered Rwandan airspace¹³⁶. The rest of the Rwandan presidential delegation left Dar es Salaam around 30 minutes after the departure of the Rwandan Falcon 50, on board the Burundian Beachcraft [*sic*], which had brought president Ntaryamira to the Summit early that morning¹³⁷. The initial flight plan of the Beachcraft [*sic*] was a direct flight from Dar es Salaam to Bujumbura. However, following the decision taken by president Ntaryamira to carry out a stopover in Kigali, this flight plan was modified to take into account the new route. From then on, the Beachcraft [*sic*] was due to stop in Kigali to drop off part of the Rwandan delegation which had had to give up seats for the Burundian dignitaries who had boarded the Falcon 50 with presidents Habyarimana and Ntaryamira¹³⁸.

Upon arriving above Mwanza, Colonel Nihana, co-pilot of the Beachcraft [*sic*], attempted to make contact with the Kanombe control tower on the usual frequency, 124.3Mhz. He made several unsuccessful attempts. Some time later, he made another attempt using a different frequency, 118.3, and managed to make contact with the Kanombe control tower, but did not manage to communicate directly with the controller. The person who replied to him was in a state of panic and informed him that the Falcon 50 aeroplane had crashed with the two heads of State inside. The Burundian pilot insisted on being allowed to carry out his landing at

¹³⁴ Testimony gathered by the Committee in Bujumbura, 29 April 2008

¹³⁵ Testimony gathered by the Committee in Rubavu, 28 February 2008

¹³⁶ Testimony of Munyaneza Patrice, approach controller at the Kanombe control tower on duty during the night between 06 and 07 April 1994, taken by the Committee in Kigali, 06 March 2008.

¹³⁷ Testimony of Colonel Nihana taken by the Committee in Bujumbura, 30 April 2008

¹³⁸ Colonel Nihana, *ibidem*

Kanombe. The person he spoke to said that there were no survivors and that the lights at the airport had gone out. It was then that the co-pilot, Nihana, heard another voice different from the first one which harshly ordered him not to land, and the voice was abruptly interrupted without finishing its sentence¹³⁹.

Colonel Nihana immediately contacted the Bujumbura control tower and learned that there were problems in Kigali which they had found out about following a communication intercepted by the Bujumbura control tower during the attempts that they had also made to contact Kanombe. This communication took place between a Belgian C130 aeroplane, registration number AFB 383, and a ground radio in Kigali, and indicated that there was thought to have been an aeroplane crash in the surroundings of Kanombe Airport¹⁴⁰. The co-pilot, Nihana, then asked the Bujumbura control tower for authorisation to change its route and to go directly to Bujumbura, which it did.

The commander of Bujumbura Airport, who was present at his post, Colonel Louis Murengerantwari, wrote down the sequence of events that night and gave his notes to the Committee such as he made them at the time. These notes present the thread of events in the following way:

- *“The control tower of Bujumbura Airport received the initial flight plan from Dar es Salaam that the Beech craft [sic] was going to make a stopover in Kigali at 22:00 and land in Bujumbura at 23:00.*

- *At around 19:30, local time, the Bujumbura control tower made contact with the Kigali control tower to inquire about the presence of the Burundian president on board the Rwandan Falcon 50 aeroplane but at around 20:00 the communication was cut off.*

- *At 18:52 GMT on the frequencies 124.3 and 118.3 a conversation between Belgian aircraft C130 (AFP 683) and an unidentified person on the ground in Kigali was intercepted, whose message indicated that there was a blackout at the airport, that there had been an aeroplane accident near the airport, that shots had been fired around the airport and that it was therefore necessary to make a diversion to Nairobi.*

- *At 19:32 GMT the Beech craft [sic] made contact with the Bujumbura control tower and was informed that the Kigali control tower had confirmed to it the accident involving the presidential aeroplane with the 2 VIPs on board, that the Kigali control tower did not reply again to give details and that for this reason it asked for authorisation to make a diversion to Bujumbura instead of going to Kigali¹⁴¹”.*

¹³⁹ Testimony of Colonel Nihana taken by the Committee in Bujumbura, 30 April 2008

¹⁴⁰ Colonel Nihana, ibidem

¹⁴¹ Testimony of Colonel Murengerantwari taken by the Committee in Bujumbura, 28 April 2008

The execution of the attack and its repercussions

In his subpoena duces tecum on international arrest warrants for senior Rwandan officers, on 17 November 2006, Judge Jean-Louis Bruguière acknowledged having seized the tape recordings of the traffic of the control tower of Kigali Airport for 06 April 1994, and on this basis, he stated:

“That the investigations carried out on the tape recordings of the traffic of the control tower of Kigali Airport enabled us to reconstruct the chronology of the movements of the various aircraft that used this aeronautical platform on 06 April 1994;

That the use by means of expertise of these tape recordings seized in the context of this procedure established that the presidential Falcon 50 9XRNN had taken off from Kigali Airport for DAR ES SALAAM at 06:07 with 11 people on board, that at 14:51 and 16:02, two telephone calls relating to the arrival of the presidential aeroplane “expected at 17:00” had been recorded, followed at 16:41 by more calls from members of the presidential guard worrying about the time of landing of the aeroplane and that between 17:03 and 18:37, several people had called the control tower to obtain information on the return schedule of the Falcon 50 and that it had replied to each of the people speaking that the aeroplane had not yet taken off;

That it has transpired that the flight plan of the Falcon 50 had only been submitted at around 19:21, that the control tower had confirmed to Enoch RUHIGIRA that the presidential aircraft would land at 20:30 and that at 20:08, the crew of the Falcon 50 had called the Kigali control tower to submit by radio a Kigali-Bujumbura flight plan indicating an expected landing at 20:40 with the no. 1 “VIP” of Burundi on board;

That at 20:21, the Falcon 50 9XR-NN had announced its approach and that the control tower had communicated the descent parameters to the crew, the Commander on board having specified that he wanted to make a direct arrival on the 28 (runway 28) and that he would call again “once established on the ILS” (instrument landing system).

That no other radio message should be recorded and that at 20:25, the aeroplane’s emergency beacon was set off.”

Following the chronology of KIBAT (Kigali Battalion), a Belgian UNAMIR battalion in charge of the Kigali area which was the biggest in terms of member numbers (450 soldiers) and equipment, and which in a way constituted the backbone of the UNAMIR, it can be seen that on 06 April 1994 the aeroplane of president Habyarimana was shot down by missile fire at around 20:30.

All the witnesses were in agreement in saying that the aeroplane crashed in the gardens of the presidential residence located 500m away from the Kanombe camp near the airport.

All the passengers on board died and are listed below:

1. Juvénal Habyarimana, President of the Republic of Rwanda;
2. General Déogratias Nsabimana, chief of staff of the FAR;
3. Major Thaddée Bagaragaza, aide-de-camp of president Habyarimana;
4. Colonel Elie Sagatwa, special secretary to president Habyarimana;
5. Ambassador Juvénal Renzaho, political affairs adviser to the presidency;
6. Doctor Emmanuel Akingeneye, private doctor to president Habyarimana;
7. Cyprien Ntaryamira, President of the Republic of Burundi;
8. Bernard Ciza, communication minister of Burundi;

9. Cyriaque Simbizi, planning minister of Burundi;
10. Mr Jacky Héraud, commander on board;
11. Mr Jean-Pierre Minaberry, co-pilot;
12. Mr Jean-Michel Perrine, flight engineer.

No investigation has been carried out either by the UN officials posted in Rwanda or by the FAR or the interim government, or by any other competent authority. Various suggestions have been formulated but have not managed to lead to the establishment of an international commission of investigation into the attack.

The absence of an investigation into the attack

As soon as the UNAMIR learnt of the attack, it hastened to take the necessary measures to protect the site with a view to facilitating the carrying out of an investigation, which is essential in such cases, but the UNAMIR was denied access by the presidential guard, which was monitoring the site. And yet, the UNAMIR had the authority to act in similar cases, given the rules of the agreement on the Kigali secure zone. In his testimony during the Akayesu trial before the International Criminal Tribunal for Rwanda, General Dallaire declared, on 25 February 1998, that on the evening of 06 April 1994 after hearing news of the attack, he had asked the commander of the Kigali area within the UNAMIR, Colonel Luc Marchal, to immediately send soldiers to surround the site and make it secure until an international investigation was carried out, but that the presidential guard had refused them access: *“We were never able to approach the site due to the orders and presence of the Presidential Guard¹⁴²”*.

On the very evening of the attack at around midnight, when General Dallaire was in an office at the headquarters of the Kigali camp on the telephone to the special representative of the United Nations secretary general, Jacques Roger Booh-Booh, some French officers came to ask him to let them carry out an investigation into the attack, which he refused, believing that the French were not neutral:

“(…) the Belgian and French military advisers came to the door of the office and insisted that an investigation into the causes of the aeroplane crash be carried out immediately. In Bangui, in the Central African Republic, the French had specialists responsible for analysing aeroplane accidents, who could arrive within the next twelve hours. My opinion was clear: using a French team was out of the question. The French, we knew, were perceived to be in favour of the RGA [Rwandan Governmental Army], and any investigation carried out by them would be considered to be biased. I told them that I was certain of being able to obtain either a team from NATO or some Americans who were in Somalia in order to investigate within forty-eight hours. They left angrily¹⁴³”.

In a letter dated 02 May 1994 addressed to the prime minister of the Rwandan government, General Dallaire informed the prime minister that the UNAMIR was prepared to establish an international investigation commission and asked him to indicate the countries that he wanted to be included in this commission, whilst reminding him that the UNAMIR had always been denied access to the site of the accident by the FAR¹⁴⁴. In his reply dated 07 May 1994, the prime minister of the interim government, Jean Kambanda, replied to General Dallaire that

¹⁴² Akayesu Trial, Hearing of Roméo Dallaire, ICTR, chamber 1, 25 February 1998

¹⁴³ R. Dallaire, *J'ai serré la main du diable*, ...p.294

¹⁴⁴ Roméo A. Dallaire, Major General, Commander of the Force to the Prime Minister of the Rwandan Government, Kigali, 02 May 1994. Re: International investigation.

the said Commission should comprise France, which would chair it, Rwanda, Burundi, Tanzania and the ICAO¹⁴⁵.

For its part, Belgium, which was accused by Hutu extremist circles of being responsible for or complicit in the death of president Habyarimana¹⁴⁶, was primarily concerned about the urgency of the investigation and, on 12 April 1994, addressed a request to the International Civil Aviation Organisation (ICAO) asking that it carry out an investigation to this end¹⁴⁷. The ICAO agreed to put this matter on the agenda of its board meeting on 25 April 1994, but during the meeting, the chairman of the board suggested suspending the discussions, believing that Belgium was due to provide additional pieces of information so as to enable a decision to be taken on the matter¹⁴⁸. The ICAO considered that “*the aeroplane belonging to the State was flying above its own territory*”, and that consequently “*it did not fall within the remit of the international convention of the ICAO*”¹⁴⁹.

Various resolutions of the UN Security Council which followed one after the other between April and June 1994 recommended that an international investigation into the attack be initiated, but none were followed up. On 25 May 1994, the United Nations Commission on Human Rights appointed a special reporter for Rwanda, Mr René Degni-Segui¹⁵⁰. He asked for funds to investigate the attack, but they were refused because the UN did not have a budget for that purpose: “*I asked the United Nations to establish an investigation commission with a ballistics expert, because the ICAO was unable to investigate military aircraft. They replied that there was no budget for that at the United Nations*”¹⁵¹.

On 1st July 1994, the Security Council adopted resolution 935 (1994), in which it formed an impartial commission of experts responsible for examining and analysing the information regarding the serious breaches of international humanitarian law, including acts of genocide, committed in Rwanda. In its final report, which it presented on 09 December 1994, this Commission indicated in turn that it had not received the means to investigate the attack, but pointed out the necessity for such an investigation in its conclusions¹⁵². The recommendation would not be followed up, like previous proposals issued by other UN officials or experts. The OAU report of 29 May 2000 recommended to the international commission of lawyers that an independent investigation be launched in order to determine who was responsible for the attack, but was met with the same indifference or negligence.

On 13 August 1994, on the occasion of a business trip to Rwanda by the regional representative of the ICAO for southern Africa, the necessity for the investigation was clearly brought up between him and Rwandan officials whose remit covered this matter. During a meeting with the Rwandan transport and communication minister, Mrs Immaculée Kayumba, the latter indicated to the ICAO delegate that the Rwandan government attached a great deal

¹⁴⁵ Rwandan Republic, Services of the Prime Minister, Letter no. 014/02.3 to Major General Roméo A. Dallaire, Commander of the Assistance Mission for Rwanda (UNAMIR), Kigali, 07 May 1994.

¹⁴⁶ Broadcast by RTL on the evening of the attack, the answering machine of the Embassy of France in Rwanda: “*an automated voice recorded on the telephone answering machine of the embassy said: ‘President Habyarimana’s aeroplane has been shot down by the Belgians’*”. It was erased on the morning of 7 April.

¹⁴⁷ MIP (Parliamentary Commission of Inquiry), Report, p.236; C. Braeckman: *Rwanda, Histoire...op.cit.*, p.178

¹⁴⁸ Linda Melvern, « *L’attentat* » (The attack) art. cit

¹⁴⁹ See resolutions of 21 April 1994, 2 May 1994 and 17 May 1994.

¹⁵⁰ Resolutions S-3/1 of the United Nations Commission on Human Rights, 25 May 1994

¹⁵¹ Hearing of Mr Degni-Segui, Senate of Belgium, Rwanda Investigation Commission, Analytical record of the hearings, 17 June 1997; Report of the Special Reporter of the Commission on Human Rights on Rwanda: S/1994/1153, 28 June 1994.

¹⁵² Final report of the Commission of Experts presented in accordance with resolution 935 (1994) of the Security Council, S/1994/1405, 9 December 1994

of importance to the investigation and that it was ready to collaborate with the ICAO in order to make it happen. Mrs Kayumba added that the Rwandan government would contact the ICAO in the coming days to examine the matter¹⁵³. In an interview given in early 1995, the vice-president of Rwanda and defence minister, General Paul Kagame, said that the need to carry out an investigation into the circumstances of and responsibility for the attack against the Falcon 50 was a priority for Rwanda, deplored the lack of support from the UN, and guaranteed that the investigation would be carried out as soon as the means necessary for this purpose were available:

“- **François Misser (FM)**: *Has the Rwandan army not carried out its own investigation? Who shot down the aeroplane?*

- **Paul Kagame (PK)**: *We do not have the means to carry out such an investigation. We are trying to obtain the capacity to do so. In fact, we would like the UN to help us in this task. But it has done nothing so far. That remains our priority.*

- **FM**: *Therefore, as soon as possible, the Rwandan authorities are going to carry out a Rwandan investigation into the attack against the aeroplane, is that correct?*

- **PK**: *There is no doubt about that! It is definitely just a case of needing to have sufficient means at our disposal¹⁵⁴”.*

On 28 March 1996, the Rwandan transport and communication minister, Dr Charles Muligande, who had replaced Mrs Kayumba on this portfolio, addressed a letter to the regional representative of the ICAO based in Nairobi, asking him “*within the context of the Assistance that the International Civil Aviation Organisation (ICAO) offers to its contracting States, (...) to kindly assist us in carrying out an assessment of the Falcon 50 aeroplane, registration number 9XR-NN, which was involved in an accident on 06 April 1994 in Kigali¹⁵⁵”*. Rwanda suggested involving the manufacturer of the Falcon 50, Dassault. These Rwandan steps were not followed up by the authorities contacted¹⁵⁶.

Questions about the voice recorder known as the “Black Box”

From 1994 to the present day, the story of the parameter or voice recorder otherwise known as the “*Black Box*” of the Rwandan presidential Falcon 50 has been the subject of several colourful versions of its existence and its final destination. At the end of its investigation, the Committee reached some convincing conclusions on the subject of knowing whether the Falcon 50 was equipped with it and if so, knowing the person or institution in whose possession it is thought to be.

Information published soon after the attack: the black box is in France

Information about the black box circulated from the first weeks following the attack; some was completely far-fetched, such as that spread by Paul Barril.

¹⁵³ Telegram of 02 September 1994 from the representative of Belgium to the ICAO Montreal with regard to “*Kigali Air Incident 060494*”.

¹⁵⁴ François Misser, *Vers un nouveau Rwanda...* op.cit., p.79

¹⁵⁵ Rwandan Republic, Ministry of Transport and Communication, to Mr Z. M. BALIDDANA, Regional Representative of the ICAO, Kigali, 28 March 1996.

¹⁵⁶ MIP, Appendices, p.248

Manipulation by Paul Barril and a turnaround from Dassault Service Aviation

The Falcon 50 black box affair saw spectacular media coverage when former captain Paul Barril, the former commander of an elite unit of the French gendarmerie, the National Gendarmerie Intervention Group (GIGN), from which he was dismissed for making false testimonies in the so-called Irishmen of Vincennes affair, who became the Chairman and Chief Executive Officer of a private special services company named “*Secrets*”, told the newspaper *Le Monde* that he had gone to Kigali and recovered the black box there, and that he would put it “*at the disposal of the international authorities as soon as an investigation was opened*”¹⁵⁷.

On 28 June 1994, Barril intervened during the television news on France 2 to produce a piece of metal in the shape of a rectangle and black in colour, as well as “*three large Assmann brand reels, each containing eight hours of tape*”¹⁵⁸ allegedly of the last conversations between the Falcon 50 and the control tower of Kigali Airport. He claimed to have “*the SAM-7 launchers*” which are thought to have been used to shoot down president Habyarimana’s aeroplane, accused the RPF of being responsible for the attack and announced that the missiles used were fired from Masaka, an area which according to him was “*under the control of the RPF*”¹⁵⁹. He also produced all the telexes that he had allegedly recovered at the airport in the days and hours prior to the attack, the watch register of the airport containing the names of the officers on duty, and that of the transmission and radio control services. At the same time Barril laid out photographs of the wreckage of the aeroplane, as well as of the bloodstained bodies of the victims of the attack. He said that he had gone to Rwanda twice in April and May 1994, and that he was there on 07 April 1994 and remained there for several days at the request of the president’s family, with the aim of investigating the circumstances of the Head of State’s death.

The day after Barril’s revelations, Dassault Falcon Service, the manufacturer of the aeroplane and the company responsible for the maintenance of president Habyarimana’s Falcon 50, indicated that no conversation recorder was installed in that aircraft, but pointed out that it did have the mountings for this purpose, enabling the user to fit it himself¹⁶⁰. Dassault specified that during the last test of the aeroplane, in October 1993, “*there was no recorder on board*”¹⁶¹. The same information was given by Dassault to the insurance company of the Falcon 50, AIRCLAIMS France, in early 1995: “The Falcon 50 was not equipped with a parameter recorder; it was equipped with a CVR facility, but the CVR case (cockpit voice and sound recorder) was not installed”¹⁶².

Dassault also stated that the usual colour of the black box of an aeroplane is in fact not black but orange, enabling it to be easily located in the event of a crash¹⁶³.

¹⁵⁷ Hervé Gattegno and Corinne Lesnes, « *Rwanda. L’énigme de la boîte noire* » (*Rwanda. The enigma of the black box*), *Le Monde*, 28 June 1994 ; Television news on France 2 from the same day at 13:00, presented by Daniel Bilalian

¹⁵⁸ *Le Monde*, 28 June 1994 ; *Golias Magazine* n° 101, March/April 2005, p.34

¹⁵⁹ On 06 April Barril received an “*investigation and research warrant*” from Mrs Agathe Habyarimana, with the task of “*carrying out any investigations which he judges useful in revealing the truth about the attack*”, discovering “*the guilty parties and particularly those behind the attack*”, and carrying out “*all action necessary for the insurance*” (see HRW, *Aucun témoin* [sic] ...p.218 ; Prunier, *Rwanda, Histoire...Op.Cit.*, p.261)

¹⁶⁰ *Le Soir*, 29 June 1994

¹⁶¹ *Le Monde*, 08 July 1994

¹⁶² AIRCLAIMS France, file n°94/191 on « *Rwandan Government – accident of 6 April 1994 Falcon 50 9XR-NN* »

¹⁶³ *Libération*, 29 July 1994

A fortnight later, *Le Monde* admitted having been fooled by Paul Barril and the Belgian daily, *Le Soir*, wondered after this turnaround “*whether the remains of the black box produced on French television were the result of editing in order to draw attention away from the existence of a damaging newspaper*”¹⁶⁴. On 19 June 2001, Dassault would make a complete turnaround on its position, admitting in an information note provided to the French courts that “*the presidential jet was indeed equipped with a CVR (Cockpit Voice Recorder)*”¹⁶⁵ and therefore not merely with mountings, as it had said in 1994 and 1995.

The Rwandan, Belgian and French sources

Information available both in Rwanda and outside the country indicated from April 1994 that a black box had been recovered by French officers¹⁶⁶. One of the influential officials of the MRND, Mrs Spérancie Karwera-Mutwe, declared in 1994: “*As regards the black box of the aircraft, it is also in the possession of the Rwandan authorities, who are examining it, after the presidential guard had to drive away by force the Belgian paras who attempted to recover it from the wreckage*”¹⁶⁷.

The day after publication of this article, 15 April 1994, the foreign affairs minister of the interim government, Jérôme Bicomupaka, wrote a note intended for the diplomatic teams in which he admitted: “*the results of the analyses of the black box will be revealed in the investigation, but until that assessment is carried out, it would be risky to draw a definitive conclusion with regard to the perpetrators of the attack which cost president Habyarimana his life*”¹⁶⁸. To be clear, Jérôme Bicomupaka admitted that the Falcon 50 had a black box which was at that time in the hands of his government. Could he reveal such information without full knowledge of the facts?

During his testimony at the independent Rwandan National Commission, which investigated the role of the French Government in the genocide, Colonel Evariste Murenzi, who in April 1994 was in charge of intelligence within the presidential guard, indicated to the said Commission that president Habyarimana’s Falcon 50 was definitely equipped with a black box. Colonel Murenzi indicated that Colonel Aloys Ntiwiragaba, head of military intelligence at the Headquarters of the FAR (G2), told him that the protection of the black box of the Falcon 50 had been entrusted to him after its recovery from the aeroplane¹⁶⁹.

On 19 April 1994, two French officers posted in Rwanda, Bernard Cussac and Jean-Jacques Maurin, addressed a note to their superiors in France in which they said that on 06 April 1994 at 21:30, Cdr De Saint Quentin gave them a report indicating that traces of the black box existed¹⁷⁰. Colonel Bernard Cussac held the positions of defence attaché at the French embassy in Rwanda and head of the military assistance team from July 1991 to April 1994. Between July 1991 and December 1993, he also held the role of commander of the Noroît operation¹⁷¹. As regards Lieutenant Colonel Jean-Jacques Maurin, he held the role of deputy defence attaché in charge of military operations¹⁷² and adviser to the chief of staff of

¹⁶⁴ *Le Soir*, 29 June 1994

¹⁶⁵ *Le Monde*, 11 June 2004.

¹⁶⁶ *Libération*, 28 June 1994

¹⁶⁷ *Jeune Afrique*, 14 April 1994

¹⁶⁸ Quoted in André Guichaoua (Dir.), *Les crises politiques au Burundi et au Rwanda (The political crises in Burundi and Rwanda)*, Université des Sciences et Technologies de Lille, 1994, p. 680

¹⁶⁹ Hearing of Colonel Evariste Murenzi by the independent National Commission responsible for examining the role of the French Government in the genocide of the Tutsis, Kigali, 30 October 2007

¹⁷⁰ Jean-Claude Lefort, Note n°6 to Bernard Cazeneuve, File n°12, Ivry, 25 August 1998. Quoted in *La Nuit Rwandaise, Revue annuelle (Annual magazine)*, n°2, 7 April 2008, p. 238

¹⁷¹ MIP, Appendices, p.15

¹⁷² MIP, Appendices, p.16

the FAR from April 1992 to April 1994, a position in which he had replaced Lieutenant Colonel Gilles Chollet following leaks in the press of a document from the Rwandan ministry of foreign affairs which revealed that Colonel Chollet was simultaneously carrying out the roles of adviser to the supreme chief of the FAR (Head of State) and to the chief of staff of the Army¹⁷³. These important roles meant that these two French officers held reliable first-hand information.

In June 1994, the daily newspaper *Le Soir* said: “*the Belgian investigators, who are progressing very slowly, are in any case of the opinion that the black box of the aircraft, which was recovered at the site of the attack by Commander De Saint Quentin and which is currently in Paris, contains very interesting information. And yet, until now, it has been classified as secret defence*”¹⁷⁴. Some days later, the same newspaper wrote that Radio Rwanda “*claimed two weeks ago in any case*” that Barril had recovered the black box in Kigali and that “*the interim government had not had time to deal with it*”¹⁷⁵. A note from the Belgian embassy in Ethiopia relating a press conference held on 05 May 1994 in Addis Ababa by two Rwandan diplomats revealed that the two diplomats had said that “*the visit to Paris*” of the foreign affairs minister of the interim government, Jérôme Bicamumpaka, which was taking place at the same time, “*took place with the aim of asking France to decipher the black box of the aeroplane that had been shot down*”¹⁷⁶.

On 27 June 1994, the French transport minister revealed to the head of cabinet of the Belgian vice-prime minister, Mr Di Rupo, that “*the French authorities are in possession of the black box of the Rwandan presidential aircraft that was shot down in flight and that they have put the black box at the disposal of the ICAO*”¹⁷⁷. Once the information reached the examining magistrate, Damien Vandermeersch, who was investigating the murder of ten Belgian blue helmets, he addressed a note to the chief commissioner of the Brussels criminal police in which he asked for clarification “*with regard to the information [given by the French transport minister] according to which France is believed to be in possession of the black box of the presidential aeroplane*”. Judge Vandermeersch specified the questions to ask the Belgian official, Mr Durinckx, who had received the French note: “*Did he receive additional information on this matter? Does he know where this box is thought to be at the moment and whether the French authorities have examined it or carried out an investigation?*”¹⁷⁸.

On 10 October 1995, Michel Waterplas, assistant to the Crown Prosecutor for the Brussels arrondissement, issued a record of the hearing of Mr Durinckx to Judge Vandermeersch in which he said that “*the press release showing that the French were thought to have been in possession of the black box was contradicted by them again on 28.6.94*”¹⁷⁹. In other words, the day after the French transport minister admitted that the black box was in France’s possession, the denial immediately followed, which led one to wonder about the reasons for this turnaround, as noted in 1998 by the French weekly, *L’Express*, which concluded that “*everything leads us to believe that Paris holds the key to the mystery: a witness states having*

¹⁷³ Jean-Paul Goûteux, *La Nuit rwandaise. L’implication de la France dans le dernier génocide du siècle (The Rwandan night. France’s involvement in the last genocide of the century)*, Izuba editions/L’Esprit frappeur, Paris, 2002, p.481 and 495.

¹⁷⁴ *Le Soir*, 24 June 1994

¹⁷⁵ *Le Soir*, 28 June 1994

¹⁷⁶ AMBABEL ADDIS-ABEBA TO BELEXT BRU 193 ON 05.05.94

¹⁷⁷ Fax of 27.06.1994 from Franck DURINCKX, security service, Ministry of Communication and Infrastructure, for the attention of Mr VAN WINSEN, Brussels military auditor.

¹⁷⁸ Cabinet of examining magistrate Damien VANDERMEERSCH, File no.57/95, Regarding Blue Helmets, Brussels, 14 September 1995

¹⁷⁹ Criminal police at the Crown Prosecution of Brussels, criminal department, Attachment 29, Appendix 0, no.41652, File: 57/95 of 14.9.95. Note to Judge Vandermeersch, 10 October 1995.

*seen the flight recorder at the residence of a French military adviser several hours after the attack*¹⁸⁰”.

Another source, this time an official one, from an internal note from the Parliamentary Commission of Inquiry written by one of its members, communist member of parliament Jean-Claude Lefort, on 20 October 1998, addressed to one of its reporters, Bernard Cazeneuve, stated that the French general, Rannou, had said that the Falcon 50 had indeed been equipped with two black boxes:

*“The letter from General Rannou dated 15 June 1998 officially confirms the presence on board the Falcon 50 of the usual two ‘black boxes’, a CVR (crew conversation recorder) and an on-board parameter recorder. I don’t know whether their analysis ‘had not been likely to clarify the exact circumstances’ of the attack, as General Rannou claims*¹⁸¹*, but I ascertain that someone thought that it was preferable to make them disappear* [It was not we who underlined this]. *This reduces the range of suspects to those who had access to the area of the crash in the hours following the attack*¹⁸²”.

On 08 January 2007, nine years after the work of the MIP, Jean-Claude Lefort persisted in saying: *“I particularly recall that within the fifteen minutes following the crash, an officer of the French army was on the scene. In all likelihood, this officer had access to the black boxes of the aircraft and to the fragments of the missiles. (...) I believe that the two black boxes of the president’s Falcon have been in the hands of the French authorities since 1994*¹⁸³”.

Further turnarounds: a fake black box in the hands of the UN

In its edition of 10 March 2004, the newspaper *Le Monde* revealed the existence of a record of the hearing by Judge Bruguière of a former UN air traffic official in Kigali, Canadian Roger Lambo, in which the person concerned is thought to have indicated that the black box of the Falcon 50 had been recovered and transferred to the UN headquarters in 1994. As soon as the article was published, the secretary general, Koffi Annan, and his spokesperson, Fred Eckhard, denied the information; the latter declared: *“it is ridiculous to say that we are hiding the black box of the aeroplane at the headquarters or anywhere else*¹⁸⁴”.

Two days later, *Le Monde* tried again, quoting extracts from this record in which Roger Lambo admitted *“having recovered the black box of the presidential jet which was shot down and transferred it to the United Nations headquarters in New York”*. *Le Monde* said that the black box had *“mysteriously found its way into the hands of the UN in Kigali”* and that then it had been *“transported to Nairobi”*, then *“sent to the headquarters in New York by diplomatic bag”*. *Le Monde* added that *“the black box was in good condition and had a small plate inscribed with the name of the manufacturer and the serial number”* and that it had been sent to New York *“on the instructions of the head of the air unit at the UN headquarters, which at the time was Andy Sequin*¹⁸⁵”.

¹⁸⁰ *L’Express*, 12/02/1998.

¹⁸¹ Jean Rannou was head of the military cabinet of the French defence minister from April 1991 to May 1994.

¹⁸² Jean-Claude Lefort, Note n° 19 to Bernard Cazeneuve, attack file n°2, Paris, 20 October 1998. Quoted in *La Nuit Rwandaise*, *Revue annuelle* numéro 2, 7 April 2008, p.246

¹⁸³ Jean-Claude Lefort, *La Nuit Rwandaise*, Op.cit., p.231

¹⁸⁴ *Le Monde*, 10 March 2004

¹⁸⁵ *Le Monde*, 12 March 2004

Despite its initial reticence, the UN quickly carried out an internal investigation, which led to “*the discovery of a cockpit voice recorder (CVR)*¹⁸⁶” in the archives, and identified it as that of the Rwandan president’s Falcon 50. Fred Eckhard explained this error by the fact that the UN air safety experts had, on departure, considered that the black box which had been presented to them was “*in too good condition to have been involved in the crash of the aeroplane*¹⁸⁷”. They therefore concluded that it was not linked to a crash and then locked it in a cupboard, considering it unimportant¹⁸⁸. After it was discovered, the UN secretary general insisted on carrying out an analysis.

The initial assessment was entrusted to the American air safety agency (NTSB), under the supervision of the ICAO, and a second opinion was sought from a private firm from Canada¹⁸⁹. It was opened on 16 March 2004 and the results were published on the UN’s website on Monday 07 June 2004. In their conclusions, the two specialist bodies said that they had heard voices speaking French on the recording, but that the conversations and the technical parameters indicated a recording on the ground, not during a flight. They concluded that it could not be “*ruled out that this flight recorder could have been used in a presidential aeroplane*”, but insisted on the fact that the recorder “*was not installed in the aircraft at the time of the crash*¹⁹⁰”, which amounts to saying that “*the flight recorder found at the UN was not that of Habyarimana’s aeroplane*¹⁹¹”. This incident proves in any case that powerful people are behind this attempted manipulation.

Convincing testimonies on the recovery of the black box by the French

The French officers were among the first people to arrive at the scene of the crash and were seen by several military witnesses from the FAR in the process of rummaging through the wreckage of the aircraft. It would appear unlikely that these French officers had not thought of recovering any important item likely to help in the clarification of the circumstances of and responsibility for the attack. Commander Grégoire De Saint Quentin, who was a trainer in the para-commando battalion and had privileged access to all the sensitive areas, stated in his letter of 16 October 1998 to the reporter of the Parliamentary Commission of Inquiry, Bernard Cazeneuve, that he went to the presidential residence four times, on the evening of the 6th April, the 7th, the 9th and the 11th April 1994¹⁹²:

“In total, I therefore made four visits to the presidential residence. As well as that of 11th April, there was that of 6th April in the evening, that of 7th April in the morning and that of 9th April in the afternoon in order to provide an offer of evacuation to president Habyarimana’s widow. I add, to be completely specific, that I was only at the site of the crash on 6th April in the evening and on 7th April in the morning. On the 9th, I went straight to the house, and on the 11th, I did not go past the gate¹⁹³”.

It is noted that De Saint Quentin gives details of his actions on 9th and 11th April (evacuation of the president’s family), but does not say specifically what he did on 6th April in the evening and on 7th April in the morning! And yet, the many testimonies gathered show that De Saint Quentin was extremely active in rummaging through the wreckage of the aeroplane with the

¹⁸⁶ Ibidem

¹⁸⁷ Ibidem

¹⁸⁸ Ibidem

¹⁸⁹ *Le Monde*, 11 June 2004

¹⁹⁰ *Le Monde*, 11 June 2004

¹⁹¹ AFP, 7 June 2004

¹⁹² MIP, Report, p.236

¹⁹³ The letter is reproduced in the Appendices to the report of the MIP, p.241

clearly stated intention of recovering the black box. Could he hurry to look for such an important item without being certain that it existed?

Dr Passuch Massimo, a lieutenant colonel of the Belgian technical military cooperation, declared before the criminal police officer at the Belgian Military Hearing on 09 May 1994 the following: “It should be noted that upon the explosion of the aeroplane I contacted Cdr De Saint Quentin to organise a representative committee – expecting the worse – and his wife told me that the French soldiers had already left for the site of the accident. The French Cdr then told me that they were probably the only ones to be authorised to approach the aeroplane but that it was necessary to wait *for daytime before trying to recover the black box*¹⁹⁴”.

Murego Froduald, a soldier in the para-commando battalion from 1987-1994, heard by the Committee, began his testimony by pointing out a new factor showing that the French had participated on the evening of 06 April 1994 in the establishment and issuing of orders to kill given to soldiers from the para-commando battalion, then explained the active search through the wreckage of the aeroplane:

*“After the aeroplane fell, an alert was given and we gathered in front of our office in the CRAP unit. Within this gathering, there were Frenchmen who were training us. Among them, I recognised De Saint Quentin, who had replaced Reffalo, as well as Janne, who was in charge of the operations of our unit. While we were gathered on the tarmac, De Saint Quentin was talking to some Rwandan officers, including Major Ntabakuze, and at the end of their conversations, Lt Kanyamikenke, our chief in charge of the CRAP unit, came to inform us that the aeroplane had been shot down and ordered us to go to president Habyarimana’s residence. We left with Kanyamikenke and Major Ntabakuze. On arrival at the residence, we began to gather up the bodies. After retrieving all the bodies, **the French soldiers began to look for the black box**, but I do not know whether or not they found it because I left in the morning and they were still there¹⁹⁵”.*

Sergeant Major Barananiwe Jean-Marie Vianney, a member of the presidential guard from 1977 to 1994, was head of the department of the presidential guard which was in charge of the protection of president Habyarimana’s residence on the evening of 06 April 1994. The units protecting the main entrance to the residence were placed under his authority, the most senior official on the site being Lieutenant Evariste Sebashyitsi. Sergeant Major Barananiwe reported that the French had carried out an intensive search several times and had taken away pieces of the aeroplane, including the black box:

*“Major Ntabakuze was the first to arrive by the South entrance, where the pigsty was, and asked me which aeroplane had just crashed. I replied that it was the presidential aeroplane. He went to check for himself. Then we also went to see what had happened. The French soldiers immediately arrived to intervene, wearing helmets and carrying torches. We also used them before we received our own, because we were in darkness. They helped us to gather up the bodies, which were scattered all over the place. **They also looked for the black box**. We gathered up the bodies, which had been treated with formalin on the recommendation of Dr Baransaritse, then they laid them out in the living room of the residence.*

During that night, Major Mpiranya, Mrs Jeanne, the President’s daughter, and her husband also came to the residence, as well as the individuals from the CRAP whom

¹⁹⁴ Hearing of Pasuch Massimo in file no. 02 02545 N94 C8 of the military auditor in Brussels, 09 May 1994

¹⁹⁵ Hearing by the Committee in Rubavu, 27 February 2008; see also 1st Sgt Munyaneza Emmanuel and Nzayisenga Jean Baptiste (Cpl), heard by the Committee in Ngoma (Kibungo), 10 July 2008

*Major Ntabakuze had brought. They spent two days there. **The French came to look for the black box on 07 or 08/4/1994, but I can no longer remember the day when they found it.** On 08/4/1994, the Burundians came to recover the bodies of their compatriots; the French came back on 09/4/1994 and evacuated the Habyarimana family on 10/4/1994. The bodies were taken to Gitarama with the government, then to Gisenyi. Only Habyarimana was buried in Gbadolite; all the others were buried in Goma¹⁹⁶”.*

Ntawishunga Edouard, who joined the army in 1969 and was a member of the LAA battalion from 1988 to 1994, was the chauffeur of the commander of the Kanombe camp, Colonel Félicien Muberuka, and drove him to the presidential residence several minutes after the aeroplane exploded. He reported that the French looked for the black box and took it away:

*“Just after the aeroplane exploded, Colonel Muberuka asked me to drive him to President Habyarimana’s residence. Several officers went there, including two French soldiers who were instructors in the para-commando battalion. They left in the vehicle driven by Major Ntabakuze, a commander in the para battalion. Among those Frenchmen, I recognised De Saint Quentin. He was their leader. I did not go inside the fence; I stayed outside in the vehicle that I was driving. **I learnt from my colleagues who were inside the residence that De Saint Quentin had looked for and recovered the black box from the aeroplane¹⁹⁷”.***

Segatama Emmanuel and Zigirumugabe Grégoire, members of the presidential guard in 1994, formed part of the unit placed at the main entrance of the residence under the supervision of Sergeant Major Barananiwe. Both men stated having seen the French carrying out the search in order to look for the black box. Segatama said:

“The French arrived on the evening of 06 April at the site where the aeroplane had come down, accompanied by Ntabakuze and individuals from the CRAP. I could see that the French were not concerned about looking for bodies. Instead, they were busy rummaging through the documents scattered everywhere; then they tore apart the wreckage of the aeroplane. They were not interested in people. The next morning, they came back and continued their search of the aeroplane. There were four or five of them¹⁹⁸”.

Zigirumugabe added that the black box had been found the day after the crash: *“After the crash, Major Ntabakuze and his escorts were the first to arrive at the aeroplane. He was followed by Major Mpiranya, our leader. **Then, the French also arrived at the scene. They immediately went to the aeroplane and began to look for the device which apparently records voices. They did not find it that evening. The next morning, at around 08:00, they came back and continued the search. I heard them say to the Lieutenant who was commanding us, whose name I have forgotten, that they had finally found this device, which I believe is called ‘Black box’.** That is how I saw things, and that is how they happened¹⁹⁹”.*

Other testimonies are along the same lines as the three previous ones in confirming the search of the aeroplane and the active hunt for the black box. Sergeant Tegera Aloys, who joined the army in 1973 and was a member of the presidential guard in 1994, was sent to protect the site of the attack on 06 and 07 April 1994. He stated that three French officers actively looked for the black box :

¹⁹⁶ Hearing by the Committee in Kigali, 28 May 2008

¹⁹⁷ Testimony gathered by the Committee in Ngororero, 27 September 2008

¹⁹⁸ Testimony gathered by the Committee in Kigali, 04 August 2008

¹⁹⁹ Ibidem

*“I remember having seen a French officer who was an instructor in the para-commando battalion at the site where the aeroplane had crashed; I think he had the rank of captain. He was with two other French soldiers, but he was the only one I knew. **It was the morning of 07 April at around 9:00. He went to the shell of the aeroplane, saying that he was in search of the black box.** This word was definitely said; I heard it with my own ears. But I did not see this black box to be able to describe what it looked like. I was not very interested in it. To my knowledge, no other foreigner had access to the site, except those three Frenchmen²⁰⁰”.*

Nzayisenga Jean Baptiste, who joined the army in 1987 and in 1988 was assigned to the para-commando battalion, where he stayed until April 1994, was part of the CRAP company that was at the residence on the evening of 06 April 1994. He reported that he saw the Frenchmen looking for the black box on the morning of 07 April:

*“On the evening of 06 April, about one hour after the aeroplane fell, I was sent to the presidential residence to defend it. I was inside, while other soldiers were placed outside. At the place where I was positioned on the evening of 06 April, I could not really see the people who were at the site of the aeroplane. But in the morning, I could see from my position; it was light. **I remember then having seen three Frenchmen at the site of the aeroplane on 07 April. I heard them say that they were looking for the black box and they asked my colleagues to help them carry out their search. I did not know whether or not they found it in the end²⁰¹”.***

Ntibategera Léonard, a soldier in the para-commando battalion from 1982 to 1994 who guarded the site where the wreckage of the aeroplane was, said that the French declared that they were in search of the black box: *“**On 07 April in the morning, at around 07:00, I was sent on service to the place where the aeroplane had crashed. The French arrived there and said that they had come to look for the black box.** They then took apart several pieces of the aeroplane: they carried out an in-depth search and rifled through the entire aeroplane, mainly in the cabin. I cannot tell you at what precise moment they left because in the meantime, I had been sent as reinforcement to the airport, leaving them at the site. But I learnt from my colleagues who stayed at the site that they had recovered the black box²⁰²”.*

The aeronautics specialists questioned stated without hesitation that passenger aeroplanes cannot receive a certificate of airworthiness without being equipped with one or two black boxes, depending on the aircraft. François Munyarugamba, an air navigation technician who worked in the profession for thirty-five years at Kanombe International Airport, stressed:

“The certificate of airworthiness is compulsory for aeroplanes of Heads of State, and it is not granted if the aeroplane does not have a black box installed. Furthermore, it is the first point that is checked during aeroplane maintenance checks. We begin by identifying the fixing of the black boxes in the aircraft, then we check their performance. Some aircraft, such as helicopters, have one black box, but it was compulsory for the Falcon 50 presidential aeroplane to have two black boxes. Without these two black boxes installed in the aeroplane, the certificate of airworthiness is not issued²⁰³”.

It must furthermore be noted that the French have admitted having recovered the remains of the missiles used to shoot down the aeroplane at the site of the attack, which enabled the

²⁰⁰ Testimony gathered by the Committee in Rubavu, 28 February 2008

²⁰¹ Testimony gathered by the Committee in Ngoma (Kibungo), 10 July 2008

²⁰² Testimony gathered by the Committee in Kigali, 14 May 2008

²⁰³ Testimony of François Munyarugamba, heard by the Committee in Kigali, 13 March 2008

Parliamentary Commission of Inquiry (MIP) to indicate that the missiles used were Soviet-manufactured SA-16s²⁰⁴. Would they have recovered the remains of the missiles without also thinking about recovering the black box? It seems unlikely.

The sequence of events of the attack reported by eye witnesses

The main direct witnesses of the attack fall into various categories: the people living in the hills near the site, the technicians at Kanombe Airport, the FAR soldiers and the UNAMIR blue helmets assigned to the surveillance of the airport.

The people living in the hills near the site of the attack

Due to a lack of basic technical knowledge, their accounts are not very clear on the nature of the phenomena observed and are sometimes even unlikely. Some of these witnesses confuse what they learnt from others with what they saw themselves, so their testimonies are not of great interest.

The airport technicians

Eye witnesses, including the airport commander, the head of electrical maintenance, officers in charge of radio communication and firemen, as well as two air traffic controllers, one of whom had worked during the day at the time of the aeroplane's departure and the other of whom was on duty during the evening of its arrival, were heard by the Committee. Several of them, in particular the controller and the commander on duty, had not seen each other again since 1994 until the time when they were heard by us, but their testimonies are similar with regard to the reality of the important events which took place at Kanombe Airport on the evening of the attack.

The air traffic controller who had worked on the night between 05 and 06 April, Heri Jumapili, said that he had noticed a very tense atmosphere prior to the aeroplane's departure, as well as unusual and suspicious anomalies in the preparations for the flight of the Falcon 50:

“On the morning of 06/4/1994, the situation was very confused at the airport during the preparations for the take-off of the presidential aeroplane. The flight authorisation took a long time to be granted, as even presidential aeroplanes need to have prior authorisation to fly from one airport to another normally. The authorisation documents were sent to the Rwandan embassy in the country of destination, to the director-general of aeronautics, and to the control tower for information. I had to contact the commander on duty and the ground radio communication services, which were able to communicate with Dar es Salaam Airport, and ask them to check with the Rwandan embassy. To me, it was surprising that the necessary measures had not been taken on time for the presidential aeroplane. (...) Afterwards, these steps were carried out and we eventually obtained the flight authorisation verbally. I even mentioned this delay in the record; you could see it if you looked for it²⁰⁵”.

The air traffic controller on duty on the evening of the attack, Patrice Munyaneza, for his part, provided a certain amount of technical information relating to the flight times, the

²⁰⁴ MIP, Volume II, Appendices, p.278

²⁰⁵ Heard by the Committee in Rusizi, 28 March 2008

preparations for landing, the sequence of events of the attack and what happened subsequently. With regard to the times and the preparations, Munyaneza said:

“I was on duty on the night of 06.4.1994. I arrived at my station at 18:00 in the evening to replace Warrant Officer Gatera. The flight progress strips had been prepared, but the exact time of arrival was not yet known. I continued to wait with my assistant controller, Aloys, located in the flight information centre with high-frequency radios enabling communication between different airports.

Shortly afterwards, Dar es Salaam Airport signalled the flight of the presidential aeroplane and the time at which it was likely to cross from the airspace of Tanzania into that of Rwanda, as well as its estimated time of arrival at 20:26. At around 19:00, the pilot of the presidential aeroplane called to tell me that he was approaching Rwandan airspace and told me the time of his arrival so that I could warn the firemen, the signalmen and the command on duty at the airport, as well as the senior authorities affected by the President’s return.

After this coordination, the pilot called me again after having reached Rwandan airspace to tell me that he would have to continue the flight to Burundi, and asked me to prepare his flight plan to Burundi. I immediately communicated this to the central aeronautical telecommunications office (BCTA) to send the message of departure.

Shortly afterwards, the assistant controller came up to bring me information regarding the flight of the aeroplane to be communicated to all the services concerned at the airport, namely the BCTA, the firemen and the command on duty at the airport. He remained standing up to my left, looking in the direction where the presidential aeroplane was coming from”.

With regard to the sequence of events of the attack, Patrice Munyaneza explained:

“We were preparing for the landing when we saw the aeroplane. While I was preparing to communicate with the pilot to authorise him to land, I heard an explosion. When I looked in the direction where the presidential aeroplane was coming from I saw fire around the aeroplane. I rushed to call the pilot, but he was no longer responding. My assistant then told me that he had just seen three blazing bullets go past. The first had gone underneath the aeroplane and the second above it, and the third had hit it. My reaction then was to telephone the firemen and ask them to go to the end of the runway to see what was happening. They went there, but could not see anything unusual. They deduced from this that the accident had taken place off the runway. The electricity was immediately cut off on the instructions of the security services”.

The attack was followed by a situation of violence towards the controller and the recovery of the documents relating to the flight:

“Two soldiers from the presidential guard who were keeping watch on the balcony of the control tower forbade us from bringing in any other aeroplane to land. At around midnight, the director-general of aeronautics, Simbizi Stany, accompanied by a soldier from the presidential guard, came to ask me in my capacity as a technician how the events had taken place. I began to explain to him, but they reacted harshly. They gave me a beating all over and confiscated the records, flight progress strips and everything that was related to that flight, as well as my identity documents. I then learnt that they had also taken the radio service recordings: the communications between the controllers and the aeroplane, as well as the telephone communications from the control tower. I therefore remained in the control tower

and no other aeroplane landed there; the airport was blocked off and the electricity was cut off. Shortly afterwards, there was a Belgian C130 that needed to land, but was forced to make a diversion²⁰⁶”.

The commander on duty who was the most superior authority and was in position that evening, Cyprien Sindano, saw the whole sequence of events, from the execution of the attack to the subsequent events. He confirmed that the aeroplane was hit by two shots, that the electricity at the airport was immediately cut off on the orders of the presidential guard, and that the documents relating to the flight had been seized by Simbizi and the presidential guard in a context of violence towards the controller:

“I carried out the command on duty at the airport on the night of 06/04/1994. I had arrived at my station at around 19:00 and I had had the briefing showing that the presidential aeroplane was expected at 20:30. I stayed in my office, waiting. I asked the control tower if there had been any contact with the aeroplane, which was confirmed to me by the controller. When we began to see the aeroplane coming towards runway 28, I went out to watch it clearly and follow its descent. All of a sudden, I saw a tracer bullet going up and following the aeroplane’s path. Straight away, a second was launched and hit the aeroplane in mid-flight. The aeroplane exploded with a crash, its lights went out, and a haze of gunfire broke out in all directions at the edges of the airport.

I immediately asked the control tower what had just happened. The controller replied that they had been in contact with the pilot and that they had discussed the final indications in preparation for the landing, but that the communication had suddenly been cut off. He told me that he had warned the firemen to go to the end of runway 28 to see what was happening and to intervene if necessary, but that the soldiers had made them turn back. The presidential guard had given the order to cut off the electricity from the power station. There was total darkness and everyone was stuck where they were. Only the soldiers were moving around. Finally, I borrowed a torch from the gendarmes so that I could go back to the control tower.

Until then, I did not know the controller who was on guard. When I arrived I found Simbizi and a soldier from the presidential guard there in the process of questioning the controller and knocking him about. They even confiscated his identity documents. Several minutes later, we left together to go around all the blocks of the airport. The soldiers from the presidential guard were knocking about the airport officers on duty that night and confiscated everything they could find, even money and identity documents. We remained in uncertainty like that until we were evacuated after two weeks²⁰⁷”.

The head of the fire service on duty that night, Naasson Sengwegwe, backed up this sequence of the same events:

“From when we were warned, we went to the end of the runway and saw that the accident had taken place off the runway. When we wanted to leave via the exit located at the MAGERWA side, the gendarmes who were guarding the airport made us turn back due to the gunfire which had blocked them. In the meantime, the electricity and telephone lines had been cut off. The director-general of aeronautics, accompanied by the presidential guard, joined us. They began to knock us about and confiscated our identity documents. They then locked us in the technical block and had us guarded by a gendarme. We remained on duty at the airport for a month.

²⁰⁶ Hearing by the Committee in Kigali, 06 March 2008

²⁰⁷ Testimony gathered by the Committee in Rusizi, 28 March 2008

When the RPF approached the airport, we were sent to Cyangugu to serve at the Kamembe aerodrome²⁰⁸”.

The engineer on duty, Crescent Dusabimana, described an identical chronology of events:

“I left home at 16:00 and arrived at the airport at 17:00 to carry out my duty in my position as engineer in charge of the safety of the gates and pumps. The control tower called us to warn us to prepare to deal with the aeroplane as soon as it arrived.

I went up with the servicer at around 20:30 near the tank guards and the gendarmes positioned at that exit. We saw the aeroplane coming, with its landing lights on, as well as the runway lights lit.

All of a sudden, a shooting star went up and curved, then went out before ending up on a level with the aeroplane. The second reached it and in about three seconds the landing lights also went out. I had gone up with a night light to connect the pumps. There were also lots of soldiers from the presidential guard who had brought buses onto the runway. A high-ranking soldier from the presidential guard who I did not know then went past in a jeep at great speed and shouted: ‘The presidential aeroplane has been shot down, hasn’t it? The war is about to begin!’

In a panic, I quickly ran to hide with the guard who was with me in the navigation room, leaving our equipment behind. We were stunned. Shortly afterwards, there was gunfire in the air that did not last long, after which there was a flare which I think came from the UNAMIR soldiers. At around 22:00, I began to wonder what was going to happen, because I had left the pumps in operation, whereas they were supposed to change over according to their setting, without which they could overheat and catch fire. However, I did not know how to go back. I tried to telephone but could not, as the telephone lines had been cut off. I then approached the gendarmes I saw moving around so that they could go with me to sort things out. They contacted the airport commander and gave us a Suzuki car allocated to their service on duty. I therefore went to disconnect the pumps, leaving the register and the water tester.

When I returned, I picked up Radio Burundi and learnt through that that it was the aeroplane bringing back presidents Habyarimana and Ntaryamira that had caught fire. It was only the next day, 07/04/1994, that I went back to recover the equipment that I had left on the runway. At that time, it was calm at the airport, except for the bullets you could hear here and there in the area of Kanombe named “Akajagali”, opposite the airport. One of the guards who I had sent to buy me a cigarette came back terrified, telling us that he had just seen a person who had just been killed, that is, saying that he had celebrated the President’s death. I stayed at my post because I could not leave it without being replaced, especially because between the third and fourth day after the attack, the captain in charge of the gendarmes had tasked them with making sure that I remained available²⁰⁹”.

The head of electrical maintenance, Anastase Munyarugerero, said that the power cut took place immediately after the attack and that it had been ordered by the assistant controller and a soldier from the presidential guard:

“At the time of the crash, I was inside the power station; I had to stay there in order to intervene in the event of an electrical problem. I therefore did not see what was

²⁰⁸ Testimony gathered by the Committee in Kigali, 17 March 2008

²⁰⁹ Hearing by the Committee in Kigali, 06 May 2008

happening outside. The only information I received reached me from the control tower. I therefore stayed inside the electrical control room and all of a sudden, a controller called Kayijuka Anastase and a soldier from the presidential guard whose name I do not know came to inform me that the President's aeroplane had been shot down and that I must cut off the electricity. I immediately switched off and they left. I stayed inside. Shortly afterwards, I heard several shots in the Kanombe area which lasted all night²¹⁰".

With regard to the matter of the cutting off of the electricity, certain members of the presidential guard who were in charge of security at the airport on the evening of 06 April 1994 stated that shortly before the aeroplane crashed, there were two or three momentary outages which did not last long, but they did not know whether they had been deliberately decided upon by the officers in the control tower or whether they were ordinary power cuts²¹¹. Venuste Nshimiyimana, a press attaché of the UNAMIR in 1994, also reported having "reliable information" indicating "that when the presidential jet appeared in the sky in Kanombe, the signalling lights on the runway suddenly went out²¹²".

The soldiers from the presidential guard who were present at the airport

The majority of the FAR soldiers who were at Kanombe Airport at the time of the attack were made up of members of the presidential guard who were awaiting the Head of State's return. Several of them said that they had seen three shots prior to the explosion of the aeroplane²¹³, followed by the blocking off of the airport on the order of their immediate superiors, then widespread gunfire broke out in the outskirts of the Kanombe camp and the presidential residence, initiated by the FAR units who were there, and these shots were aimed towards Masaka.

Elisaphan Kamali was a member of the presidential guard in charge of security inside the control tower, keeping watch over the work of the controllers. At the time when the aeroplane was shot down, Kamali was located on the balcony of the control tower, watching the aeroplane approaching. He is one of the aforementioned members of the presidential guard who manhandled the controller, Patrice Munyaneza. Kamali, as an eye witness, reported what happened to the aeroplane:

"During the president's journey, on 06/04/1994, there were alternating intervention teams. One was in charge of the immediate guard, while the other was in charge of security at the airport. Both went back after its departure and came back shortly before its return. We arrived at around 06:00 in the morning; he arrived at 09:00. His bodyguards had already left before him and he was supposed to join them. In the evening, I was in the control tower dressed in civilian clothing, but I stayed in contact with those who were on the ground in military uniform in order to warn them in time of the return of the presidential aeroplane. We saw it coming in the sky over Masaka when the first shot went underneath the aeroplane. The second reached the left wing and the third, the cockpit.

The three shots, which came from the same place, were heading towards the front of the aeroplane, which was on its landing approach above Nyandungu after having gone slightly past Masaka. The bullets went straight up vertically and curved

²¹⁰ Testimony gathered by the Committee in Kigali, 11 March 2008

²¹¹ Interview with Ntwarane Anastase, Presidential Guard, Ngoma (Kibungo), 03 July 2008

²¹² Vénuste Nshimiyimana, *Prélude du génocide rwandais. Enquête sur les circonstances politiques et militaires du meurtre du président Habyarimana*, Bruxelles, Quorum, 1995, p.77

²¹³ The first is often identified as a flare

towards the aeroplane. The aeroplane did not crash immediately; first it caught fire on its descent, then it crashed on the brick wall and the bougainvilleas. A wing fell behind the wall and caused a tree to fall behind the swimming pool. Those of us who were dressed in civilian clothing left in the military vehicle which had brought us to go and put on military uniform and defend the camp²¹⁴”.

Faustin Rwamakuba, a member of the presidential guard who was present at the airport in the morning and evening of 06 April 1994 and was in charge of the security, loading and transportation of the Head of State’s luggage, gave a similar report of events:

“As I was part of the President’s immediate guard, I was in position at the airport on 06/04/1994 from 14:00, awaiting the return of the presidential aeroplane. We were informed that the return of the presidential aeroplane was scheduled for 20:25. When the time came, one of my colleagues, named Karasanyi, asked us to prepare for the arrival of the aeroplane, which we could see already. As I was in charge of transporting the luggage, I started the car and got myself ready behind the steering wheel. It was at that moment that I saw a shooting star heading towards the aeroplane.

All of a sudden, I realised that it was an attack, because there were another two successive missile shots which seemed to come from the foot of the airport and were aimed in the direction that the presidential aeroplane was coming from, in the Masaka area. They then reached the aeroplane, which caught fire, exploded and crashed in the President’s residence. There then followed gunfire from the soldiers who were shooting from the presidential residence. The order was immediately given to block off the airport with everything that was there and to prepare from then on for fighting. A Belgian tanker aircraft was forced to turn around above the airport and was forbidden from landing. The Belgian UNAMIR soldiers who were at the airport came to inquire about what was happening, offering in vain to help us²¹⁵”.

Nsabimana Paul, a member of the presidential guard who was also assigned to the security at the airport on the evening of 06/04/1994, stated that he and his colleagues had been warned by the controller that the aeroplane was going to land, then they had seen a series of three flames go up from the ground at five-second intervals. The first shot missed the aeroplane and the second reached it, while the third destroyed it. Their superiors immediately gave the order to block off the runway using buses and lorries in order to prevent any other landing:

“I arrived at the airport on 06 April 1994 at around 14:00 with my colleagues. I was in charge of security at the control tower and I was stationed near there. I remember it perfectly. At around 20:00, we were alerted that the aeroplane was going to land. I was on the balcony of the control tower and the civilian officer who was inside the tower warned us that the President’s aeroplane was preparing to land in around five minutes. We then began to look and saw the aeroplane coming from Masaka. I could see it very clearly. When it arrived in the sky above Masaka, I saw something that looked like a flare coming from the ground, which was going up in the direction of the aeroplane and missed it. The second touched it on one wing; the third broke it in two, then the aeroplane caught fire and came down in the residence. There was a gap of around five seconds between each of the three shots. I remember very clearly; I was watching. I cannot forget that event. The shots went underneath the aeroplane. Immediately, the head of my team, Warrant Officer Semutaga, gave us the order to block off the airport in order to prevent any other aeroplane from

²¹⁴ Hearing by the Committee in Ngororero, 21/06/2008

²¹⁵ Hearing by the Committee in Rubavu, 29 February 2008

landing. We used buses and vans that we found there. People in the control tower were evacuated towards the places below and military positions had been placed along the landing strip²¹⁶”.

Twagirayezu Innocent, another member of the immediate guard of the Head of State who was awaiting his return, reported having heard three shots, then the instant power cut at the airport, followed by gunfire in the Kanombe area:

“The presidential guard had arrived at 13:30, but the presidential aeroplane did not appear until around 20:20. Lieutenant Mboneko, our superior, was advised to be ready in five minutes. When the aeroplane was in full landing position, three successive shots were fired very close together, the third of which reached the aeroplane on final approach to land. All the entrances to the airport were blocked off immediately, and the electricity and telephone lines were cut off. There was then massive gunfire in the Kanombe area and a meeting of officers was immediately held at the headquarters. That made me think of a coup d’état²¹⁷”.

The blocking off of the airport and the placing of objects on the runway was confirmed by Cpl Mudakikwa Félicien, a member of the presidential guard from 1989 to 1994. On duty at the airport, he reported, like Twagirayezu Innocent, that the order to act thus had been given by Lt Mboneko, who was the most senior head of the operations of individuals from the presidential guard posted at the airport on the evening of the attack²¹⁸.

These testimonies from members of the presidential guard who were on duty at the airport on the night of the attack concur with that of another soldier, Silas Siborurema, who had been wounded in the war and was at the Kanombe military camp at the same time, and also saw the sequence of events, which he described as follows:

“Having been among the war wounded since 1992, I was assigned to pursue health auxiliary studies in Kanombe. That is why I was at the Kanombe camp on 06/04/1994. That evening, I was in the internal medicine service. I saw the presidential aeroplane approaching. All of a sudden, I heard three shots similar to those of a mortar and I looked. The first just missed it, the second reached it and made it zigzag in mid-flight, then the aeroplane disappeared with the third shot. I immediately saw fire coming from president Habyarimana’s residence. These shots went up horizontally from the left side of the aeroplane, which was coming from the Nyarugunga valley area, as if they were aiming from the side of the aeroplane’s wings.

The aeroplane was shot down near the camp after having gone past the valley, and I think it crashed at the EFOTEK²¹⁹. From what I saw, the shots did not go up towards the front of the aeroplane or behind it, but rather from its left side. Immediately after the aeroplane disappeared, the presidential guard opened gunfire towards Masaka. Later, in the middle of the night, in the Kanombe area, the gunfire began again and did not stop until the morning. Furthermore, there was another aeroplane following that of the President, which circled for around 15 minutes, then flew away without landing²²⁰”.

²¹⁶ Interview with the Committee in Rubavu, 20 June 2008

²¹⁷ Hearing by the Committee in Rubavu, 28 February 2008

²¹⁸ Hearing by the Committee in Rubavu, 28 February 2008

²¹⁹ Ecole de Formation Technique de Kanombe (Kanombe Technical Training School) located near the Kanombe military camp

²²⁰ Hearing by the Committee in Nyaruguru, 18 April 2008

The UNAMIR blue helmets posted at the airport and the members of the Belgian technical military cooperation

In accordance with its mandate, the UNAMIR had placed its contingents in the various districts of Kigali City, including Kanombe International Airport, which was jointly guarded by Belgian soldiers and a unit of the Rwandan gendarmerie, the Kanombe Airport company (CAK). These UNAMIR soldiers were privileged eye witnesses of the attack against the aeroplane and shed a certain amount of light which enabled us to better understand the sequence of events.

Corporal Mathieu Gerlache was part of a Belgian contingent that arrived in Rwanda on 27 March 1994. The CP of his company was located in the former control tower, which was about 6 metres tall and whose top floor, a platform surrounded by glass, housed the radios. On 06/04/1994, Mathieu Gerlache was posted in the former control tower, where he was on radio duty. His company was stationed at Kanombe Airport from 19:00 to 21:00. Gerlache reported that he saw the aeroplane coming towards the landing strip and thought at the time that it was a Belgian C 130 which was supposed to arrive in the evening. He went out of the control tower to watch the movements of the aeroplane that was approaching. He saw two points of light leaving the ground in a place located at the Kanombe military camp and heading one after the other towards the aeroplane, but did not hear the noise they made. Several moments later, widespread gunfire broke out from the Kanombe camp located at the foot of the airport, as well as the shots from automatic weapons coming from soldiers positioned at the presidential residence:

“The Kanombe FAR camp was located about 1.5 kilometres from the airport as the crow flies. As we were set up in the former control tower that was 5 or 6 metres tall, our company CP and the radios were on the top floor of the tower. This top floor was a platform surrounded by glass. From the view that we had of that place, we could see all the runways but not the FAR camp, as that was lower down.

On 06 April 1994 at around 20:30, when I was on radio duty, I saw that the runway lighting had just been lit up. I will specify in fact that the lighting was always off. The runway was only lit up when aeroplanes were coming in to land. I then went out of the control tower and leant on the guardrail of the platform to look at the aeroplane that was coming in to land. I am definite in saying that the airport lighting never went out during the aeroplane’s approach. The lighting did go out, but after the aeroplane accident; I could not tell you how long afterwards.

When the aeroplane was approaching the airport, we did not know which aeroplane it was. I then noticed a point of light coming from the ground. The point originated from the KANOMBE camp. With regard to the colour of the point of light, I think it was white. You could have thought it was a shooting star from its shape. It was when I noticed that this point was going in the direction of the aeroplane that I realised it must have been missile fire. At that moment, the lights of the aeroplane went out but the aeroplane did not explode after the first shot. The lights of the aeroplane never came back on again after being put out. I was even more convinced that it was missile fire when I saw a second point of light, the same as the first, coming from the same place and going in the direction of the aeroplane. At that moment the aeroplane exploded and fell about 500 metres from the PRESIDENT’S residence, which was aligned with the landing strip.

At the moment when the aeroplane exploded, widespread gunfire immediately broke out. I could see from each side of the runway, and probably from both sides of the PRESIDENT's house, several firearm shots, including some with tracer bullets. I could not estimate how long these shots lasted. At the moment when the aeroplane exploded, I did not see any soldiers from the FAR on the airport runways.

Following these events, I informed the company commander alongside me, S3 (CAPT. CHOFRAY), via radio. I told him that an aeroplane had just exploded following fire from two missiles. S3 did not take this information seriously, and even announced on the radio network about an hour after the events that it was a munitions store that had exploded in KANOMBE. My company commander (CAPT. VANDRIESSCHE) then went to the civilian airport and learnt that it was the PRESIDENT's aeroplane that had just exploded. When he came back, CAPT. VANDRIESSCHE immediately informed the upper ranks of the precise facts over the radio²²¹”.

The description of a trail of fire in the sky coming from the left side of the aeroplane, followed by a loud detonation, can be found in the account of another soldier from the Belgian UNAMIR contingent, Moreau Nicolas, who held the role of warehouse supplier. At the time of the attack, he was in Rutongo, just in front of a convent of nuns, where he had just finished guarding one of the UNAMIR stocks and went down towards Kigali. There, Nicolas Moreau was able to watch the missile fire and the explosion of the aeroplane:

“On the evening of 6/4/1994, I was with my section in a convent (I could not tell you where it was)²²²; we were taking our turn at keeping watch there for 2 hours. We were finishing our shift when I saw in the sky (I did not know at the time that it was in the direction of the end of the airport runway) first a single bright, orange flame. This first bright flame curved in the shape of a bell and was beginning to fall again when I saw a second (which seemed to be coming from the same place) going up into the sky. The second flame was stopped. I then saw a cascade of flames (but did not hear an explosion), and when this cascade fell to the ground, I saw a big ball of fire followed by a detonation. I assumed that it was an aeroplane which had been shot down. I never saw the aeroplane because the sky was black; it was around 20:00.

Cpl CORNET, who was next to me, also saw the same thing as me. The other blokes who were there were behind the UNIMOG, and I think they only heard the last detonation with the great flash of light on the ground. I could not describe what I saw more specifically, because we were very far from those two trails of fire in the sky, and it was already night-time. I am definite in saying that from the place where I was, the two missiles were coming from the left and heading into the sky towards the right. The firing angle was about 70 degrees²²³”.

On reading this testimony, the members of the Committee wondered whether it was possible to see events taking place in Kanombe or Masaka from Rutongo, a locality situated about ten kilometres from Kigali as the crow flies. They then went to the place where Nicolas Moreau had been and carried out a reconstruction of the events reported by him. It became apparent from this visit to the area that the exact place where Moreau had been is a high hill where visibility is very good at night-time and during the day when the sky is clear.

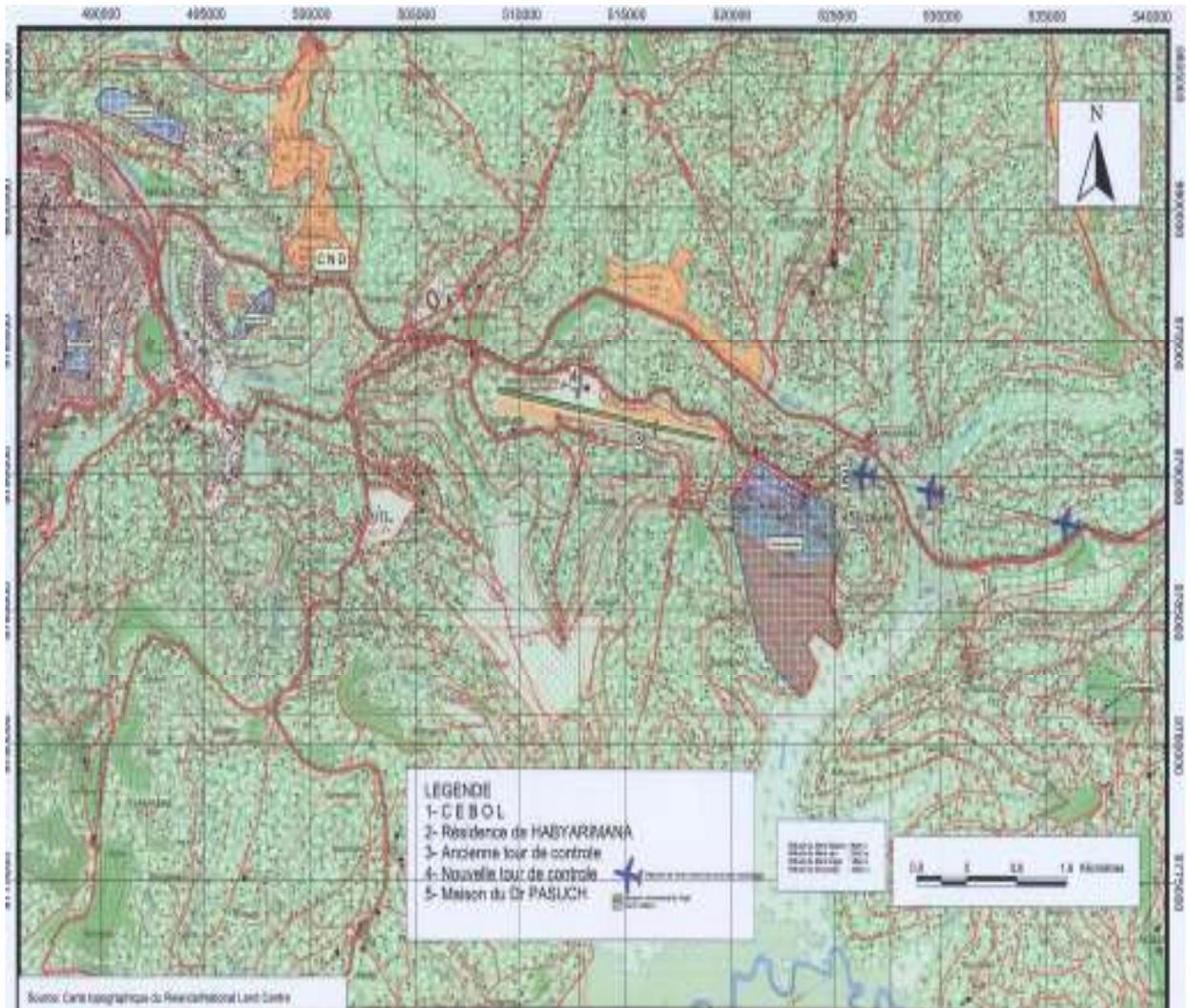
²²¹ Record of hearing no. 759/94 of 30 May 1994 of Gerlache Mathieu by the gendarmerie, Brussels crime detachment

²²² The KIBAT Report specifies that it is in Rutongo, p.8

²²³ Record of the hearing of Moreau Nicolas on 3/6/1994 of the Brussels military hearing

From this site, one can see Kanombe Airport, the military camp and the presidential residence very clearly. The hills of Masaka and Rusororo are also visible, but the CEBOL valley, from where the shots were allegedly fired, is not visible, and it appears to be impossible to see from Rutongo that the origin of the shots was in the CEBOL, which is in a valley that is completely hidden from sight by several hills, opposite Masaka. As Nicolas Moreau had estimated that the firing angle of the missiles was 70 degrees, the Committee had a sketch map drawn up by cartography specialists, which shows that the CEBOL could not have been the origin of the shots; on the contrary, the angle of 70 degrees formed by the trajectory of the aeroplane and the trajectory of the missiles, the two lines intersecting at the point of impact, corresponds to the military domain of Kanombe, whereas the CEBOL corresponds to an angle of 30 degrees²²⁴.

²²⁴ See Sketch Map



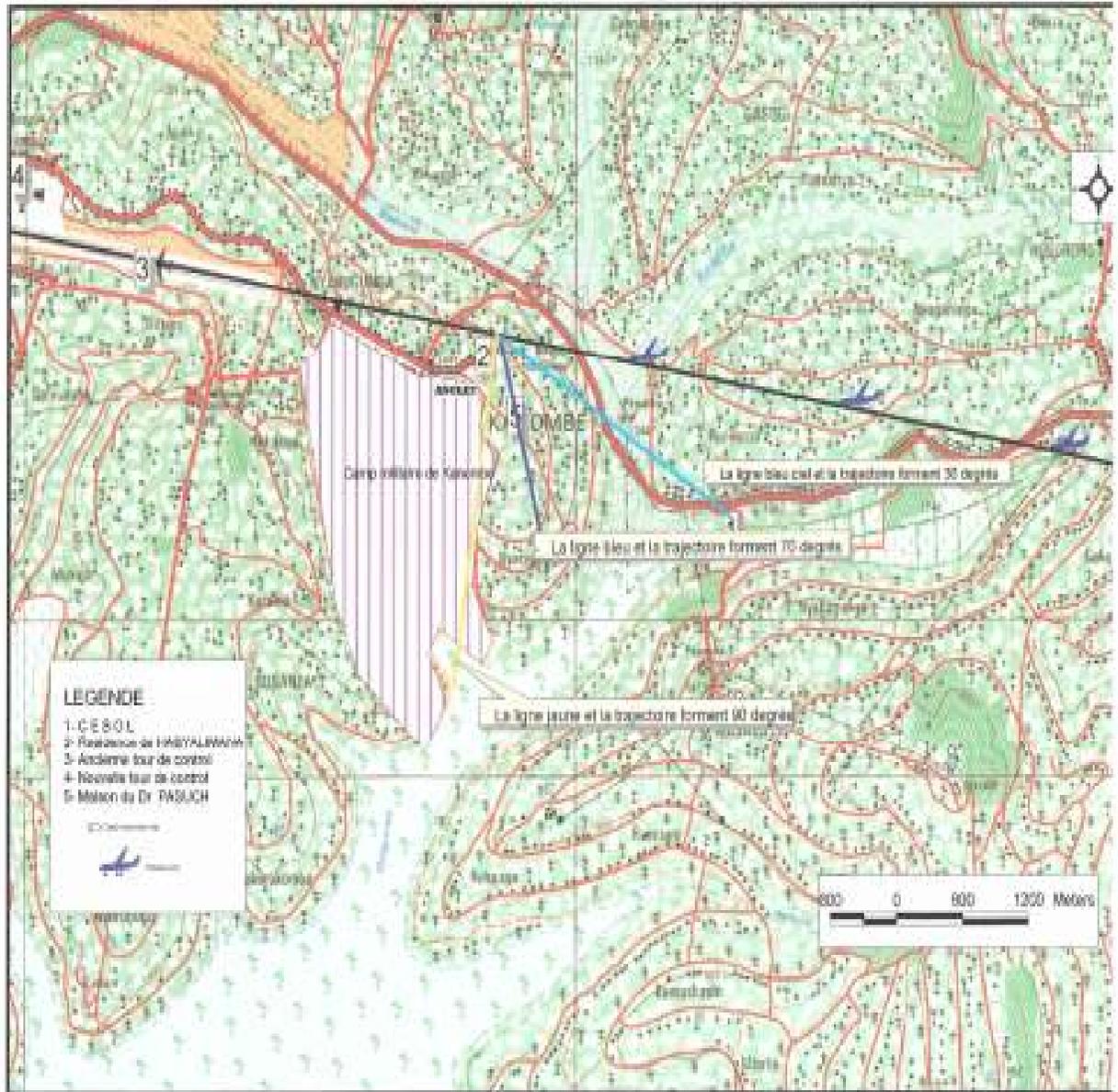
KEY

- 1.- CEBOL
- 2.- HABYARIMANA's residence
- 3.- Former control tower
- 4.- New control tower
- 5.- Dr PASUCH's house

Aeroplane symbol = Trajectory of the aeroplane in line with the landing strip
 Green section = Kigali International Airport
 Blue and white criss-cross section = Military camp

Altitude of Mount Rebero: 1809m
 Altitude of Mount Jari: 2042m
 Altitude of Mount Kigali: 1856m
 Altitude of Shyorongi: 2000m

Source: Topographical map of Rwanda/National Land Centre



KEY

- 1.- CEBOL
- 2.- HABYALIMANA's [sic] residence
- 3.- Former control tower
- 4.- New control tower
- 5.- Dr PASUCH's house

White section with purple lines = Kanombe camp.shp

Aeroplane symbol = Theme4.shp

White and purple striped section = Kanombe military camp

The pale blue line and the trajectory form a 30 degree angle

The blue line and the trajectory form a 70 degree angle

The yellow line and the trajectory form a 90 degree angle

Another direct testimony came from Dr Pasuch Massimo, a Belgian military doctor (lieutenant colonel) who was working at the Kanombe military hospital in the context of the Belgo-Rwandan cooperation. He was living in the villas allocated to the Kanombe camp officers, 300 metres from the presidential residence. He heard the blast followed by two detonations and saw the aeroplane on fire crash into the gate and the gardens of the residence. He also described his surprise at the quick reaction of the FAR:

“I was one of the direct witnesses of the attack. On the evening of 06/04/1994 at one “hour” after the half hour, that is, 19:00 or 20:00 and one plus half an hour [sic]. I was in my living room. I then firstly heard a “blast” noise and saw an “orange” shooting light. I wondered who on earth would be celebrating something. The “blast” was followed by 2 detonations. At that moment I did not hear any more noise from the aeroplane (jet engine).

My first reaction was to think that they had brought down the C 130 (B) which was supposed to arrive that evening. I went out of my house and there I saw a ball of fire that was crashing onto the President’s land, ... 350-400 metres from my house. Between the detonations and our going out, the sky had been lit up “orangey yellow”, as if it had been lit up by flares but in orangey yellow shades (fuel oil in combustion).

On the ‘Kenwood’ radio I immediately warned military technical cooperation Warrant Officer Daubie, Lt Col Duvivier and Master Warrant Officer Lechat, who was already trapped at the airport. That shows the unusually quick reaction of the FAR. In less than quarter of an hour while we were warning the UNAMIR via a UNAMIR jeep radio, the shots had begun directly, coming in my opinion from the end of the runway and firing in the direction of Kabuga.

According to the intelligence I had had from the Kanombe camp and around the camp from the houseboys and the nuns, the Tutsis had been demolished from the 1st night, those opposed to and suspicious of the regime were manhandled, pillaged and some killed from the second night, and an almost systematic massacre of all potential eye witnesses was carried out from the 3rd night. It must be noted here that an attempt had been made to make people believe that there had been shooting coming from the CND (RPF). As that was not credible, it seems that the eye witnesses had to be got rid of.

On the Saturday morning the wife of the principal warrant officer (FR), Para-Cdo Jeanne Jean-Michel, arrived at my house in tears, saying that her houseboy had managed to escape massacres in the neighbouring districts, that he said that they were killing everyone at that moment, that they explained that it was the Belgians’ fault, and that we absolutely had to leave as quickly as possible.

(...) Our departure from Kanombe was carried out and facilitated by French Cdr Para-Cdo De Saint Quentin and Rwandan Major (Rwandan Para Bn Cdr) Ntabakuze. It must be noted that when the presidential aeroplane exploded I contacted Cdr De Saint Quentin to organise a coordination – expecting the worst – and his wife told me that the French soldiers had already left for the scene of the accident. The French Cdr then told me that they were probably the only ones authorised to approach the aeroplane but that they had to wait for the daytime to try to recover the black box. The people from the vicinity, who had taken refuge in the maternity ward of the Kanombe hospital, told the sisters that the (systematic) massacres of the 3rd night had in any event been ordered by a company from the Kanombe Para-Cdo Regiment.

(...) I can add that some old French friends from Kigali, with whom we are still in telephone contact, seemed to state that Brigitte Minaberi [sic], the wife of the co-pilot of the presidential aeroplane, had been listening to the aeroplane's approach on a personal radio. She apparently heard the Kigali control tower ask several times (5X?) whether the Burundian President was on board. (...) Perrine, the flight engineer on board, was apparently heard saying: 'Look, they have switched off the lights' (at the airport).

To my knowledge the crew on board the presidential aeroplane comprised:

- Hérault [sic]: pilot
- Minaberi [sic]: co-pilot
- Perrine: known as 'Pépé', flight engineer on board. I regularly saw these people and we had a friendly relationship. (...) rumour has it that the attack was arranged by the hardliners of the government (CDR), the President's wife's family, Col Bagosora, Sagatwa, a clique of 'hardliners' which also included Baransalitse and Serubuga. (...) I have no idea whether or not the FAR had missiles²²⁵."

All things considered, the Kanombe testimonies concur specifically on several points. The presidential aeroplane was shot down and exploded in mid-flight after having gone past the Masaka region. It was struck by two or three projectile shots which some professionals immediately identified as missiles. These shots came from a place close to the site where the aeroplane exploded. After the attack, intense gunfire broke out, prompted by soldiers posted at the residence and followed by those of the Kanombe camp, more specifically those who were stationed at the EFOTEK²²⁶; they were all firing in the direction of Masaka. The gunfire was heard by people in various districts of Kigali, a long way from Kanombe²²⁷. Straight away, massacres of Tutsis living in the Kajagari district in the vicinity of the military camp broke out, including at the home of the President's immediate neighbours, and intensified later on in the night throughout the entire Kanombe area. The next morning, dozens of bodies were already strewn over the streets of Kanombe.

²²⁵ Record of the hearing of 9.5.1994 of Pasuch Massimo by the Brussels military hearing.

²²⁶ Testimonies of Ntoranyi Protais, heard in Huye, 24 May 2008; Mutaganda Innocent, heard in Rubavu, 29 February 2008 (the latter commanded a section of the para-commando battalion posted at the EFOTEK on the evening of 06 April)

²²⁷ Sgt Muhutu Corneille, who was at the presidential guard camp that evening, reported having heard it: hearing by the Committee in Rubavu, 14 May 2008

The Refusal for the UNAMIR to access the site of the attack

On the actual evening of the attack, a crisis meeting was convened at the headquarters at the Kigali camp by Colonel Bagosora who chaired it. General Dallaire who was invited to the meeting “requested that the UNAMIR have permission to guard the site of the Accident so that a true investigation could take place”. Dallaire recounts that “Bagosora agreed so quickly that I immediately thought that either he had nothing to hide or he had already hidden what needed to be hidden”²²⁸. Witnesses belonging both to the UNAMIR and ex-FAR members are categorical about the fact that, despite several attempts, the presidential guard refused to grant the UNAMIR access to the site of the crash²²⁹. The airport fire officers who went there to put out the fire were also prohibited from accessing the site²³⁰.

Colonel Luc Marchal’s report is illuminating on this point:

“[On 6th April 1994] at 22:30, I was called to the FAR General Headquarters, by Gen. DALLAIRE. Gen. DALLAIRE, Gen. NDINDILYIMANA, Col RUSATIRA, Col BAGOSORA and officers of the FAR Staff Headquarters and the Police Force were present, as was I. I arrived there at 23:15 after various FAR roadblocks, the RECCE [Reconnaissance] battalion to be precise. The meeting lasted until 02:00 in the morning. (...) During this meeting Gen. DALLAIRE expressed his wish to double the escorts and guards for important Rwandan persons. He also expressed his wish to send a unit to the crash locations in order to keep the site under the UN’s supervision. This wish was ratified by the military authorities present. The following officers actively participated in the meeting: Gen. NDINDILYIMANA and Col RUSATIRA; **on the other hand I was surprised by Col BAGOSORA’s silence (...)**

The decision to send troops to the crash sites also took up a large part of my activities. It was agreed that a FAR liaison officer would be present in the KANOMBE airport car park in order to allow access by the KIBAT unit which had to carry out the mission. Despite the assurances given by Col RWABALINDA, the FAR liaison officer never showed up at the meeting place, with the consequence that our unit was never able to enter the camp to carry out its mission²³¹”.

On the basis of a promise of cooperation by the FAR, the UNAMIR sent a patrol to Kanombe to ensure protection of the site, but was blocked all night by the presidential guard, when at that precise moment French soldiers were, themselves, at the location of the aeroplane crash. It was Lt Sebashyitsi who commanded the units of the presidential guard in charge of security of the residence, who ordered his men to drive off any soldier or the UNAMIR agent who came to the sites²³².

²²⁸ Roméo Dallaire, *J’ai serré la main du diable*, Dec. 2003, p. 293

²²⁹ Report by the Belgian Senate, p. 397

²³⁰ Hearing of Sengwegwe Naasson (fire officer on duty at the airport on the night of 6 April 1994) by the Committee in Kigali, on 15 April 2008; Sgt Barananiwe Jean-Marie Vianney (Presidential Guard responsible for the section guarding the residence on the evening of 06 April 1994) heard by the Committee in Kigali, 28 May 2008

²³¹ Hearing of Colonel Luc Marchal, 11 October 1994, by the Brussels military hearing, Appendix A/1 of record no. 1575 (Ntuyahaga case)

²³² Testimonies of Presidential Guard Corporals Segatama Emmanuel and Zigirumugabe Grégoire, gathered by the Committee in Kigali, 4 August 2008 and 6 August 2008; Sgt Iyamuremye Emmanuel heard by the Committee in Kigali, 24 July 2008 and 11 August 2008.

According to the chronicle of events from 6 to 19 April 1994, as described in the document drawn up by Cpt. CSHEPKENS (KIBAT liaison office at the UNAMIR's Kigali Sector Headquarters), the patrol which had to go to the site of the crash was formed from 01:40:"

KANOMBE PATROL

- a. *At 01:40, Major DE LOECKER Officer of the General Sector Headquarters asked for a section to be kept ready to go to KANOMBE to reconnoitre the sites of the plane crash. All contacts were made so that there would be no problem. The task was assigned to AIRFIELD Presidential Guard Commandant Capt. VANDRIESSCH.*
- b. *At around 03:45, Battalion Commander Lt Col DEWEZ warned the AIRFIELD Presidential Guard Commander Capt. VANDRIESSCHE that according to the General Sector Headquarters, a FAR liaison officer would come to the airport to take charge of the section which had to go to KANOMBE. That officer never came.*
- c. *At 04:00, the Commander of the General Sector Headquarters Col BEM MARCHAL specified the aim of the mission: to check that the crash sites were not interfered with. He asked if the mine clearance experts (EOD: Explosive Ordonance Disposal) would be able to determine how the aeroplane was shot down. Battalion Commander Lt-Col DEWEZ answered no. The General Headquarters Commander Col BEM MARCHAL says that the FAR Military Staff was contacted and it warned the KANOMBE people. The section had to go to KANOMBE and keep watch over the aeroplane until the monitoring committee's arrival.*
- d. *At 04:15, the Second Commander of the Airfield Presidential Guard Lt VERMEULEN who was at the aerodrome where he was trying to settle the problem of Warrant Officer CANTINEAUX's ISC group which was blocked at the entrance to the airport was briefed, he came out of the aerodrome by the SOUTH and took the KANOMBE road with Section P1 B Sgt MAUFROID. They passed by on the road in front of the main entrance to the airport, they had to bypass several obstacles but there weren't really any roadblocks as such. Once they arrived at the KANOMBE entry building, they were turned back aggressively. Clearly, the KANOMBE people had not been warned.*
- e. *The section did a half turn. The Commander of the General Sector Headquarters Col BEM MARCHAL was informed, but he requested that the section remain nearby waiting for him to make the necessary contacts with the FAR. On the order of Battalion Commander Lt Col DEWEZ the section first took its position mid-way between the airport and the entrance to the camp. As the Commander of the General Sector Headquarters Col BEM MARCHAL did not manage to break the deadlock, Battalion Commander Lt Col DEWEZ then gave the order to the Second Commander Lt VERMEULEN to return to the old control tower. Second Commander Lt VERMEULEN went back passed the main entrance to the airport, but was blocked at N8. At 05:40, he took his position between N8 and N9 while the FAR set up a roadblock on the Kibungo road".*

According to Dallaire, Colonel Bagosora had promised him that he was going to order the soldiers who were at the residence to allow the UNAMIR to secure the site of the attack, but the residence's entry building received the UNAMIR patrol aggressively, roughly turning them back. It was only a month later that the UNAMIR was able to access the site of the

plane crash. Dallaire states: “it was not until late (...) late in May that we, the UNAMIR, were able to go to the site of the plane crash. The Presidential Guard categorically refused²³³”.

All this adequately shows that Colonel Bagosora did not intend to let the UNAMIR approach the wreck of the aeroplane to allow elements which could have led to the identification, by neutral third-parties, of the person responsible for the attack, to be safeguarded in the meantime. The order to refuse the UNAMIR access to the site of the attack cannot be understood since on the one hand the UNAMIR patrol was only instructed to protect the site while waiting for the arrival of neutral investigating officers. On the other hand, there was no question of the Rwandan soldiers who were standing guard being relieved by the UNAMIR; the two teams, FAR and the UNAMIR, normally had to watch over it together. Why refuse for this site to be guarded by a neutral party in the conflict other than to hide something compromising? As we will see later, eye witnesses confirmed that debris from the wreck was carefully searched by the French, and the black box was taken away between 6 and 7 April 1994.

Preferential access to the site of the attack granted to French soldiers

In the moments following the attack, an alert went out and a call for all the soldiers of different Kigali camps to fall in. In Kanombe, it was a para-commando battalion which was the most prominent. A few minutes after the attack, Major Ntabakuze who commanded this battalion, assembled his subordinates and told them that the presidential aeroplane had just been shot down by the RPF, and that a response would follow aimed at avenging the death of the President. He warned them that they needed to prepare themselves for a long battle and told them not to worry if they heard gunshots in the area : “After the attack, the immediate reaction was to fire several bullets in the direction of Masaka. Then, the soldiers were ordered to fall in. Major Ntabakuze told us: ‘There you go, we have just been decapitated. Now, it remains for us to avenge ourselves. For the moment we are going to the headquarters, to an urgent meeting, you shall wait for the decision to be made²³⁴’”. As stated above, the French instructors who trained and supervised the para-commando battalion, including lieutenant colonel Grégoire De Saint Quentin, were present in this mustering in response to a call for genocide²³⁵. After the mustering and after having given instructions to the para-commando battalion, Major Ntabakuze and the French went to the site of the plane crash and started the search of the shell, recuperation of parts and debris considered useful from the aeroplane and identification of the bodies of the victims.

Within the para-commando battalion, there was the CRAP company, created and supervised by the French, which specialised in infiltration operations and military intelligence operations in enemy territory. It was this unit which was sent by Major Ntabakuze to the presidential residence in the minutes following the attack. It took part in all the operations searching the aeroplane and searching for bodies, in the company of the presidential guard, and ensured the security of the residence, with positions in the surrounding area and inside where the wreck of the aeroplane was found. The two main entrances to the residence remained under the full

²³³ Hearing of Roméo Dallaire as part of the Akayesu trial, ICTR, chamber 1, 25 February 1998

²³⁴ Testimony of Cpl Nyirinkwaya Jean-Damascène gathered in Kigali, 6 June 2008; Other testimonies by members of the para-commando battalion follow the same lines: Kalinjabo Damien heard in Nyaruguru, 30 May 2008; Kayitare Gaëtan heard in Kigali, 25 June 2008; Nsengimana Joseph heard in Gicumbi, 26 June 2008 ; 1st Sgt Munyaneza Emmanuel heard in Ngoma (Kibungo), 10 July 2008; Habimana Gonzague, heard in Muhanga, 7 August 2008 etc.

²³⁵ Given this involvement of the French, it can be understood why Lt Col Grégoire De Saint Quentin wanted to testify in defence of Major Ntabakuze in his ICTR trial! Ntabakuze was found guilty of genocide and sentenced to life imprisonment by the ICTR on 18 December 2008.

control of the presidential guard, including five other positions surrounding the residence²³⁶. In particular CRAP protected the site of the plane crash. Shots which were fired from the residence immediately after the attack were the work of those individuals in the CRAP battalion and the presidential guard.

Major Ntabakuze and French soldiers were joined at the residence by other superior officers of the Rwandan army, in particular Colonel Dr Baransaritse, director of the Kanombe military hospital, Major Protais Mpiranya, commander of the presidential guard, Colonel Félicien Muberuka commander of the Kanombe camp and others. They carried out several surveys of parts from the aeroplane and took them to the Kanombe camp. As reported above, testimonies gathered from soldiers of the presidential guard and para-commando battalions who had worked at the residence on those days, show this active presence of French instructors at the site of the shell of the aeroplane, alongside top officers of the Rwandan army, who belonged to the core FAR. Recovered objects were transported in a Rwandan army truck usually used by Colonel Dr Baransaritse.

In Record No. 543/DEF/EMA/ESG by the French Ministry of Defence dated 7 July 1998, in response to requests by the MIP as regards the positions of Technical Military Assistants on 06/04/1994 in the evening, it is stated as follows: “*24 of the 25 technical assistants (since the defence attaché was on an assignment in Paris) were in the city of Kigali and at the Kanombe camp, at home, on 6 April at the time of the attack : - in Kanombe, the Leader of the Saint-Quentin Battalion and the four sub-officers who were lodging with their families in the camp were at home. They were the first to react to the crash of the presidential Falcon close to the camp at around 20:30; **the officer and two sub-officers were at the sites at 20 :45** and raised the alarm on the French Embassy’s security network, ...*”²³⁷.

It is very surprising that this official document (issued by the Ministry of Defence) was not taken into account in the report by the Parliamentary Commission of Inquiry, while it had been sent to it at its request. In fact the MIP report states that “*Lieutenant Colonel Grégoire de Saint Quentin was able to go to the sites twice...*” and it continues that he “*... was able to access the sites of the crash for the first time around twenty two hundred hours, accompanied by a Rwandan officer he knew and who granted him safe conduct to cross the posts of the Presidential guard which had become very nervous*”²³⁸. Lieutenant Colonel Grégoire de Saint Quentin therefore admitted to the MIP that he remained on site until three in the morning while looking for the bodies of the crew. He adds in his testimony before the MIP that “*he came back to the location a second time, the next morning at eight o’clock, in order to retrieve the black box in the debris, but without success*”²³⁹.

The MIP’s final report contains a (deliberate?) error and an omission which poses a problem. First of all, the aforementioned record no. 543, given to the MIP during its hearings, specifically indicates that Lt Col Grégoire de Saint Quentin arrived at President Habyarimana’s residence where the presidential aeroplane crashed at 20:45, not at 22:00. Then, the same record establishes that Lt Col Grégoire de Saint Quentin was not the only person who went to the site of the crash, but he was in the company of two other French sub-officers. One can therefore wonder about the reasons why Lt Col Grégoire De Saint Quentin gave false information to the Parliamentary Commission of Inquiry, not revealing that he was not the only person to go to the sites, and hiding that he went to the wreck of the aeroplane just fifteen minutes after the attack.

²³⁶ Testimony of Cpl Segatama Emmanuel, Presidential Guard assigned to security of the presidential residence for a month and a half from March 1994, gathered by the Committee in Kigali, on 4 August 2008

²³⁷ MIP, Volume II, Appendices, p. 269

²³⁸ MIP, Volume II, Appendices, p. 248

²³⁹ Ibid

The RPF's Situation at the National Development Council

When the RPF delegation settled in part of the National Development Council (CND) premises in December 1993 in anticipation of the setting up of transitional institutions, a UNAMIR detachment was assigned to the CND's everyday security and monitored the RPF's operations and movements. In addition, the FAR monitored the RPF in order to pinpoint all the movements which were made such that no one could move from CND to Masaka without the FAR's intelligence officers knowing about it.

Surveillance and monitoring by the UNAMIR

Once the RPF was established in Kigali, very precise rules of procedure were adopted and imposed by the UNAMIR to control entries and exits, in order to be able to monitor all its movements. Thus, a register was deposited at the CND's southern entrance, on the Gishushu side, the only route through reserved for the RPF delegation and its visitors.

Each person who entered into this part of the CND was carefully registered and searched by the UNAMIR both at the entrance and exit.

For movements made by members of the RPF delegation, the steps were the same. First of all, the request to leave the CND was addressed to the UNAMIR twelve hours before the relocation and the request sheet specified the destination, the reason for leaving, the route to be followed, the number of persons, and the quantity and nature of arms held by the soldiers who had to accompany the delegation. Then, the UNAMIR leaders assigned soldiers who accompanied the delegation to its destination.

During the journey, a UNAMIR vehicle went in front of the cortege, another in the middle and a third positioned itself behind the convoy. All trips into the city or for long distances were always done in that way, escorted by the UNAMIR. Both the people and the vehicles were searched at the time of their departure from the CND and their content was recorded; then when they returned, things went in exactly the same way. The UNAMIR also had weapon detectors at the entrance to premises reserved for the RPF and automatically checked that weapons were not introduced which had not been reported in advance on the registration sheet. According to an agreement reached between the two parties, RPF soldiers were only authorised to keep light weapons intended to protect officials who had to be part of transition institutions and the RPF used the only vehicles given by the Rwandan state.

With regard to departures for the RPF headquarters in Mulindi, the UNAMIR recorded the number of persons who went there and checked the number when they returned. In the event that there were some of them who had to remain in Mulindi, the RPF leaders reported this at the time of departure. In Mulindi, all loading of supplies, fire wood and other materials was done in the presence of the UNAMIR and a book detailing what was loaded onto vehicles was filled in and signed on location by UNAMIR and RPF leaders. Then, UNAMIR accompanied all the vehicles from Mulindi to Kigali.

Along the road between Kigali and Mulindi, as on the way out, there was a UNAMIR vehicle in front, in the middle and behind the vehicles which the members of the RPF were in order to avoid any voluntary stopping by the RPF along the route. Often, aerial surveillance was carried out by helicopter following the route taken by the convoy until it entered the CND. Midway, despite the presence of the UNAMIR in the RPF convoys, the FAR did not seem reassured and carried out searches of RPF trucks. Witnesses reported that a FAR position stationed in Rukomo, between Byumba and Kigali, frequently stopped convoys and checked

the content of trucks. It even happened that the FAR required them to unload in order to check the real content²⁴⁰.

When the vehicles arrived at the CND, they were subjected to a search by the UNAMIR at the entrance; the content of the vehicles was then recorded, as well as the number and identity of the persons coming from Mulindi. This procedure did not allow anyone to be able to infiltrate the CND without them being identified by the UNAMIR. Objects were also checked and kept by UNAMIR and were returned to their owner when they left. The UNAMIR had also permanently placed soldiers around the CND fence, thus making it impossible to enter other than through the authorised entrance²⁴¹. These strengthened security measures could not allow, as claimed by Judge Bruguière, “the introduction of missiles to the CND²⁴²” and “storing crates containing missiles on the roofs of the CND²⁴³” which were used to shoot down the aeroplane. How would the UNAMIR not have been able to see crates supposedly stored on the roof of a building which was very visible from everywhere such as the CND building?

The above description also shows to what extent some writers are deeply mistaken about the possibility of introducing missiles into the CND. In this way, Pierre Péan claims that two missiles which could have been used by the RPA to shoot down the Falcon 50 of President Habyarimana, would have been concealed in a truck transporting firewood in February 1994:

“In February [1994], he writes, Corporals John, Moses and Stanley, as well as Sergeant Seromba, loaded two missiles onto a Mercedes truck and concealed them under a pile of firewood. Karakonje, the driver of the Mercedes, took the Kigali road. He was hardly worried because only the UNAMIR soldiers (UN soldiers) could have checked the cargo. Yet, their leader, the Canadian general Roméo Dallaire, did not show any particular curiosity about Kagame’s activities and for good reason he showed sympathy for the leader of the rebellion. And if by chance the UN soldiers had tried to carry out an inspection, the RPA soldiers had received the order to oppose this. The driver Karakonje and his cargo, flanked by a team of soldiers led by Charles Kayonga, therefore arrived without a hitch at the National Development Council (CND), the Kigali parliament. 600 RPA soldiers were based there, in accordance with the Arusha Accords. The two missiles were left in the room reserved for Major Jacob Tumwine²⁴⁴”.

The Committee managed to find the driver Karakonje whose real name is Safari Eugène, and gathered his testimony about the charges made by Pierre Péan. His response speaks for itself:

“In 1994, I was an RPA soldier and I was among the contingent of 600 soldiers deployed to the CND. I drove a truck which had been given to us by the Rwandan state; I went to Mulindi and I brought firewood and supplies; I also went to draw water in Kimisagara from the ELECTROGAZ tanks. I was always accompanied by the UNAMIR. With regard to the comments about the transporting of weapons in the truck which I drove, they seem to me to be very offensive and improbable. I went to Mulindi to bring firewood and maize. The UNAMIR watched us intensely, they did not leave us for a second, they carefully supervised all the loading. From Kigali, the UNAMIR

²⁴⁰ Testimony of Colonel Andrew Kagame heard by the Committee in Kigali, on 28 November 2008

²⁴¹ Testimonies of Patrick Mazimpaka and Tito Rutaremara gathered by the Committee in Kigali, on 2 and 3 October 2008; Colonel Rwigamba Georges, Kigali, 28 October 2008.

²⁴² Bruguière Ruling pp. 32 and 53

²⁴³ Bruguière Ruling, p. 44

²⁴⁴ Pierre Péan, *Noires fureurs, blancs menteurs* (Black Furies, White Liars), Paris, Fayard, 2005, pp.11-12

followed my truck which was empty. In Mulindi, at the time of loading the UNAMIR did not leave the truck and they saw everything which was stored in it.

Once we had finished loading, we covered the truck with a tarpaulin and we fastened it with strong string. I then started up the truck with a UNAMIR vehicle in front and another behind. Once we arrived in Ngondore, where the RPF area separated from the FAR area, FAR soldiers required me to lift the tarpaulin and they searched the truck. In Byumba, there was also a FAR roadblock where they asked me to stop. They started the same search again. When they let us go, we used the same method with a UNAMIR vehicle in front of my truck and another behind until we entered the CND.

The unloading was carried out in the presence of the UNAMIR. I am categorical, those alleged missiles never slipped into my truck. It was impossible, the UNAMIR was watching us vigilantly. They were Belgians. I only loaded wood, water and supplies. It is completely false to say that Corporals John, Moses and Stanley loaded missiles onto my truck. It was impossible that this was done without me knowing, it was never done: the conditions under which we were watched quite logically could not allow such a thing²⁴⁵”.

Discreet and constant surveillance of the CND by the presidential guard

Putting aside the guarding and supervision of the RPF by the UNAMIR, the FAR also carried out strict and tight surveillance around the CND, but in a more discreet way. Teams of soldiers from the presidential guard had been chosen and they carried out the surveillance of all movements that went on around the CND and each evening they gave an account to Major Mpiranya, commander of the presidential guard, of everything that they had seen. These soldiers wore civilian clothes and carried out patrols in places near to the CND, they checked and identified everyone who entered the CND, in particular by recording their vehicle registration number. Another team from the presidential guard, also in civilian clothes, carried out the same surveillance with motorbikes and discreetly followed persons who left the CND to check where they lived or worked.

At a given moment, following the increase in these special missions granted to the presidential guard, its numbers became insufficient, and the presidential guard received reinforcements from the para-commando battalion which was then detached from this unit. Surveillance activities were carried out permanently, the teams took turns during the day and at night in order to continuously monitor all the movements in that place²⁴⁶. It was in this way that on the evening of 6 April 1994, at the time the genocide started, the presidential guard in particular, and the FAR headquarters in general, was well informed about the identity of all the persons who had gone to the part of the CND reserved for the RPF. These persons were the first targets of the perpetrators of genocide; some of them were even killed before the aeroplane attack by a commando of the presidential guard on the orders of Sergeant Rurikujisho, originally from Kora in the old prefecture of Gisenyi²⁴⁷. Several testimonies from the FAR, amongst which those who carried out this task of monitoring the CND figure, showed their modus operandi, a monitoring mission which started from the RPF's arrival at

²⁴⁵ Testimony gathered by the Committee in Kigali, 1 December 2008

²⁴⁶ Twagirimana André, heard in Nyanza, on 2 October 2008; Sgt Nsengiyumva Théogène, heard in Kigali on 8 October 2008.

²⁴⁷ Sgt Nsengiyumva Théogène, soldier of the presidential guard between 1990 and 1994, heard in Kigali, on 8 October 2008

the CND on 28 December 1993 and was reinforced from March 1994, as well as the objectives allocated to this surveillance operation.

Bizimana Claver, a soldier of the para-commando battalion, belonged to the units which went to reinforce the presidential guard and acted in that operation:

“Towards the end of 1993, soldiers from the presidential guard received the task of observing the CND. There were individuals in that company who were specifically assigned, in secret, to surveillance of the movements which went on around the CND. Its code word was ‘Itinénaire’ (Route)! This operation existed before the arrival of the RPF at the CND, but it was reinforced in January 1994 and directed specifically to this end. Soldiers wore civilian clothes and were going to monitor everything that went on around that building. During the months of March to April 1994, the operation once again was reinforced to the point that at around 10:00 in the morning, many of the soldiers of the presidential guard had left on this type of operations, except for those who had activities which required a constant presence in the camp, like maintenance. These operations were also carried out in the areas around the CND and all along the road from Kanombe to the city centre of Kigali²⁴⁸”.

Sgt Nsengiyumva Etienne, a soldier in the presidential guard from 1977 to 1994, belonged to the soldiers who sometimes carried out these RPF monitoring missions called “Itinénaire” and he told how this took place:

“When the RPF arrived in Kigali, I was living at the presidential guard’s camp in Kimihurura. Usually there was security which was assigned to defending the camp, but after the arrival of the RPF in Kigali, security measures were extremely reinforced, both in Kimihurura and Kanombe. There was a unit which was specially allocated to this discreet but effective task or surveying all the movements by members of the RPF housed at the CND. All along the road from the Kanombe presidential residence into the city was designated as a priority daily surveillance route. From time to time I carried out this surveillance work on motorbike, and I travelled all along the road between Kimihurura and the Residency and the Presidential offices”.

If I think about how our teams permanently carried out this work of surveillance of the RPF, I think that it was not possible for someone to leave the CND without us seeing them. Of course we did not know the identity of everyone who lived at the CND, but given the vigilance with which the surveillance was carried out, I think it was difficult for a person from the RPF to leave the CND without being seen by the presidential guard. In addition, there was the UNAMIR which checked their vehicles and accompanied them for their trip to Mulindi and into the city²⁴⁹.”

Nyabagabo Félicien, member of the presidential guard from 1985 to 1994 points out that surveillance of the CND’s movements was a priority for the presidential guard and specifies the major road on which this surveillance was carried out: “From the installation of the RPF at the CND, we observed something new whereby soldiers in military clothes received the task of going to work around near to the CND each time it was necessary. These soldiers patrolled the length of the road between Kimihurura and the Meridian Hotel up to Kanombe, as well as in the city at the presidential offices. They travelled on foot. They were also sent to

²⁴⁸ Hearing by the Committee in Huye, on 20 August 2008

²⁴⁹ Hearing by the Committee in Kigali, 8 October 2008

*some districts, in particular to Kicukiro and Gikondo, still in civilian clothing. They also monitored the road between Remera, Kajagari and Mulindi*²⁵⁰”.

Other ex-FAR witnesses make the same observation by insisting on the strictness of the surveillance carried out against the RPF during the period when its delegation stayed at the CND, which leads them to say that the infiltration in Masaka leaving from the CND, and taking the road was impossible. These witnesses note the existence of FAR roadblocks situated in various places between the CND and the commercial centre of Kabuga where a section of the national gendarmerie was housed. In particular, these roadblocks were placed at Remera-Giporoso, Nyandungu, Mulindi and at KM 19 at the junction of the main road leading to Masaka. As mentioned above, the KM 19 roadblock had functioned since the war of October 1990 and was still operational on 6 April 1994, on the evening of the attack.

There were other mobile roadblocks which were moved from time to time such as the Mulindi roadblock and the KM 15 roadblock on the road leading to Ndera. The UNAMIR also carried out temporary but frequent checks on that section. All these elements led the witnesses to express their doubt about the possibility of a RPF commando bypassing the various obstacles up to Masaka with heavy weapons on a truck, all the more so since the place called CEBOL from which the missiles which shot down the aeroplane are alleged to have been fired, is separated from the main road by just 300m, and on this junction there was an important FAR roadblock controlled by the gendarmerie during the day and by soldiers from the Kanombe camp, mainly the para-commando and/or the presidential guard at night.

Sgt Mutiganda Innocent, a member of the para-commando battalion in 1994, often commanded the units assigned to carry out patrols of the localities Kanombe and Masaka. On the evening of 6 April 1994, he was in command of a patrol which was patrolling near the Kanombe camp, at the Kanombe technical training school (EFOTEC), and he reports the usual site of roadblocks and check points:

*“From the CND in the direction of Kabuga, the first roadblock was located at Remera-Giporoso. This roadblock was heavily reinforced. Going down a bit, Nyandungu there was another barrier, but it was less reinforced. In Mulindi there was also a barrier. At KM 19 there was a barrier of our soldiers. On the way back, close to Colonel Kanyarengwe’s fields, next to the road leading to Masaka, there was another barrier watched over by our units. That is to say that FAR patrols were solidly deployed along the length of this road. Knowing the serious checks that were carried out at these roadblocks, it seems surreal to say that the RPF crossed them in a vehicle with heavy weapons on board*²⁵¹”.

Iyamuremye Emmanuel, who also belonged to the para-commando battalion from 1989 to 1994, adds more details about this security operation:

“After Gatabazi’s assassination [in February 1994], security was very strict and tight, with several patrols of soldiers in different parts of the city. These patrols were very numerous in the localities of Kanombe and Kabuga to the extent that it was not possible to enter them without being able to state one’s identity. The patrols were carried out all along the road leading to Mulindi where the military prison was located, but also in the surrounding areas. They were carried out by soldiers of the presidential guard and of the para-commando battalion and sometimes by individuals in other units such as the L.A.A. or B.A.C. company. I do not see how the RPF could have infiltrated with heavy

²⁵⁰ Hearing by the Committee in Gicumbi, 19 September 2008

²⁵¹ Hearing by the Committee in Rubavu, 29 February 2008

*weapons into the area of Kanombe and Masaka where military patrols were taking turns*²⁵².

Gasana Jean-Marie Vianney of the para-commando battalion and Sibomana Zenu of the Military Buildings company add that FAR did not only patrol the roads, but they also had positions in the hills and residential districts: *“After the arrival of the RPF at the CND, the security was strengthened because the RPF really was not trusted. We had a system of multiple roadblocks in Remera-Giporoso, in Kanombe, at the KM 19 major road, in Mulindi and Masaka. patrols also took place in the hills and districts. I do not see how RPF soldiers really could have infiltrated there*²⁵³. Sibomana Zenu indicates that FAR patrols were carried out using vehicles in the localities of Kanombe, Kabuga, Musave, Remera, Kabeza and Rubirizi. Then, foot patrols took place in Kanombe, EFOTEK, Nyarugunga, Mulindi and Masaka²⁵⁴.

Sgt Major Ngendahimana Prosper, who was in the army from 1987 to 1994 within the field artillery battalion, and was in Kanombe on the evening of 6 April 1994, points out: *“Masaka was entirely guarded by the Rwandan army. The place which is indicated as the point from which shots were fired was under the total control of the presidential guard. That I know. Many superior officers, including Colonel Sagatwa, lived in that place, and soldiers from the presidential guard or from the para-commando battalion were sent to provide security. I am very surprised to hear that it was the RPF which shot down the aeroplane from that area there*²⁵⁵”.

Karasanyi François, a soldier at the Kanombe camp in 1994, adds that the UNAMIR also carried out patrols there, at the same time as the FAR patrols: *“Masaka was an area guarded by the UNAMIR to the extent that practically it was difficult to enter it even for the Rwandan army, all the more so for the RPF who could not move around easily; that is also the reason why no one confirms having seen the weapons be installed and used there, it was only talked about subsequently*²⁵⁶”.

In brief, numerous FAR soldiers who were part of specialised units, in particular the presidential guard and the para-commando battalion, which carried out special missions monitoring the RPF, agree about the close surveillance which was carried out on the CND and the permanent monitoring through patrols and roadblocks of localities surrounding the CND and the length of the road leading to Masaka. They conclude from this that infiltration seems almost impossible, especially under the conditions described by some RPF detractors who use the excuse that missile launchers and missiles were brought from the CND to Masaka in a truck²⁵⁷.

The Belgian colonel Walter Balis, acting head of the UNAMIR operations who, at the request of General Dallaire, went to the CND minutes after the attack and who remained in an observation role on site at the RPF delegation’s side, also excludes the possibility of missiles being transported from the CND to the presumed site of the attack. Testifying in front of the

²⁵² Hearing by the Committee in Kigali, 11 August 2008

²⁵³ Hearing of Gasana Jean-Marie Vianney in Rubavu, 29 February 2008

²⁵⁴ Hearing by the Committee in Muhanga, 4 October 2008

²⁵⁵ Hearing by the Committee in Musanze, 11 September 2008

²⁵⁶ Hearing by the Committee in Nyaruguru, 13 June 2008

²⁵⁷ Testimonies of Cpl Turatsinze Samson, gathered by the Committee in Kayonza, 13 August 2008; Sub-Lt Nkusi Gérard, Gicumbi, 27 June 2008; Munyaneza Emmanuel, Ngoma (Kibungo), 10 July 2008; Sibomana Etienne, Nyaruguru, 13 June 2008; Kigereke Jean Baptiste, Kayonza, 15 July 2008; 1st Sgt Bizimana Damien (Presidential Guard 1997-1994), Musanze, 10 September 2008; 1st Sgt Nsengimana Didace (Kanombe Camp 1989-1994), Nyamagabe 23 August 2008; Bazambanza Jean-Marie Vianney, Nyamagabe 23 August 2008; 1st Sgt Bikorimana Eugène, Huye 20 August 2008; Sgt Mutiganda Innocent, Rubavu 29 February 2008; Nsengiyumva Tharcise, Kigali 4 June 2008; etc.

Rwandan National Commission of investigation into the role of France in the genocide, Colonel Balis stated:

“I do not exclude that small groups of RPF soldiers were able to do it because they were very good soldiers. But to leave from the CND and arrive at the place from which the missiles were fired without being seen, carrying missiles, that becomes much more complicated, and it would be really amazing with such missiles. I went to the CND about one hour after the attack and I stayed there all night and during the day of the 7th on the order of General Dallaire.

According to what I was able to observe, I think that if it was the RPF which had carried out the attack, its reaction would have been completely different. The battalions which I saw coming two days later would have been present on the evening itself, because with what I know about General Kagame, and everyone shares this opinion, acknowledging him as a good strategist, he would have planned how to exploit the situation well before so that it went in his favour, without having to simply be reactive. Therefore, in my opinion, all the battalions would have occupied clear positions, from vital points directly or even before the aeroplane was shot down. Yet, I saw completely the opposite. When I arrived, the atmosphere was calm, serene, and when I told them that the President’s aeroplane had just been shot down, I saw their surprise. The units did not move. I did not see any major military movement. Nothing happened during the night of the 6th to the 7th.

It was between 07:00 and 16:00 that the columns of RPF soldiers left the CND, to occupy the CND tower, monitor the entrances to have room to manoeuvre and also to keep watch over the presidential guard. They occupied observation posts on the perimeter which in practice went from the Roi Fayçal hospital, the Meridian Hotel towards the roundabout, up to the Amahoro stadium. They were observation posts just for monitoring and being able to react in time, they were not combat positions.

In the meantime I did not hear any signal on the radio which remained on day and night – I never turned it off – no movement was reported by the Ghanaian battalion or military observers who were in Uganda, no major movement of troops was reported up to that time²⁵⁸.”

The RPF’s situation at the CND on the evening of the attack and in the following days

According to witnesses who were present at the CND when the attack took place, RPF troops were confined to the building that was reserved for them. The exterior was guarded by Ghanaian blue helmets from the UNAMIR and there were some RPF soldiers who provided security and who were positioned on the roof of the building. One of them saw flames in the sky above Kanombe and went down to tell the others. The RPF delegation which was inside did not know at that time that President Habyarimana’s aeroplane had been shot down:

“At the time, Tito Rutaremara points out, we did not know that President Habyarimana’s aeroplane had been shot down. One of the soldiers who was carrying out security surveillance on the roof came to warn us that he had just seen red smoke in the sky above Kanombe, without knowing what it was exactly. Some time later, it was again some soldiers who came to give us exact information about the plane crash after

²⁵⁸ Colonel Walter Balis, public hearing in front of the independent national committee responsible for examining the role of the French state in the Tutsi genocide, 23 April 2007

having listened to it on RTLM. Our members who were in Europe knew about it before us because they could get foreign radio and they started to call us before we had confirmation from an official source. At the same time as we learnt the news, the presidential guard started to fire shells on the CND, we took refuge in protected places; some went into the cellar. They started to fire at us on the same evening a few minutes after the news announcing Habyarimana's death²⁵⁹”.

Once the news was known, the RPF leaders tried to obtain information about what was happening, especially since heavy weapon fire was heard in the city. At the same time information reached the RPF mentioning the murders which had started, the presidential guard went to the homes of Tutsis and political opponents to take them and massacre them. Tito Rutaremara telephoned General Ndiriyimana and asked him why the presidential guard was killing people, and he wanted to know what he, as head of the gendarmerie, was thinking of doing to protect civilians. General Ndiriyimana replied to Rutaremara that he could not do very much, that he needed to speak to Colonel Bagosora, and he gave him his telephone number. Tito Rutaremara then contacted Bagosora, who responded in an aggressive tone that the army was going to restore the situation.

When Tito Rutaremara wanted to know what political consequence was planned to end the deadlock, Bagosora replied that he had no answer to give the RPF and he hung up²⁶⁰. The consequence was that the Arusha Accords were simply abandoned through the setting up of a military crisis committee and an interim government made up only of Hutu extremists, totally rejecting any consultation of the RPF.

The strictness of the procedure for monitoring the CND entrances and exits, the accompanying by the UNAMIR of RPF members who travelled to the city, and more particularly to the Mulindi headquarters, the systematic searches of individuals and vehicles during every entry of the building where the RPF delegation was residing, made it totally impossible for weapons and munitions to be infiltrated into the CND including the six SAM 16 anti-aircraft missiles which were allegedly taken into the CND when they were travelling back and forth from the RPF headquarters in Mulindi²⁶¹. Certain information issued by sources that accused the RPF of being responsible for the attack also mentioned arms caches in demilitarised zones under the UNAMIR's control, the infiltration in Kigali of combatants in civilian clothes, the banning of aeroplanes from flying in the sky above the CND, which obliged aeroplanes to use just one runway, thus making organisation of the attack possible.

On these different points, the opinions expressed by witnesses who resided at the CND show that infiltrations by RPF soldiers into the capital did not take place, and if that had been the case, those soldiers would have been able to fight and save people who were defencelessly massacred during the genocide;

“Saying that unarmed RPF soldiers infiltrated the capital is nonsense since such infiltration would have been useless. If an infiltration had to be planned and carried out, we would have taken more daring measures so that these infiltrated units were first of all able to defend themselves, and then defend the civilian population. Yet, we saw that the genocide took place without any resistance; if our men had been in areas of Kigali, several people would have been saved. It is also clear that if the RPF had had units which had infiltrated various areas of Kigali, the battle to take Kigali would not have lasted three months, but a few weeks²⁶²”.

²⁵⁹ Hearing of Tito Rutaremara by the Committee, Kigali, 3 October 2008

²⁶⁰ Ibid

²⁶¹ Subpoenae duces tecum of Judge Bruguière, p. 32

²⁶² Hearing of Patrick Mazimpaka by the Committee in Kigali, 2 October 2008

Above all it should be noted that Rwanda's system of territorial organisation at that time, with a small administrative level called a *Nyumbakumi*, or group of ten houses, made such infiltrations practically impossible. With regard to the ban from flying over the CND, RPF witnesses who were heard reject any idea of a Machiavellian plan which was hidden behind this measure. The ban was not unilateral, it was simply a question of a decision which was reached by mutual agreement between the RPF, the UNAMIR and the Rwandan government, with the aim of guaranteeing the security of the CND: *"It was an ordinary security measure since it would have been very unwise to let either civilian or military aeroplanes fly over a building sheltering RPF officials"*²⁶³.

It should also be pointed out that the Kanombe Airport only has one landing strip and not several, contrary to the statements of certain persons who do not know the places, such as Judge Jean-Louis Bruguière who wrongly wrote that in January 1994 the RPF had banned take offs from strip 10 of the Kanombe Airport and forced all flights to take the opposite strip (runway 28) above the hilly and wooded section of Masaka²⁶⁴. In reality, the only runway at the Kigali Airport is in an EAST-WEST direction and the normal trajectory with a view to landing at the airport is, still today, from the east, because the city of Kigali is bordered on the West by four high mountains, that is: Mount Rebero (1809m), Mount Kigali (1856m), Mount Jali (2042m) et Mount Shyorongi (1737 m). In addition, the CND is not in line with landing strip, so why try to fly over it? These objective elements sufficiently show that Bruguière's statement whereby the restrictions for flying over the CND had allowed preparation of the attack by the RPF makes no sense.

Details were also given about movements of RPA troops from Mulindi. These movements of troops did not start to be deployed towards Kigali on 3 April 1994, but on the 8th in the morning and they arrived at the CND during the night of the 8 to 9 April 1994. Colonel Walter Balis who acted as permanent liaison on those days between the UNAMIR and the RPF delegation at the CND noticed this:

*"During the night of 7 to 8 April, around 02:00 in the morning, General Dallaire called me and gave me a message intended for General Kagame asking me to tell him this: 'I hope that everything may fall into place, please do not undertake anything in the meantime'. I passed on the message to General Kagame via the transmission centre, and just about an hour later, I received General Kagame's reply saying: 'I promise you that I will not undertake anything without keeping you informed, but my first step will be to send an additional battalion to Kigali. It was without doubt this battalion which I saw arrive at the CND on the night of the 8th to the 9th. They arrived, it was dark, I was not able to count them, but all the same there were quite a lot of them in the order of the size of a battalion. They remained a few hours at the CND, then they left again on the same night"*²⁶⁵.

²⁶³ Hearing of Patrick Mazimpaka, 2 October 2008; Colonel Andrew Kagame, Kigali, 28 November 2008

²⁶⁴ Bruguière Ruling, p.45

²⁶⁵ Public hearing of Colonel Walter Balis in front of the Independent National Commission of Investigation into France's role in the genocide, Kigali, 23 April 2007.

Putting together of radio-messages by the FAR and their attribution to the RPF

Accusations formulated by the main perpetrators of the genocide judged and sentenced in Arusha, relayed by Judge Jean-Louis Bruguière and others, suggest that one of the clear pieces of evidence showing the involvement of the RPF in perpetrating the attack against the presidential Falcon 50 is the copy of a message which was “picked up on 7 April 1994 at 08:45 by the GISENYI listening services, a message broadcast by the R.P.A. Headquarters in Mulindi announcing the success of the “reinforced squadron mission”²⁶⁶. Judge Bruguière points out that:

“The real nature of this message which has already been proven by the testimony of Lieutenant Colonel Grégoire DE SAINT QUENTIN, was also confirmed by the evidence in ARUSHA from former FAR soldiers, Major Aloys NTABAKUZE, Colonel Théoneste BAGOSORA, General Gratien KABILIGI, the former commander of the Gisenyi section, Colonel Anatole NSENGIYUMVA, the person in charge of the listening station for Northern Rwanda which had intercepted a first message by the R.P.A. on the morning of 6 April mentioning a movement of troops during the night of the 5th to 6th April and a second message on 7 April at 08:45 concerning the attack, like Major Epiphane HANYURWIMANA and Lieutenant-Colonel Alphonse NZUNGIZE.”

To corroborate these accusations, Judge Bruguière adds that: “Mugenzi Richard, radio operator on behalf of the F.A.R., who had been recruited for this mission due to his skills in the field of radio transmissions and his linguistic abilities, speaking, in addition to French and English, dialects and local languages such as Kinyarwanda, Swahili and Igikiga, confirmed, during his hearing of 5 June 2001, that he had retranscribed the message of 7 April, a message in Swahili, which according to him was not coded, which he had personally intercepted, announcing the success of the reinforced squadron²⁶⁷”.

The Committee heard Mugenzi Richard²⁶⁸ who first of all explained the circumstances of his recruitment as a FAR operator in Gisenyi:

“Following the war which broke out in Rwanda on 1 October 1990, I was suspected of complicity with the RPF because I had studied in Zaire. I was arrested on 3 October and taken to the Gisenyi stadium with several hundred people. On 4 October, I was transferred to the Gisenyi prison and held until 10 October of the same year. Thanks to the intervention of the Gisenyi military commander at the time, Colonel Bahufite Juvénal and the commander of the Gisenyi gendarmerie, Major Bizimana André, I was freed. Like me, BAHUFITE and BIZIMANA were originally from the Prefecture of Byumba and they knew me. I subsequently learnt, that these two Officers had had me freed because I had telecommunication skills and they had decided to set up a radio listening station at the national level. They wanted to allocate me to managing the Radio Listening Centre which was set up in the Gisenyi Prefecture.

Once I had accepted this mission, I started to use the MININTER (Ministry of the Interior) transceiver which was installed within the Gisenyi Prefecture. I worked there until 1st November 1990. It was from this date that I really started to set up the Radio Interception Centre’s installations. They were divided between the Butotori military

²⁶⁶ Ruling by Judge Bruguière, p.52

²⁶⁷ Ibid

²⁶⁸ Hearing of Mugenzi Richard, Kigali, 29 December 2008

camp, not far from the Gisenyi brewery, and the President of the Republic's secondary home, located near to the border-road. I did this work until mid July 1994 at the time of the FAR's defeat and I went to Zaire where I stayed until 1996, when the refugee camps were destroyed".

Mugenzi Richard then provided facts to understand how this centre worked, the way of intercepting messages and the addressees to whom they sent them:

"At the Butotori camp, I installed a receptor made by the Japanese brand YAESU. With regard to the receiver at the President's secondary home, it was made by THOMSON and was already installed there. After the technical tests, I started the mission that I had been assigned by the Gisenyi OPS Commander, consisting of intercepting enemy radio broadcasts and any broadcasts likely to provide useful information about the RPF and its allies, notably Uganda. Bahufite had provided me with the frequencies that I had to pick up. Then, I personally carried out a search of frequencies of stations situated outside Rwanda on which targets communicated which were considered of interest for the Rwandan military staff, and then I sent messages transmitted from these stations. The OPS Commander brought me other frequencies which he said had been passed on by RPF prisoners of war. In the end, there were other frequencies which came directly from the military staff, from the G2 service.

From November 1990, I gave my reports to the OPS Commander, Major Bahufite. In the absence of the OPS Commander, after the arrival of Lt Bizumuremyi in 1992, I had to hand over my reports to the latter. The OPS Commander had decided in the absence of Lieutenant Bizumuremyi, that I could at any time go to the Rwandan army's camp under an escort, to transmit them by telephone to the Rwandan army's military staff in Kigali, more precisely the FAR chief of staff's secretariat and the G2 secretariat.

In the event of extreme urgency and in the absence of the two leaders mentioned above, I had to contact Colonel Bagosora, at the Kanombe Camp and in his absence, I had to contact Major Ntabakuze Aloys, Commander of the Para Battalion. In the absence of the latter, I had to contact Colonel Nkundiye at the presidential guard's camp, who was then replaced by another officer by the name of Mpiranya.

Before the events of 6 April 1994, I think I transmitted an urgent message to Colonel Bagosora, while he was still Commander of the Kanombe Camp. I can no longer remember the exact date, nor the content of the message. Beyond the contact mentioned above, Colonel Bagosora who showed a lot of interest in the Centre, telephoned me from time to time to inquire about the good progress of my work. I also remember having transmitted messages twice in a row to Major Ntabakuze, in the absence of the Ops Commander. At that time he was at rest at the camp Butotori, with his unit.

Over time, the authority showed more and more interest in the Centre. The Republic's Presidential Offices became the addressee of the Centre's reports. It was in this period that Colonel Bahufite sent me a list of people with whom I could talk, people who I didn't have to be wary of. He had explained to me that contacts with other persons could constitute a danger for the security of the Centre and the security of our information and I was banned from speaking to anyone who was not on the list which he had given me. The list of people of whom I did not have to be wary was given to me in writing, and was on occasion amended by my superiors depending on the situation. This list included Colonel Sagatwa Elie, head of the office of the special secretariat, Major Bagaragaza, head of protocol and Ambassador Ubarijoro, adviser to the presidency.

When president Habyarimana was at the same time the Minister of Defence and he visited Gisenyi, sometimes he had me called to ask questions about the life and working of the Centre. I could also talk with his special secretary. When Habyarimana gave up his position as minister of defence, I was warned by Lieutenant Bizumuremyi that I mustn't speak with the new minister James Gasana and my contacts had to be restricted to his special secretary who was a low-ranking officer, and not President Habyarimana's special secretary, Colonel Sagatwa. I have forgotten the name of that officer. Bizumuremyi made no comment, but I thought that was because Gasana belonged to the opposition. When Gasana James fled in 1993, I was authorised by Bizumuremyi to speak directly with the new minister Bizimana Augustin who came from the MRND and with the special secretary who stayed after Gasana's departure”.

During his hearing by the Committee, Mugenzi Richard reported that changes occurred in 1992, first by receiving training from the French, then receiving new instructions with the arrival in Gisenyi of Lieutenant-Colonel Anatole Nsengiyumva as a replacement for Major Bahufite assigned to Byumba:

“At a certain time, around 1992, there was a mission of six French soldiers who came to the centre and the OPS Commander told me that they were coming to train me. I had worked with them for a few days. They taught me some things that I didn't know, in particular the system of spying on the radio by displaying the frequencies and going through them at random. They left after the training and I did not see them again. With the assignment of Bahufite to the Byumba OPS, it was Lieutenant Anatole Nsengiyumva who replaced him as head of operations in Gisenyi. Shortly after his arrival Nsengiyumva gave me new frequencies which I used to intercept messages which I then wrote up and transmitted to him. He then took care of telling people in the Army. It was no longer me who transmitted them to Kigali to addressees who had been designated to me in Bahufite's time.”

Mugenzi Richard revealed the usual existence of an activity similar to listening which consisted of creating false messages and distributing them within FAR units to galvanise them against the RPF. He stated that from the end of 1993, Lieutenant Colonel Anatole Nsengiyumva brought him texts which had already been written up and gave him the order to transcribe them by hand as if they were real messages intercepted on RPF frequencies. This practice of putting together messages became worse during the first months of 1994, until the day of the attack and in the following period:

“When Anatole Nsengiyumva arrived in Gisenyi, he installed another system of putting together messages for reasons that I don't know very well. Sometimes, he sent me text written by himself and asked me to write them on forms provided for telegrams. I wrote them and sent them back to him to pass on to others. This happened very often when there were very tense situations at the front. In such cases, Nsengiyumva wrote messages, brought them to me to recopy them, then he distributed them using a military transmission system, probably to encourage the soldiers, to boost their morale.”

Lastly Mugenzi Richard said that the message of 07 April 1994 at 08:45 which is referred to in Judge Bruguière's ruling was put together by Lieutenant Colonel Anatole Nsengiyumva. Mugenzi Richard's role was solely limited to transcribing this text by hand, after that one, there were other texts which were handed over by Anatole Nsengiyumva throughout the month of April 1994 which he recopied in the same way:

“The latter form of messages which I was just talking to you about, which were messages which were put together, productions for different reasons, there is also the message of 7 April in the morning which was personally handed over to me by Colonel Nsengiyumva. He had written it himself and asked me to repeat it word for word. I

handed it over to him to transmit it and pass it on to others. During the whole period from 7 April until the end of the month of April, there were always messages which Colonel Nsengiyumva brought me and I recopied them on the form for telegrams. He came to collect them afterwards to pass them on and transmit them on the military system.”

Before 7 April 1994, Mugenzi Richard explained that Lt Col Anatole Nsengiyumva had brought him another message on 5 April 1994, and also asked him to recopy them as if it was an authentically intercepted message, in which it was written that something was going to happen the next day. On 6 April 1994, during the day, Anatole Nsengiyumva brought other precursory messages to Mugenzi Richard who recopied them in the same way:

“I remember that this message of 5 April and the circumstances under which it was composed. It was done in the same way as the other putting together of messages which we did. It was not a message which was intercepted on the radio. Rather it was a message which was written by us and I recopied it on telegram paper and handed it over to Nsengiyumva for distribution. On the 6th April itself, in the morning there were other telegrams, the content of which I can no longer remember which we had made in this way”.

Another clarification made by Mugenzi Richard concerns the not very professional manner in which his hearing by Judge Bruguière took place in Arusha, which did not allow him to clarify the circumstances in which he wrote the messages in question:

“During my hearing by Judge Bruguière, I was not allowed to give explanations relating to the conditions under which the messages of 6 to 7 April 1994, which he interrogated me about, were written. Unfortunately. I think that the judge and his colleagues only wanted to know if the documents which they had in their hands had been written by me. They were not interested in knowing the content or the versions or circumstances under which I composed or wrote them. They simply wanted to know if the handwriting was mine, if the document had been written by me. That’s all they wanted to know. They already had their answer for the rest.”

Mugenzi Richard had given one of the serious pieces of evidence showing that it was not really him who had written the messages which are referred to in Judge Bruguière’s ruling indicating that the documents which he wrote still have spelling mistakes, which is not the case with the message of 7 April 08:45 which he took the time to copy as it had been written by Anatole Nsengiyumva:

“In the messages which I had written myself, there were spelling mistakes mainly due to speed since you needed to finish in time to follow other communications. There were always spelling or grammar mistakes. But I avoided these mistakes for the documents which were presented to me. This is the case in the message of 7 April at 08:45 which Lieutenant Colonel Anatole Nsengiyumva brought to me and which I only transcribed, I could not put many mistakes in it because it was a document which I copied. This is the difference with the other telegrams.”

This explanation is corroborated by Colonel André Bizimana, a gendarmerie commander in Gisenyi from July 1989 to February 1994 who stated:

“I knew Mugenzi Richard. We are from the same old municipal district of Mukarange in Byumba. I recruited him as a FAR operator in Gisenyi and he occupied this position until July 1994. He mainly worked with Major Bahufite who is also originally from Byumba and who occupied the post of FAR commander in Gisenyi, as well as with Major Kabera Christophe who was responsible for military intelligence in Gisenyi.

Then, from Bahufite's transfer to Byumba in May 1993, he continued his work with Colonel Anatole Nsengiyumva and his intelligence officer, Lieutenant Bizumuremyi. The messages which he intercepted were given to Bahufite and Nsengiyumva or their assistants, Kabera and Bizumuremyi respectively, who then transported them to the army headquarters. I knew Mugenzi Richard's handwriting and level of French, I can certify that those documents in French always had spelling mistakes.²⁶⁹

This important testimony makes one realise that the FAR were already preparing instruments of propaganda about the attack at the end of 1993, and that period is no accident since it corresponds to the establishment of the RPF contingent in Kigali. It makes it possible to clearly establish that from the start of 1994, and more specifically in the first week of April 1994, the FAR extremist officers, including Bagosora and Nsengiyumva fabricated messages which were supposedly picked up on a RPF frequency, with the very specific aim of concealing this own plan to assassinate President Habyarimana and his travel companions.

Course of the main questions relating to the shooting down of the aeroplane Falcon 50

Determining who was responsible for the attack against the presidential aeroplane presupposes first of all that answers are given to questions relating to the aeroplane's approach trajectory with a view to landing, the site of the crash, the place where the aeroplane was hit by the projectiles, the type of weapon used and the site of the firing of projectiles.

The Falcon 50's Approach Trajectory

During his hearing by the French judge Jean-Louis Bruguière on 18 May 2000, in the context of an international rogatory commission, at the international criminal tribunal for Rwanda in Arusha, Colonel Bagosora stated that they had sent Colonel Ephrem Rwabalinda to Paris to ask for France's help and that on that occasion he handed over to the French authorities "*photos of missiles with audio tapes which had been recorded at the airport at the time of the attack against the aeroplane*".

In Judge Bruguière's subpoenae duces tecum, it says that the use by an expert of magnetic recordings of control tower traffic at the Kigali Airport on 6 April 1994 were seized [*sic*] as part of this subpoena's procedure and in particular they establish "*that at 20:00:02 hours, the Falcon 50-9XR-NN had announced his approach and that the control tower had then communicated to the crew the parameters for descent, since the aircraft commander had stated that he hoped to come in to land straight on to 28 (runway 28)...*". Therefore it is established that for its landing the Falcon aeroplane followed the trajectory of runway 28, that is to say in the East-West direction, passing over the Rusororo hill to continue onto the Kanombe hill. Therefore, the aeroplane did not pass by the Masaka hill as suggested by certain writers who did not even take the trouble of observing how the aeroplanes approached their landing at the Kanombe International Airport.

The site of the Falcon 50's crash

In the context of investigations carried out by the Belgian military hearing in relation to the murder of ten Belgian UNAMIR soldiers on 7 April 1994 at the Kigali camp, the sub-section

²⁶⁹ Testimony gathered by the Committee in Kigali, 8 January 2009

of investigations by the Belgian air force carried out an investigation into the attack against President Habyarimana's aeroplane and an investigation report dated 1 August 1994 concluded as follows:

"1- The aeroplane crashed into a banana plantation heading West, the angle of descent had to be relatively narrow (20° max) given the limited depth of the crater (Rep A) in that loose ground. The aeroplane had to have an incline on the left (heavily damaged right wing and whole right hand horizontal tail plane, left wing and left horizontal plane)".

"2- We estimate that the debris was scattered for around 150m in the banana plantation and in a property which was the presidential residence."

Both this investigation report and the gathered testimonies tally to establish that the aeroplane crashed in the Kanombe presidential property.

The type of weapon used to shoot down the Falcon 50

Even though it is unanimously accepted that the Falcon 50 which had the Rwandan and Burundian presidents on board, as well as members of their respective delegations, was caused by the firing of a projectile from the ground at the time of its landing, the nature of the weapon used and who fired it are still questions to be solved. In the absence of the seizure of the weapon itself, determining the nature or type of weapon used could have been done by analysing of the debris from the wreck or from a projectile which was recovered at the site of the crash by French soldiers, shortly after the explosion.

The writers who described the attack, as well as the witnesses heard by the Committee, tried to determine the weapon used but did not express any certainty with regard to this. The close inhabitants of the sites of the crash for the most part talk about two or three balls of fire or large balls which were directed towards the aeroplane, while witnesses who have technical knowledge about firearms concluded that two or three missiles were fired, without however being able to specify the type of missile. Amongst them, the UNAMIR soldiers present at the Kanombe Airport or at other positions who were heard by the Belgian military hearing as part of Major Ntuyahaga's trial, as well as officers of the Belgian military cooperation, pronounced that two missiles were fired, a first one which did not reach the target and a second which was right on target which caused the aeroplane to explode. The aforementioned testimonies of Gerlache Mathieu, Moreau Nicolas and Voituron Pascal are particularly significant, as is that of Lt Col Dr Pasuch Massimo, doctor in the Belgian technical military cooperation, based in Kanombe.

Some writers and researchers even spoke about the firing of rockets as the weapons in the attack. The first who supported this possibility was the journalist Jean-François Dupaquier, who reached this conclusion at the end of an investigation carried out in 1994, mainly with the UNAMIR officers:

"The officers who we met and who had observed the wreck, maintain that the Rwandan president's Falcon 50 was simply shot down by a volley from Hutu soldiers placed in ambush in line with the runway and equipped with RPG 7s, this type of very rustic individual anti-vehicle weapon, copied from the Nazi army's Panzerfaust, and with which the ex-soviet army inundated third world soldiers. Clearly, the journalist continues, this explanation is less attractive than that of 'missile specialists', preferably white mercenaries paid by one camp or the other to shoot down the abhorred dictator. It is obvious though, taking into account ballistic elements as simple as the trajectory of

*the aeroplane, which fell 1850 metres from the start of the runway slightly outside the line of the runways, just after having reached an altitude of 100 metres*²⁷⁰”.

Jean-François Dupaquier was followed, a few years later, by the French researcher Jean-Paul Goûteux who concluded that rockets were fired: “*On 6 April 1994, Habyarimana returned from Arusha where he once again promised to implement the Accords. At the time of landing, at 20:30, his aeroplane, a Falcon 50, a ‘present’ from François Mitterrand, was hit with full force by a rocket and fell in the gardens of the residence, next to the airport*”²⁷¹”.

On the other hand, according to the testimony of the two daughters of Dr Akingeneye, President Habyarimana’s personal doctor, who died in the attack with him, they heard French soldiers saying on 7 April 1994, when they were at the presidential residence, that the aeroplane had been shot down by a Stinger: “*On 07.04.94 at around 0700 hours, the presidential guard came to look for us to identify our father’s body. (...) We were led to the presidential residence in Kanombe. It had to be between 0800 and 0830 hours when we arrived on site. (...) In the living room, there were 7 bodies including that of my father. On the terrace there were the bodies of the French pilots and the Burundian ministers. There were four French in front of the house. The leader of the French explained to us that the aeroplane was shot down by a stinger*”²⁷²”.

The Committee was concerned with resolving, once and for all the matter of determining the type of weapon used to shoot down President Habyarimana’s Falcon 50. The Committee first sent a mission to the regional office of the international civil aviation organisation (ICAO) in Nairobi from 9 to 13 September 2008 with the aim of obtaining experts capable of analysing the available pieces of the shell, in addition to a ballistic study. The regional managers of the ICAO replied that President Habyarimana’s Falcon 50 was an aeroplane of the Rwandan state, and since it was not of a civil nature, and therefore was not one of the aircrafts for which this Organisation is competent.

It is important to know that the French minister for defence sent the MIP a sheet of information which clearly shows that the French recovered from the sites of the crash fragments of missiles used to shoot down the aeroplane and analysis of them concluded that soviet-made SA 16 missiles were used²⁷³. For its part, the Committee consulted independent experts and chose to allocate this study to technicians from the Military Academy of London due to their technical knowledge in this field. The results of their study are appended to this Report.

The site where the Falcon 50 was hit by projectiles

The question does not seem to have received the attention of the writers who wrote about the attack. In his study titled “*Rwanda : trois jours qui ont fait basculer l’histoire*” (Rwanda: three days which changed the course of history), Filip Reyntjens sent a sketch of the sites of the attack in which the “*the aeroplane’s point of impact*” was situated at the same place as the Kanombe presidential residence. There is a case for thinking that actually, in so far as the aeroplane was hit with full force by a missile when it was flying at very low altitude a few metres for the landing strip and it crashed in the gardens of the presidential residence situated

²⁷⁰ J.-F. Dupaquier, “*Révélation sur un accident d’avion qui a coûté la vie à un million de personnes*” (“Disclosure about an aeroplane accident which cost the life of a million people”), *L’Evènement du Jeudi*, 1-7 December 1994.

²⁷¹ Jean-Paul Goûteux, *La nuit rwandaise*, op. cit. p. 29

²⁷² Uwanyiligira Jeanne and Uwimbabazi Marie-Claire, heard by the Brussels military hearing following file no. 02 02545 N94 C8, Brussels, 22 June 1994.

²⁷³ MIP, Volume II, Appendices, p. 278

close to the airport, the site where the aeroplane was hit by missiles is not a significant distance from that presidential residence.

The majority of witnesses living in particular in Rusororo and Masaka, as well as the soldiers of the presidential guard who guarded the residence, like those of the Kanombe camp who saw and lived through this event, indicate that the projectile hit the aeroplane when it was already flying over the Nyarugunga district of the Kanombe hill, exactly where the presidential property is located²⁷⁴.

CONCLUSION OF SECTION I ON THE CAUSES AND CIRCUMSTANCES OF THE ATTACK

The start of the war by the RPF, on 1st October 1994, had the effect of restarting the reaction, which had become a habit among the Rwandan authorities since independence, of carrying out the physical elimination of the Tutsi population which was considered on the whole as politically making common cause. This was the case around independence every time that a political conflict arose and was transformed into a Hutu-Tutsi ethnic battle²⁷⁵ or after independence each time that the “*Inyenzi*” from neighbouring countries carried out incursions in Rwanda. In fact, the practice of genocide against the Tutsis, initiated under the first Republic, the main episodes of which took place in 1959, 1963, 1966 and 1973, was continued under the Second Republic with the massacres of the Bahima and Tutsis in Mutara in 1990, the massacres in Kibilira the same year, the Bagogwe massacres in February 1991, the Bugesera massacres in March 1992, the Kibuye massacre in August 1993, the Mbogo massacre in March 1993 and so on, up to the final stage of the genocide in 1994. The genocide was therefore used a radical means of permanently getting rid of the Tutsis considered in some way as hereditary political opponents.

President Habyarimana’s assassination, in an attack against his aeroplane on the evening of 6 April 1994, is part of the same pattern of a desire to retain power in the same way as the assassination, on 7 April 1994, the Prime Minister Agathe Uwilingiyimana, the president of the Constitutional Court, Joseph Kavaruganda, the minister for foreign affairs, Boniface Ngulinzira of the Democratic Republican Movement (MDR), the minister for agriculture Frédéric Nzamurambaho of the Social Democratic Party (PSD), the minister for social affairs, Landoald Ndasingwa of the Liberal Party (PL), as well as other leaders of the opposition which was referred to as democratic. Of course, the plan to exterminate the Tutsis continued

²⁷⁴ Muganga Jean Bosco, hearing by the Committee in Kigali, 25 March 2008; Uzamukunda Agnés, Rwajekare Augustin and Nkurunziza Francois Xavier, Kigali, 26 March 2008; Mukangamije Tatiana Kigali, 25 March 2008; Rafiki Marie Chantal hearing in Kigali, 9 June 2008; Iyamuremye Dismas and Hakizimana Papias, hearing in Kigali, 6 June 2008; Nzeyimana Léopold, hearing in Karongi, 9 September 2008.

²⁷⁵ Grégoire Kayibanda wrote in the newspaper “*JYAMBERE*” supplement no. 3 of 27/11/1959 that if the Tutsis continued to live with the Hutus they would be exterminated one day. After the Inyenzi attack in Bugesera on 21/12/1963, President Kayibanda predicted in this discourse about the events, that if, by some remote chance, the Inyenzi took Kigali, “*that would be the total and rapid end of the Tutsi race*”. As a remedy, Kayibanda suggested to the UN that Rwanda be divided into a Hutu zone and a Tutsi zone with a “confederation” organisation where the Tutsi Zone would be made up of Bugesera, Rukaryi, Buganza, the Territory of Kibungo and Mutara, without this stopping those who wished to continue to live in the Zone of the other ethnicity from doing so. The King’s Funds would be allocated to compensation of the move, as well as the construction of housing and aid for those who would be in need (*Revue Jyambere* No. 5 of January 1960), (*Revue Dialogue* no. 183 – December 2007)

in the name of the same logic of retaining power by hardliners of President Habyarimana's regime who in the end was judged a traitor to their cause.

In other words President Habyarimana's assassination was not the cause of the genocide because President Habyarimana himself was one of the planners of the genocide as the head of State and head of the MRND, the State-Party which did not renounce the genocide ideology of the First Republic. Nor was his assassination the trigger of the genocide since it had started to be implemented in successive stages from 1959 and the final stage in 1994 did not need President Habyarimana's death in order to be perpetrated since while he was alive different dates before 6 April 1994 had been envisaged to proceed with this. In this regard his assassination instead seems to be, in addition to and mainly the means of carrying out a seizure of power, a favourable occasion to complete the genocide by making the Tutsis responsible for his death.

In fact, according to the numerous testimonies of soldiers from the Kanombe camp, as soon as the aeroplane crashed in the gardens of the presidential residence, which is only 300 metres from the military camp, the commander of the para-commando battalion, that camp's most important unit, Major Aloys Ntabakuze sounded the bugle and mustered the soldiers to give them instructions. He told them that the Tutsis from the RPF had just killed their President, therefore they had to avenge him and the soldiers knew what they had to do. Some soldiers belonging in particular to the section of reconnaissance and in-depth action commandos (CRAP) were immediately selected by Major Ntabakuze to go to the presidential residence. Ntabakuze told them that if they heard shooting, they did not need to worry because it would be from their men who had gone into action.

A few minutes later, the systematic massacres against Tutsis started in the district called "*Mu Kajagari*" which adjoins the Kanombe military camp and lasted all night long on 6 April 1994 and spread in the following days in Kigali and elsewhere in the country. The provisions for the implementation of the Tutsi genocide and the massacre of Hutu political opponents to the regime were therefore arrested for a long time as the legal system established at a national and international level.

On the other hand, the president of the Republic had clearly been warned by the hardliners in his party, the MRND, that acceptance of the Arusha accords which required the sharing of power with the RPF and the opposition would mean its elimination in one way or another, which is effectively what happened. The coup d'état against it was therefore planned and the attack against the aeroplane was just a method of executing the coup d'état which by definition is the seizing of power by force following the overthrow of legitimate institutions²⁷⁶. Likewise, the assassination of leaders of the opposition parties, including the prime minister, is only a guarantee of this coup d'état succeeding.

The circumstances surrounding President Habyarimana's death in an attack against his aeroplane will be examined in two sections, one political and the other military. At the political level President Habyarimana found himself confronted with a State crisis which he had to resolve. The institutions provided for by the Arusha Accords had to be rapidly implemented, failing which UN sanctions risked being imposed, followed by sanctions by powers which were friends with Rwanda, notably Belgium. Shortly before he went to Dar es Salaam, President Habyalimana [sic] had decided that the Government and the transition assembly were going to take the oath on 10 April without the inclusion of the CDR although this was wished for by his party, the CDR was thus excluded from the transition parliament.

²⁷⁶ On 30 July 1993, the Rwandan Parliament (CND) had amended the Constitution of 1991 and consecrated the supremacy of the Arusha Peace Accord in that Constitution.

During the Dar es Salaam Summit, President Habyarimana confirmed that he was going to rapidly implement the decision once he returned to Kigali, and the Dar es Salaam Summit was then dedicated to the security situation in Burundi. Hutu extremists, who were already opposed to the Arusha Accords, and who had threatened the death of the President, having warned the prime minister and the minister for foreign affairs, who were both favourable to the Arusha Accords and having announced that they would not be pushed around, having perceived the decision to implement the Arusha Accords as a betrayal resulting in the bringing into question of the monopoly of power which they had always had without sharing.

From a military point of view, the Arusha Accords required the integration of two armies into a new national army. Some FAR soldiers, officers and low-ranking officers, were not opposed to this decision, tired that they had been in a conflict for four years which had caused tens of thousand of deaths and serious injuries. On the other hand other high-level soldiers, who were mainly people originally from the prefectures of Gisenyi and Ruhengeri, resisted this integration and adopted a radical position of rejection and hostility with regard to the Arusha Accords.

It should be remembered that at the command level, the RPF had to have 50% of the positions, while on the government side the proportion for mere soldiers in the new army was only 60% of its strength, which means that there had to be a large number of dismissals amongst the officers and the FAR soldiers, which did not fail to worry them. The elimination of the President occurred in this context of a coup d'état the spearhead of which was Colonel Bagosora who was supported by the leaders of the FAR special units, mainly the presidential guard, the para-commando and reconnaissance battalions, and it was a good occasion to execute the final phase of the genocide.

Initiatives to set up an independent investigation into the attack were immediately made by the UNAMIR but the FAR prohibited the UNAMIR from having access to the sites of the attack until mid-May 1994. To this end Rwanda and Belgium unsuccessfully sought the intervention of the international civil aviation organisation (ICAO), while France was not interested in this initiative. This investigation has the specific aim of compensating for this shortcoming. The first section is dedicated to solving the causes and circumstances of the attack before the second section is tackled which will deal with the persons responsible in this attack.

SECOND SECTION: RESPONSIBILITIES

The naming of the perpetrators of the attack against the Falcon 50 in which President Habyarimana and the other passengers perished occurred just a few minutes after the aeroplane crash. Some people put forward hypotheses with caution while others clearly made accusations against those who they would consider as being responsible for the attack. These accusations were made in haste, often in a fanatic manner, without providing pieces of evidence, through the lack of a real investigation which would have allowed the truth to be established with regard to this.

Overtime, certain hypotheses lost their consistency and were forgotten, while others developed through sensational revelations which were welcomed with enthusiasm or amazement depending on the expectations or positions of one or the other. Most of the accusations and hypotheses were put forward by persons who had not been to the sites of the events, who contented themselves with indirect information, often gathered from informers who were political and/or military opponents, the credibility of which should be treated with caution, including RPF deserters who curiously boasted of having played a role in the attack.

In order to successfully carry out its task, the Committee carried out an in depth examination of the various leads which were outlined in existing publications, the hypotheses and accusations made in the public domain, and above all it carried out its own investigation on the ground which allowed it to gather evidence in order to support the conclusions that it reached and which are maintained in this report.

Different hypotheses put forward about the perpetrators of the attack

Four hypotheses followed each other chronologically: the calling into question of Belgian soldiers, the accusation of Hutu extremists acting in concert with French soldiers from the Military Assistance and Training Detachment (DAMI), the incrimination of the RPF, as well as the Burundian and Zairian leads which did not stand the test of time. At this time, the only hypothesis which remains in debate is the hypothesis of an attack calling into question the RPF's responsibility, or one which would have been supported by the extremist fringe of the Rwandan regime, Hutu Power.

Accusation of Belgian UNAMIR soldiers

The explicit naming of Belgian UNAMIR soldiers as being directly involved in the attack was put forward by the RTLM and taken up again by the government authorities and by the French representation in Rwanda, immediately after the aeroplane explosion. Belgian cooperants who were working in Rwanda report that on the evening of 6 April they telephoned the French embassy and a voice recorded on the embassy's automatic answering machine said: "*It was the Belgians who shot down the aeroplane*"²⁷⁷. Following this, Habyarimana's supporters and close aides and Rwanda's embassies abroad, in particular in

²⁷⁷ Testimonies of Pierre Jamagne and François Veriter, "Mucyo" Commission; also see C. Braeckmann, Rwanda : *Histoire d'un génocide...* op. cit., p.177

Belgium and France²⁷⁸, continued the same accusation, without ever providing the slightest proof²⁷⁹.

In Brussels, from the morning of 7 April, a crisis committee of supporters of the MRND and CDR, for the most part students with a grant from the Rwandan government, represented by Papias Ngaboyamahina²⁸⁰, was created at the Rwandan embassy in Belgium and published a statement on the same morning on which he announced that “*according to military sources from non-Belgian Blue Helmets, it was confirmed that the shells which shot down the presidential aeroplane came from the site occupied by Belgian UNAMIR soldiers*”²⁸¹. The statement reinforced the incrimination of Belgium by accusing it of being involved in a coup d'état against the Rwandan regime, pursuant to a plan which was prepared by an international power: “*The current double assassination is therefore the culmination of a long process aimed at bringing the RPF to power, and developed by a power for which the Belgian soldiers of the UN's blue helmets*”²⁸².

Jacques Collet, a Belgian photographer and journalist, who went to the Rwandan embassy in Belgium on the morning of 7 April 1994 to request a visa to go to Rwanda, relates that on the same day at that embassy he heard direct accusations naming the Belgian soldiers as being the perpetrators of the attack:

“On 07.04.94, at around 11:00 hours, I was at the Rwandan Embassy in Brussels to obtain a visa. At that moment, I overheard a conversation by a group of people who were coming out of an office. One of the people said: (...) ‘It has been confirmed. (...) It was Belgian soldiers who shot down the aeroplane, five were shot down on location and 5 other were shot down afterwards’.

The person specified that those soldiers had been denounced by the Bangladeshi blue helmets. They had an overexcited manner. I then asked the question about what the Belgians had to gain from executing the Rwandan President. The person I was speaking to said to me, laughing: ‘You know perfectly well who they did it for! He was alluding to the RPF.

(...) I know that person by sight as a ‘student’ in Belgium and as a CDR activist working in cahoots with a certain Papias from Gembloux. (...) I was surprised that so little time after the attack these people had so much information. It happens that I remember it was 07.04.94 around 11:00 in the morning! Those people already knew that about ten Belgian soldiers had been or would be killed while against all likelihood the Belgian soldiers on location only learnt about it much later.”²⁸³

Two weeks after the attack, Etienne Sengegera, the Rwandan ambassador to Zaire, explained on the Zairian national radio, on 20 April 1994, that the responsibility of the Belgians in the attack consisted in the fact that “*some Belgian political circles were for the RPF, for reasons which are unknown to us*”, before adding that Rwanda was not the only country which

²⁷⁸ C. Braeckmann, Rwanda : *Histoire d'un génocide...* op. cit., p.177

²⁷⁹ The ambassadors of Rwanda in Egypt and Ethiopia held press conferences during which they accused Belgium (see Dispatch by the Belgian ambassador in Ethiopia : AMBABEL ADDIS-ABEBA [sic] TO BELEXT BRU 193 OF 05.05.94)

²⁸⁰ Papias Ngaboyamahina at that time was a PhD student in Agronomic Sciences at Gembloux. He is the MRND's representative in Belgium, president of Rwandan students of Belgium and one of the first shareholders of RTL. François Misser describes him as « *a pure and hard-line MRND militant, very close to military circles which he also came from*: see *Vers un nouveau Rwanda* ... op. cit. p.86

²⁸¹ Quoted by C. Braeckmann, *Rwanda : Histoire d'un génocide...* op. cit., p.178

²⁸² Ibid

²⁸³ Hearing of Collet Jacques in file no. 02 02545 94 C8 of the Chief Military Prosecutor in Brussels, on 16/05/1994 (Ntuyahaga trial document)

wanted to get hold of the perpetrators of the attack: “*geostrategic analysis will show us that Rwanda is probably not the only country referred to*”²⁸⁴. To better dress up his accusation, the Rwandan ambassador stated that Belgian soldiers were patrolling around the airport and in Masaka, a place which he considered as constituting the point from which the missiles were fired. Sengegera added a strange fact, which was never verified, according to which the corpses of white soldiers who fought on the side of the RPF had been found at the site of the firing²⁸⁵.

One can wonder about the reasons why the French embassy directly accused Belgian soldiers of being responsible for the attack. On the other hand, with regard to the accusations from Rwandan government circles, the accusation against the Belgians is explained by various causes which have specific objectives. In fact, it should be remembered that when the war was begun by the RPF on 1st October 1990, after one month Belgium withdrew its contingent which had come to evacuate their nationals, contrary to France which had come for the same official reasons as the Belgians, but had maintained and consolidated its interventions in Rwanda over more than three years. The FAR and the Rwandan regime did not appreciate the withdrawal of Belgian soldiers and had subsequently shown a fierce animosity towards the UNAMIR’s Belgian contingent sent to Rwanda in November 1993 to carry out monitoring of the implementation of the Arusha Accords.

Henceforth, Hutu extremists reiterated accusations of the complicity of the UNAMIR Belgians with the enemy, while having suspicions about alleged involvement of Belgium in support of the RPF and the internal opposition with a view to carrying out a coup d’état in favour of the RPF. This accusation was particularly based on the fact that the RPF had a permanent office in Brussels and by the organisation under the auspices of a consultation meeting which had met, from 29 May to 3 June 1992, the RPF and leaders of the Rwandan opposition²⁸⁶. Anti-Belgian sentiments then multiplied and were advocated publicly after the creation of the RTLM, in particular after the withdrawal of the French *Noroît* operation in December 1993, in accordance with the provisions of the Arusha Accords²⁸⁷.

Calling into question of Burundian soldiers and opponents

Upholders of this hypothesis based their arguments on the presence of the Burundian president, Cyprien Ntaryamira, on board the Rwandan Falcon 50. It appears that he was the target of Burundian opponents wishing to carry out a putsch. The absence of sufficient pieces of evidence to make that accusation solid and durable led to it being abandoned²⁸⁸. However, some writers resist and link this hypothesis with that of Rwandan Hutu extremists, by maintaining that the latter had accidentally fired at President Habyarimana’s aeroplane thinking that it was the one which Colonel Jean Bikomagu was in, the former chief of staff of the Burundian army. Thus, in Jean-Claude Ngabonziza’s opinion:

“At the end of the meeting, President Ntaryamira of Burundi (...) had ordered his delegation to head for Kigali where he had to get back on his aeroplane, because he said he wanted to continue discussions with his Rwandan counterpart. (...) The order was then given by Habyarimana himself to a specialised unit surrounded by French soldiers posted to Kigali, to fire at the first aeroplane which began its descent into Kanombe and the target aimed at was then the Burundian aeroplane on board which

²⁸⁴ Quoted by G. Prunier, *Rwanda: the genocide ... Op. Cit.*, p.258

²⁸⁵ *Ibid*

²⁸⁶ Monique Mass, *Paris-Kigali...Op. Cit.*, p.370

²⁸⁷ Hearing of Patrick Léon, on 18/05/1994, following file no. 02 02545 94 C8 of the Chief Military Prosecutor in Brussels, Record no. 683 (Bernard Ntuyahaga trial document)

²⁸⁸ MIP, report, p. 220-221

was Colonel Jean Bikomagu. Juvénal Habyarimana's aeroplane then began to fly around in circles, I don't know where, waiting for the mission to be accomplished,

Burundi's chief of staff, having a premonition of possible danger in Kigali, disobeyed his president and ordered his pilot to immediately go to Bujumbura and go to Kigali later to pick up President Cyprien Ntaryamira again. (...) Therefore, in this way the first aeroplane which began its descent into Kigali was not that of Colonel Jean Bikomagu but definitely that of Juvénal Habyarimana and Cyprien Ntaryamira which was shot down following the pre-established orders²⁸⁹.

This hypothesis has no factual basis since Colonel Bikomagu did not go to Dar es Salam and therefore was not in the sky above the Kigali Airport on the night of 6 April 1994, at least according to the circumstances described by J.C. Ngabonziza.

Calling into question of President Mobutu

This lead, which is not often mentioned, is one of the hypotheses which have been put forward for about ten years. In fact, in September and October 1995, part of the Belgian press basing itself on the notes of the Belgian intelligence services dating from April 1994, confirmed that the attack was supported by President Mobutu, and the missiles used were bought from France and transported to Kigali via the city of Goma which borders Gisenyi²⁹⁰. This lead seems to have begun to be followed after the revelations made by a former Belgian mercenary, Christian Tavernier, who for many years was a member of President Mobutu's security council.

According to Tavernier, the missiles were bought by an arms dealer who had plenty of experience in this traffic, named Mr. "H" who for a long time had established business relations with the Zairian authorities. Tavernier states that Mr. "H" transported four surface-to-air missiles to Goma, passing through the Belgian port of Ostende, after having received direct help from the Zairian embassy in Brussels. The embassy had lent him the garage for storing the crates containing the missiles and at the same time provided the user certificates²⁹¹.

Comparing the sources of information with Christian Tavernier's revelations, Colette Braeckmann considers that they present a degree of reliability which should be taken seriously. Relying on a note by the Belgian intelligence services of 22 April 1994 and her own informers from the Belgian security circles, Mrs. Braeckmann discovered that the latter had the same information in April 1994, but her handling of it did not receive the interest which was required:

"Christian Tavernier's information could have just been a supplementary document to be added to the file, containing a few interrogation points, if it did not tie in with a note by the Belgian Intelligence Services dated 22 April 1994. According to one of the Belgian Intelligence Services' informers, the missiles came from France; they were stored at the Zairian embassy in Brussels and, accompanied by President Mobutu's

²⁸⁹ Jean-Claude Ngabonziza, "L'attentat qui a précédé le génocide en 1994 au Rwanda : un complot, un piège, une erreur" (The attack which preceded the genocide in 1994 in Rwanda: a plot, a trap, a mistake) <http://users.skynet.be/wihogora/ngabonziza-habyarimana-190503.htm>

²⁹⁰ MIP, Report, p. 219; *Le Soir* (The Evening), 26 October 1995

²⁹¹ Colette Braeckmann, "Quand deux pistes différentes se recoupent sur le déclenchement du génocide rwandais. L'attentat contre Habyarimana : un détour par la Belgique" (When two different leads add up to the outbreak of the Rwandan genocide. The attack against Habyarimana: a detour by Belgium), <http://www.obsac.com/OBSV4N40-CBAAttentatHabya98.html>

son, they left in the plane from Ostende. The Belgian Intelligence Services' source adds that an attack has been planned against Etienne Tshisekedi, the leader of the Zairian (now Congolese) opposition on the 24h April, at the time of a demonstration.

At the time, this note, which in any case was duly communicated to all the departments concerned (Foreign Affairs, Defence, military staff, State Security, Royal Palace), did not give rise to any reaction and ends up being lost (...). It was necessary to wait until December 1994 in order for Mrs. Véronique Paulus of Châtelet, who had just been appointed as the head of the R Committee (responsible for monitoring intelligence services), received a copy of this secret note and worried about its disappearance. She then discovered that no one had seriously analysed the information contained in this document despite its importance. (...) According to the Belgian Intelligence Services' informer, the attack was a job planned by President Mobutu, and the missiles, bought in France, were transported in a truck to Ostende and then sent on a cargo flight (probably by the company Scibe) towards Kinshasa and then Goma.

In Kivu, the missiles were received by the Special Presidential Division and put in place in Kigali at the beginning of April. An independent witness, known by the Belgian Intelligence Services (and by us), also confirmed that on 4 April 1994 he saw two covered trucks pass by in the Rwandan city of Gisenyi coming from Goma and accompanied by the Rwandan presidential guard, vehicles which could have transported the missiles²⁹²".

The question posed by this information concerns the reasons why President Mobutu would have wanted the elimination of the Rwandan president who was his very close friend who he had always supported in the crucial moments of his political life. Some information also mentions the advice which Mobutu gave to President Habyarimana insistently asking him not to go to the Dar es Salam summit, because he risked being killed at the time of this Summit. In addition, President Mobutu who had to take part in the Summit refrained from doing so at the last moment, which leads one to believe that he had serious information concerning his security or that of other participants.

In addition, according to some analysts, President Mobutu, who was confronted by a serious internal crisis in his country, saw the positive development created by the Arusha Accords in Rwanda as a threat to the survival of his regime²⁹³, and because of this it seems he did not give his approval to their implementation. In fact, democratic elections had just taken place in Burundi, which concluded with the victory of the opposition party (FRODEBU); and the implementation of the Arusha Accords requiring the division of power between President Habyarimana, the internal opposition and the RPF, could have constituted significant advances which would have left President Mobutu alone in opposing any move towards democracy in the Great Lakes region. From this point of view, he shared the vision of radical Rwandans from Hutu Power consisting of blocking the implementation of the Arusha Accords in order not to be the only Head of State to refuse the move towards democracy.

²⁹² C. Braeckmann, "*Quand deux pistes différentes...* (When two different leads...), cited article

²⁹³ C. Braeckmann, cited article

Incrimination of the Rwandan Patriotic Front

French officials are among the first to insistently attribute responsibility for the attack to the RPF. In a note of 7 April 1994, Bruno Delaye, adviser on African and Malagasy affairs to the French presidency, confirmed that *“the attack is attributed to the Rwandan Patriotic Front”*²⁹⁴ without giving the arguments on which this certainty was based. On the same day, General Christian Quesnot, President Mitterand’s special chief of staff, wrote that *“the plausible hypothesis of an attack by the RPF”* is possible, while reporting that it *“had to be confirmed by an investigation”*. However, General Quesnot showed his bias by seeing in the possible involvement of the RPF an action planned by his leaders to seize power: *“if the attack was of RPF origin, it could be a question of the premisses of an action with a wider scope with a view to the seizing of power in KIGALI”*²⁹⁵.

The positions of these two advisers of President Mitterand are shared by the French ambassador to Rwanda, Jean-Michel Marlaud, who wrote in a summary drawn up on 25 April 1994 that *“The attack which cost the life of President HABYARIMANA and which is the immediate cause of the events which Rwanda is experiencing today, is the work of the RPF”*. At first sight, the French ambassador seems to maintain the required level of caution since he adds in his presentation of the facts that no *“no physical element makes it possible at the current time to determine responsibility for this attack”*. However, he ends by clearly taking a position by confirming that *“The theory that close aides to President HABYARIMANA were responsible is in any case very fragile”*, and *“The RPF’s responsibility (...) is much more likely”*²⁹⁶.

Jean-Michel Marlaud clears the FAR and Hutu extremists by basing his arguments on the fact that *“the Rwanda authorities’ confusion the day after the attack and their first decisions (the appointment of the Head of State and an interim government, and a call to dialogue with the RPF) which does not fit with the idea of a job planned by them”*²⁹⁷. Lastly Marlaud bases his conviction accusing the RPF of the fact that the FAR could not sacrifice the important persons who died in the attack: *“the death in the same attack of the President of the Republic, the Head of Security and the Army Chief of Staff seriously weakened the Rwandan army, which could have found the means of sabotaging the accords at a lesser cost for itself”*²⁹⁸.

The journalist Stephen Smith also named the RPF as the perpetrator of the attack. On 29 July 1994, he published an article in *Libération*, in which he admits that *“no definitive conclusion can be made”* due to *“the lack of physical evidence”* which is convincing. However, Stephen Smith concludes that *“a – monstrous – presumption”* should be held as the *“most plausible of the two hypotheses: that the Rwandan Patriotic Front (...) could have committed an act leading to the genocide of its supporters”*²⁹⁹. During the following years, Stephen Smith distinguished himself in the fierce calling into question of the RPF, particularly the President of the Republic of Rwanda, Paul Kagame. Smith bases his convictions on the testimony of Abdul Ruzibiza, a deserter from the RPA, who admitted to belonging to a commando which

²⁹⁴ Bruno Delaye, Note for the attention of the President of the Republic, Paris 7 April 1994. Subject: Attack against the Presidents of Rwanda and Burundi

²⁹⁵ General Quesnot, Note for the attention of the President of the Republic, Paris, 7 April 1994. Subject: RWANDA-BURUNDI situation after the death of two presidents

²⁹⁶ French Ambassador to Rwanda, Note n° RW/DIVERS/940422A, Paris, 25 April 1994. A/S : RWANDA

²⁹⁷ Ibid

²⁹⁸ Ibid

²⁹⁹ Stephen Smith, *“Habyarimana : Retour sur un attentat non élucidé”* (Habyarimana: return to an attack which has not been solved), *Libération*, 29 July 1994

he named as having carried out the attack on the order of Paul Kagame³⁰⁰ before retracting last November by underlining that the story which he had distributed was a false creation.

The hypothesis incriminating the RPF is shared by the French sociologist André Guichaoua for whom “*the assassination of President Habyarimana was planned from the end of the year 1993 as a preamble to the resumption of the war*”³⁰¹ led by the RPF. It should be noted that Guichaoua and Smith defended the thesis expressed by French officials from 7 April 1994, which would be explained by the fact that the majority of them received their information through French military circles whose affinities with the Rwandan regime and the FAR are known³⁰². The accusation of the RPF is then the theory fiercely defended by the perpetrators of the genocide including Colonel Théoneste Bagosora and the members of the interim government, by opponents of the Rwandan regime residing in foreign countries³⁰³ and by the French judge, Jean-Louis Bruguière, who in November 2006 issued international arrest warrants against the top Rwandan leaders.

Holders of the theory upholding the RPF’s involvement in the attack against President Habyarimana’s aeroplane put forward two major arguments, one political, the other technical. From a political point of view, defenders of this hypothesis point out that the delay and obstruction by President Habyarimana and his entourage in implementing the Arusha Accords, gave the RPF the opportunity to decide on his physical elimination with a view to taking hold of power through the resumption of armed conflict³⁰⁴.

These persons add an ethnic nature to their arguments, according to which the RPF was mainly made up of Tutsis, and in a context of a period marked by ethnic tensions, the RPF could not hope for a victory resulting from a democratic electoral process. For that, the RPF would have planned to get round the elections and eliminate the President of the Republic in a process of conquering power. From a technical point of view, the RPF’s accusers maintain that the latter had ground to air anti-aircraft missiles, and some missiles found in the theatre of military operations which were part of Ugandan groups from whom the RPF got supplies³⁰⁵.

³⁰⁰ Two articles in *Le Monde*, 10 March 2004: “*Le récit de l’attentat du 6 avril 1994 par un ancien membre du ‘Network commando’*” (Account of the attack of 6 April 1994 by a former member of the ‘Network Commando’) and “*L’enquête sur l’attentat qui fit basculer le Rwanda dans le génocide*” (Investigation into the attack which plunged Rwanda into genocide); two other articles in *Le Monde* 11 March 2004: “*Trois questions à Léon Habyarimana*” (Three questions for Léon Habyarimana) and “*La visite en Belgique de Paul Kagame est perturbée par les révélations sur l’attentat du 6 avril 1994*” (“Paul Kagame’s visit to Belgium is disturbed by revelations about the attack of 6 April 1994”)

³⁰¹ A. Guichaoua (Interview), *Le Monde*, 7 May 2004

³⁰² Mehdi Ba, “*La France, la boîte noire et le génocide*” (France, the black box and the genocide), *Golias-Magazine* n°101, March/April 2005, pp. 32-40. François-Xavier Verschave, *Complicité de génocide ? La politique de la France au Rwanda* (Complicity in the genocide? France’s policy in Rwanda), *La Découverte* 1994, pp. 83-86; Jean-Paul Goûteux, *La nuit rwandaise. L’implication française dans le dernier génocide du siècle* (The Rwandan night. French involvement in the last genocide of the century), op. cit., pp. 196-205

³⁰³ Colonel BEMS Bagosora Théoneste “*L’assassinat du Président Habyarimana ou l’ultime opération du TUTSI pour sa reconquête du pouvoir par la force au Rwanda*” (The assassination of President Habyarimana or the last operation by the TUTSIs to reconquer power by force in Rwanda); Paul Rusesabagina, Letter to Mr. Hassan Bubacar Jallow, Prosecutor of the International Criminal Tribunal for Rwanda, Brussels, 15 November 2006.

³⁰⁴ Subpoenae duces tecum by Judge J.L. Bruguière, p.53

³⁰⁵ Charles Onana, *Silence sur un attentat. Le scandale du génocide rwandais* (Silence about an attack. The scandal of the Rwandan genocide), Paris, Duboiris, 2005; F.Reyntjens, *Trois jours qui ont fait basculer l’histoire*, op. cit.

Incrimination of Hutu extremists

The naming of Hutu extremists as the probable perpetrators also appeared immediately after the attack, and was subsequently developed in the writing of researchers, academics and investigation journalists interested in Rwandan politics³⁰⁶. In Brussels, the general intelligence services confirmed in a note of 22 April 1994 that: “*everything now makes one believe that the perpetrators are indeed part of the hard-line faction of Ba-Hutu, within the Rwandan army*”³⁰⁷. Following the example of the Belgian General Intelligence Services, two authorised writers, Gérard Prunier and Colette Braeckmann, turning to different sources, also upheld the hypothesis calling into question the Hutu extremists in the preparation and execution of the attack. Colette Braeckmann was the first to put forward this hypothesis by adding a new element, the involvement of the two French DAMI soldiers³⁰⁸.

Mrs. Braeckmann took this information from a handwritten letter dated 29 May 1994 which she received at her office from an unidentified bearer. This letter was from a certain Thaddée, who described himself as a militia head in Kigali who regretted

what he had got caught up in and wished to reveal the truth, he said, through solidarity with his two Belgian friends who he did not name. Thaddée’s note indicated that President Habyarimana’s plane had been shot down by two French DAMI soldiers in the service of the CDR with the aim of starting the genocide and he stated that only a group of four people plus the two French, and four CDR leaders, including him, were aware of this plot. The note added that the French had put on Belgian uniforms in order to go to the site of the attack and the code name of one of them was Etienne. This letter appears below :

[Handwritten text]

President Habyarimana’s aeroplane was shot down by 2 French DAMI soldiers in the service of the CDR with the aim of sparking off carnage. Gatabazi’s death is also their crime with this same aim and to test the environment and these CDR militias. There were only very few in the CDR who were aware of this plot 4 persons + the 2 Frenchmen. No one in the President’s family, 4 CDR leaders including me.

The Frenchmen put on Belgian UN uniforms in order to leave the place and be seen from afar by soldiers of the national guard – which gave rise to the categorical accusation – since 1991 with the complicity of DAMI. We had them wear the Belgians’ hats who are nothing to do with Rwanda’s problems but who are too bloody stupid to realise! I will not give these names of the Rwandans but one of the Frenchmen I think is called Etienne and he is young.

Personally, I have had my right arm ripped off and I will certainly die soon due to lack of treatment. It is for two true Belgian friends that I decided to tell the truth.

[Head of militia in Kigali] Farewell
My name is
Thaddee

³⁰⁶ F. Reyntjens, *Rwanda, Trois jours qui ont fait basculer l’histoire*, Paris, CEDAF/L’Harmattan, 1995 ; G. Prunier, *Histoire d’un génocide*, op. cit. et C. Braeckmann, *Rwanda : Histoire d’un génocide*, op. cit.

³⁰⁷ General Intelligence Services, Note cited by G. Périès and D. Servenay, *Une guerre noire* op. cit., p.266

³⁰⁸ *Le Soir*, 17 June 1994; *Rwanda: Histoire d’un génocide* (Rwanda: History of a genocide), op. cit. pp.188-197

[signature]

Kigali
29 May 1994

Colette Braeckmann indicates that the decision to publish the content of this information was taken after several days of comparisons of all the information available which came together in one bundle and converged to indicate that it was an authentic document: *“the information which it contained brought together the facts which had been communicated to me in Kigali when I had stayed there during the first days following the attack. (...) a certain number of facts came out of all these testimonies, including some of which had also been communicated to the chief military prosecutor who was responsible in Brussels for collecting all the information available about the death of ten Belgian UNAMIR para-commandos and more widely about the circumstances of the death of the head of state and the anti-Belgian climate which followed it”*³⁰⁹.

Following the example of Colette Braeckmann, Gérard Prunier also favours the hypothesis incriminating Hutu extremists in the perpetration of the attack on the grounds that the latter did not support an upheaval which would be engendered by the implementation of the Arusha Accords:

*“At the end of 1992, the CDR extremists started to fear a betrayal of the ideological commitment to Hutu Power and some of the Akazu were convinced that the President was ready to sacrifice their material interest in his own political future. This convergence between the threat to their privileges and ideological frustration fed the plans for genocide emotionally. As long as the President seemed to be in agreement with these projects, he remained leader. Conversely, when he started to give the impression that, if he got stuck, he would prefer to comply with the Arusha Treaty rather than resist until the end, his fate was decided. Nevertheless, Prunier explains, the conspirators could not openly acknowledge what they had done. President Habyarimana had represented Hutu Power for too long for a group claiming to follow his ideology to admit to having assassinated him. This is why we are proceeding, in a complicated farce, with the setting up of a provisional government. It is also why it has been decided to avoid any investigation into the circumstances surrounding the President’s death (...)”*³¹⁰.

Gérard Prunier states that Hutu extremists assassinated President Habyarimana in anticipation of the genocide, counting on the UN’s weakness, the support of the ethnic majority, the FAR and the administration, while hoping to defeat the RPF militarily, and in this way establish power without sharing:

*“Did the conspirators really think that they could pull it off? Obviously yes, as they tried it. But the whole story is less crazy than it seems. They counted on the passiveness of the international community and more precisely the passiveness of the UN, and they were not mistaken. They hoped to be supported in the genocide by their fellow countrymen, and they were more or less. They counted on the support without failing of the armed forces and obtained almost all of it. They counted on their ability to keep the administration more or less working during the massacres; it was more difficult but they did not get out of it too badly. Lastly, they counted on their ability to withstand the RPF militarily, but it was a bad calculation, and this factor alone led them into defeat”*³¹¹.

³⁰⁹ C. Braeckmann, *Histoire d’un génocide* (History of a genocide), op. cit., p.189

³¹⁰ G. Prunier, *Histoire d’un génocide*, op. cit., p.273

³¹¹ Ibid

The same author points out that the Hutu Extremists who organised the plot for an attack against the Falcon 50 counted on the support of the Western powers and did not fear sanctions which could be placed against them on the one hand due to their fragility, and on the other hand due to the various open opportunities to get round the harmful effects of the sanctions:

“As cynical as it seems, if the RPF did not exist, or if it was defeated militarily the conspirators probably would have pulled it off. After the genocide, there would have been a period of shocked disapproval; then, perhaps, a (partial) economic boycott demanded by the UN; then numerous violations of that boycott, and Paris probably would have discreetly organised some of them, then diplomatic relations would resume with some unrespectable countries such as Serbia, China or Iran (building one or two mosques would help certainly); lastly on the basis of their ‘traditional links’, the French, Belgians, and perhaps the Germans, would come back later. After all, Hutu Power, whether or not guilty of genocide, does not present any threat for European interests. Who remembers the half a million Chinese killed on the orders of President Suharto of Indonesia in 1965? (...) You don’t need to be as powerful as China to make foreigners forget your little national Tiananmens³¹².”

Colonel Bagosora’s bill of indictment drawn up by the international criminal tribunal for Rwanda contains several corroborating clues showing that Bagosora and his clique had ordered the physical elimination of President Habyarimana because the Arusha Accords which he committed himself to implementing, robbed the regime to which Colonel Bagosora belonged of its strong influence, its important, political and economic powers. Amongst these elements, evidence set out by the prosecutor, one can cite the fact that:

“During the period of the Arusha Accords negotiations, several meetings brought together officers, amongst whom Colonel Théoneste Bagosora, Lt Col Anatole Nsengiyumva and Major Aloys Ntabakuze took place, particularly at the Kanombe military camp. During this same period, Aloys Ntabakuze and Théoneste Bagosora encouraged the soldiers to reject and show their disagreement with regard to the Arusha Accords. Several superior officers in the Rwandan army, amongst whom Théoneste Bagosora, Gratién Kabiligi, and Aloys Ntabakuze, publicly declared that the extermination of Tutsis would be the inevitable consequence of any reprisal of hostilities by the RPF or the implementation of the Arusha Accords.

In addition, Colonel Théoneste Bagosora declared on different occasions that the solution to the war was to plunge the country into an apocalypse to eliminate all the Tutsis and thus ensure a lasting peace. These comments were often made in the presence of superior officers, amongst whom Anatole Nsengiyumva. The latter also declared that the implementation of the Arusha Accords triggered the war.

Three days before the outbreak of the war, on 4 April 1994, Colonel Théoneste Bagosora reaffirmed that the only solution to the political deadlock, was to eliminate all the Tutsis. Towards the end of March 1994, the Chief of Staff of the Rwandan Army, General Déogratias Nsabimana, and Colonel Gratién Kabiligi mentioned in front of the officers of the Belgian army, the possibility of eliminating the RPF and the Tutsis in a short space of time³¹³.

³¹² Ibid

³¹³ International Criminal Tribunal for Rwanda, file no. ICTR-96-7-I, The Prosecutor v. Théoneste Bagosora, Bill of Indictment, paragraphs 5.11 to 5.13. It should be noted to this end that, in its ruling delivered on 18 December 2008, the ICTR found Bagosora guilty of genocide, crimes against humanity and war crimes and sentenced him to the heaviest sentence: life imprisonment.

Upholders of the hypothesis attributing responsibility for the attack to Hutu extremists using the principle of seizing power put forward convincing arguments. First of all, from a political point of view, the position taken by President to go to Dar es Salaam and implement the Arusha Accords as soon as he returned could only lead to the clear pushing aside of leading figures of the FAR, amongst the most extremist, who were concerned by the arrangements for going into retirement.

Once the Head of State had stopped resisting the implementation of the Arusha Accords and had come round to them, his physical elimination had become a necessary action for all those who avoided the division of power including the dispatching of the Arusha Accords. It should be remembered that on 2 April 1994, when the late President received the special representative of the UN's secretary general at his residence in Gisenyi to announce to him his agreement to implement the Arusha Accords, and together they had fixed the ceremony to set up the transition on 10 April 1994, the secretary general of the MRND, Joseph Nzirorera swore to him: "*We won't be pushed around Mr. President*"³¹⁴! On the other hand, the elimination by Bagosora of the army's chief of staff is explained in the context of a coup d'état. In fact, if Bagosora had in mind the idea of a coup d'état, it is clear that the option of simultaneously getting rid of the President of the Republic, the army's chief of staff and any other person who was in the way was not at all illogical.

From a technical point of view, the accusers of Hutu extremists note that the information put into the public domain by revelations by FAR members themselves, who had surface-to-air missiles which they say that they recovered from the RPF in 1991, and had, if this fact is proven, the means of carrying out the attack. Upholders of this theory also state that the presumed firing zone was under the control of the FAR and infiltration was not feasible above all under the circumstances at the time.

The Committee sifted through the various hypotheses and ended up being convinced that the responsibility of ex-FAR members was fully involved in the preparation and carrying out of the attack which cost the life of Presidents Habyarimana and Ntaryamira, the French crew of the Falcon 50 and the Rwandan and Burundian passengers who were accompanying them.

Evidence of the involvement of the FAR and Akazu dignitaries in the preparation and execution of the attack

A good number of corroborating clues come together to prove that Hutu extremists who disapproved of the Arusha Accords and who had decided to fight their implementation, prepared a coup shortly before 7 April 1994. Testimonies particularly of ex-FAR members³¹⁵, officers and low-ranking officers, reveals that radical superior officers, such as Théoneste Bagosora, Aloys Ntabakuze, Protais Mpiranya, Léonard Nkundiye, Anatole Nsengiyumva etc., felt betrayed by President Habyarimana's decision to implement the Arusha Accords, and in turn they decided to respond to this commitment which ended in his assassination. To arrive at this, they conceived a strategy which went from the provocation of the Belgian UNAMIR contingent up to the development of other strategic actions which made a coup d'état possible, in which the elimination of the President of the Republic was the very core.

³¹⁴ V. Nshimiyimana, *Prélude du génocide rwandais...* (Prelude to the Rwandan genocide...) op. cit., p.50-51

³¹⁵ See below

The motive of the attack: the decision to finally put the Arusha Accords behind them

The situation which prevailed in Rwanda on the night of 6 April 1994 and during the following days was nothing like an insurrection by soldiers which would have been caused by the destruction of President Habyarimana's aeroplane. Rather, this situation shows a situation which was carefully developed by extremist officers who were not convinced about the beneficial effects of implementing the Arusha Accords and who had deployed all their forces to definitively countermeasures their implementation. The Rwandan witnesses heard by the Committee who essentially belonged to the para-commando battalions and the L.A.A. are unanimous in confirming that their superiors, more particularly Major Ntabakuze, made their soldiers aware of the fact that they absolutely must not accept the Arusha Accords, notably the protocol relating to the integration of the two armies. During the negotiations and after signing the accords, Major Ntabakuze organised moral talks during which he asked his soldiers to keep themselves ready to fight the RPF rather than accepting "the surrender of the country" by President Habyarimana and the opposition politicians³¹⁶.

Major Bernard Ndayisaba who lived at the Kanombe camp in the Military Engineering Company explains the context of the birth and development of this extremism with the FAR which led to the assassination of the Head of State :

"At the Kanombe camp, an association was established which was initiated by extremist officers which was called AMASASU the characteristic of which was to energetically fight the Arusha Accords. The majority of the commanders of the Kanombe camp battalions and units were part of it, notably Colonel Bagosora, Major Ntabakuze, Colonel Baransaritse, Major Ntibihora, Major Munyapotore and others. Those people did not hesitate to publicly name President Habyarimana as a traitor simply because he had signed the Accords. They accused him of having sold the country to the RPF. This group organised the leaking of this type of information in the newspaper 'Kangura' to spread such ideas to the population. They also threw pamphlets in the street, above all in the military camps, to intoxicate soldiers against Habyarimana. They also put on them the names of officers whom they accused of collaboration with the RPF.

The network of extremist soldiers once even organised the assassination of the prime minister Dismas Nsengiyaremye who they also accused of favouring the RPF's demands, notably the signing of the protocol to integrate the two armies. Major Ntabakuze sent soldiers with the mission of killing Prime Minister Nsengiyaremye, but the action was not carried to its conclusion since General Nsabimana knew about it and telephoned Ntabakuze directly and asked him to bring back the troops who were on the way. At that time I was living at the Kanombe camp and I am a witness to these events. Those people could not wait to eliminate Habyarimana in order to shelve the Arusha Accords. Bagosora clearly said that Habyarimana was no longer able to govern and that another solution needed to be found³¹⁷".

Certain witnesses stated that Colonel Bagosora, although retired from the army, after having closed the door on Arusha negotiations and announced that he was coming back to prepare

³¹⁶ Cpl Sengendo Venuste, hearing in Kigali, 6 June 2008; Cpl Gasana Jean-Marie Vianney, Rubavu, 29 February 2008; Cpl Mudahunga Jean-Marie Vianney, Kigali, 14 March 2008; 1st Sgt Kwitonda Samüel, Kigali, 3 April 2008; Cpl Masengesho Innocent, Kigali, 18 March 2008 ; Cpl Marihinde Juvénel, Huye, 30 June 2008; Sub-Lieutenant Nkusi Gérard, Gicumbi 27 June 2008; Cpl Gasasira Henri, Nyamagabe, 30 June 2008; Cpl Higirot Claude, Kayanza, 13 August 2008, etc.

³¹⁷ Testimony gathered by the Committee in Musanze, 24 October 2008

the Tutsi apocalypse, often went to the Kanombe camp in the company of the anti-aircraft artillery who he had led and within the para-commando battalion, and held consciousness raising meetings for the soldiers, in which he asked them to continue the armed conflict to send the RPF back to Uganda³¹⁸. Other witnesses, mainly Belgian officers from the UNAMIR and the Belgian technical military cooperation, who had links with the executives of the Rwandan army also noted the determination of extremist officers of the FAR to bring the Arusha Accords to an end. This determination became more and more heightened in the week preceding the attack against the Falcon 50, notably by getting weapons ready in military camps.

Warrant Officer Daubie Benoît who was assigned to the Kanombe camp as a FAR warehouseman for the Belgian military cooperation, reported that the FAR was visibly preparing itself for war, a week before the attack and with regard to this, they supplied the Kigali military camps and other garrisons with weapons and munitions:

“During the period of the attack against the presidential aeroplane, I was in the Belgian village in Nyarutarama. I learnt about the attack through the “Kenwodd” network on 06.04.94 at around 21:00 at most. (...) In my opinion, this attack was launched by the presidential guard. (...) I had access to all the munitions stores in Kanombe before the attack and I did not anything strange, apart from the fact that a large part of the warehouse was emptied of its content. The munitions removed were very significant in number. For example 1000 120mm mortar rounds were distributed in Gitarama. About 20% of munitions remained in the warehouse.*

This happened about 1 month before the attack and a week was needed for the transport. A FAR lieutenant told me that it was in anticipation of a RPF attack.... For my part I think that this action was carried out to escape the monitoring of UN observers. I know that the situations provided to the UN by the FAR military staff were false since they did not take into account what had been distributed on mass. The only thing that counted was the situation in the almost emptied warehouse ... Many munitions moves were done at night³¹⁹.

Colonel André Vincent who led the Belgian military cooperation in Rwanda declared to the examining magistrate in the Ntuyahaga trial that he would maintain links with the leaders of the Rwandan army, in particular the head of the gendarmerie general Augustin Ndindiriyimana, and he fulfilled the role of informer for the Belgian general intelligence services. In this context, Colonel Vincent observed *“a week before the attack (...) the refusal by the officers of the Rwandan army of the Arusha Accords and their desire to push back the RPF and their possibility of eliminating the Tutsis³²⁰”*.

Colonel Marchal also declared that on 4 April 1994, Bagosora clearly mentioned the elimination of the Tutsis as the sole solution to the Rwandan political problem: *“In response to your question concerning Col BAGOSORA’s comments on the subject of a plan aimed at eliminating the Tutsis, I can tell you that actually at the time of the reception on 4 April, at the Meridian Hotel, at the time of the Senegalese independence day, Col BAGOSORA said that*

³¹⁸ Lieutenant Makuza Salathiel, heard by the Committee in Rubavu, on 21 November 2008; 1st Sgt Kwitonda Samüel, Anti-aircraft battalion, heard in Kigali, 3 April 2008; Cpl Kabonerano Isidore, para-commando from 1984 to 1994 heard in Kigali, on 14 May 2008; Ruvugiza Jean de Dieu, Reconnaissance Company Battalion, then the Anti-aircraft battalion from 1987 to 1994, heard in Ngoma (Kibungo), on 10 July 2008.

³¹⁹ Hearing of Warrant Officer Daubie Benoît, 10 May 1994, Brussels Military Hearing, in file no. 02 02545 N94 C8, Record no. 685 (Ntuyahaga Case)

³²⁰ Hearing of 9 November 1995 by the criminal police in the military courts record no. 1223 of 09/11/95 Appendix A/1

the only plausible solution for Rwanda would be the elimination of the Tutsis. These comments were made in the presence of Gen DALLAIRE, Mr. KHAN, the technical adviser of Special Representative of the Secretary General (BOOH-BOOH) and myself³²¹”.

Lieutenant-Colonel Beaudouin Jacques who was a Belgian cooperant in Rwanda occupying the post of adviser to Colonel Gratién Kabiligi, G3 in the FAR military staff, put forward arguments showing that he was convinced about the FAR extremists’ responsibility in perpetrating the attack:

“To return to the attack against the aeroplane, my personal analysis is that it was an action prepared by ‘CDR’ soldiers. (...) President HABYARIMANA was asked not to go. The President wanted to go and he invited

* [Translator’s note : There appears to be an error in the source text. “Je n’ai rien du d’anormal” should probably be “Je n’ai rien vu d’anormal” (I did not see anything strange) the Burundian President to accompany him. General Nsabimana was forced to accompany his President although it was him who was supposed to go on a second aeroplane. General Nsabimana was ‘trembling’ when he got on the presidential aeroplane.

(...) One or two months before the attack, I took part in an evening at General Nsabimana’s home with the Belgian ambassador, Colonel Vincent, Colonel Marchal (UNAMIR), Col Leroy, President Habyarimana, Bizimana (Ministry of Defence) and also a few Rwandan officers. In fact, on this occasion, it appeared or rather it was ‘reaffirmed’ that ‘ARUSHA’ could not be accepted by the Rwandans. Bizimana told me, after a few glasses of champagne, that he was ready to engage the Rwandan army if the RPF did not play ball.

Ten days before the attack, on the last Friday in March, Col Vincent invited General Nsabimana and the G3, Col Kabiligi, and during this meeting they again clearly asserted that ARUSHA was not possible, that eventually they would accept early elections and if one absolutely wanted to impose ARUSHA it was possible for them to eliminate the RPF and the Tutsis and that that would take about two weeks maximum. They seemed sure of themselves³²²”.

The key part of this testimony corroborates the story previously quoted by the corporal of the presidential guard Senkeli Salathiel, who was part of the delegation sent to Dar es Salaam on 6 April 1994, who declared that General Nsabimana and Dr Akingeneye arranged it so that they did not take the same aeroplane as the President of the Republic, and they entered his aeroplane on his strict instruction, right at the last minute³²³. Kamana François, also a member of the presidential guard present in Dar es Salaam, also stated that he remembered that Dr Akingeneye wanted to remain in Dar es Salaam, and the President of the Republic’s order was needed for him to get on the aeroplane³²⁴.

³²¹ Hearing of Colonel Luc Marchal of 29 November 1995 by the criminal police service in the military courts, Appendix A/1 in record no. 1311.

³²² Hearing of Lt Col Beaudouin Jacques of 5 May 1994 in file no. 02 02545 94 C8.

³²³ Cpl Senkeli Salathiel, heard in Rubavu, 28 February 2008

³²⁴ Cpl Kamana François, heard in Rwamagana, 21 September 2008

The methods used to carry out the attack

In so far as President Habyarimana, during the Dar es Salaam summit of 6 April 1994, it was finally resolved to set up the transition institutions provided for by the Arusha Accords once he returned to Rwanda, and he had even asked his cabinet director, Enock Ruhigira, to prepare the operation needed for the taking of the oath by the Government and the Transition Assembly³²⁵, the extremists from his camp who did not consent to this decision moved on to the next stage, aimed at making all necessary efforts so that these institutions did not see the light of day.

The provocation for the withdrawal of the UNAMIR's Belgian contingent

The Belgian UNAMIR blue helmets were considered by the extremist political and military class of Hutu Power as an obstacle to its strategy of causing the Arusha accords to fail. From January 1994, these extremists then initiated a series of direct acts of sabotage against the Belgians to force them to withdraw, in order to successfully carry out a plot the existence of which was revealed to the UNAMIR on 10 January 1994 by one of its informers, a certain Jean Pierre, a member of the Interahamwe militia³²⁶.

During his hearing by the Belgian military court, on 19 October 1995, Colonel Marshal handed over to the investigators two diaries containing notes concerning the period from 4 December 1993 to 1st April 1994 and from 2 April to 10 June 1994 which he had taken during his stay in Rwanda. From reading these two diaries it is possible to note that Colonel Marshal noted information concerning the attitude of militias towards the Belgians, as well as the precursory signs which made a deterioration of this situation foreseeable. The Belgian investigators summarised the notes from this notebook in the following manner concerning anti-Belgian slogans:

“From 8 Jan. 94, Col MARCHAL emphasised the danger of seeing the deterioration of relations with the population who from the morning were already voicing anti-Belgian slogans. On 10 Jan. 94, he notes that the targets of the demonstration of the previous Saturday were the Belgian UNAMIR soldiers. On 31 Jan. 94, after the incident between men from the 1st Para and an important member of the CDR, an anti-Belgian party, he described the attitude of the Radio des 1000 collines which initiated a crusade against the Belgians. (...) On 7 Feb. 94, Col MARCHAL has some serious clues which seem to confirm that the Belgian detachment was indeed the target of certain influential circles who were trying to discredit the Belgian participation and by the multiplication of problems this would lead to the withdrawal of the Belgian blue helmets. On 9 Feb. 94, he mentions that the Belgian ambassador thinks that strong language should be used recalling the obligations of all the parties in the context of the Arusha Accords and the fact of taking it out on the Belgians out of self interest goes against this spirit. It highlights the disinformation campaign by the RTLM³²⁷”.

³²⁵ Testimony of Mvulirwenande Jean-Marie Vianney, adviser responsible for information and communication at the Republic's Presidential Offices from 1992 to 1994, participant at the Dar es Salaam Summit of 6 April 1994, heard in Karongi, 13 September 2008.

³²⁶ R. Dallaire, *J'ai serré la main du diable...*, p.311

³²⁷ Document examining the diary of Colonel Marchal written by the gendarmerie captain DEKONINCK Christian following apostil no. 0109/95 of 03/10/95 issued by the Chief Military Prosecutor

The decision was made to start anti-Belgian public actions on 7 January 1994 during a meeting which brought together General Ndiririyimana and other influential members of the MRND at the MRND general headquarters in Kimihurura. During this meeting the decision was made to provoke the Belgians by various means, notably public aggressions, and this had to start during a big demonstration by the opposition which was planned for the next day. Actually, on 8 January 1994, some Rwandan gendarmes supported by individuals in the presidential guard and the para-commando battalion hid weapons around the places where the demonstration was supposed to take place with the intention of killing Belgian UNAMIR soldiers and took part in this demonstration with the Interahamwe in civilian clothes. However, no Belgian soldier came to the sites on that occasion and the plan for the day failed³²⁸.

Subsequently, it was decided to carry out an anti-Belgian propaganda campaign through media channels controlled by Hutu extremists close to power, notably the newspaper *Kangura* and the RTLM. In this way the RTLM presenters, such as Georges Ruggiu, Valérie Bemeriki, Noël Hitimana, Gaspard Gahigi, launched attacks against the Belgians never hesitating to ask the people to consider the Belgians as enemies just like the Tutsis. A UNAMIR document from 7 February 1994 written by lieutenant Nees writes that this attitude of anti-Belgian hostility was not limited to the Belgian Blue Helmets and was part of “*a policy deliberately directed against the Belgians*”³²⁹ all together.

On 27 January 1994, the UNAMIR intelligence services made an assessment noting that following a meeting which took place in the morning of the same day at the MRND’s headquarters in Kimihurura, bringing together the committee director of this party in the presence of Robert Kajuga, president of the Interahamwe at the national level, the RTLM had issued a message in Kinyarwanda inciting violence against the Belgians. This message said the following :

*“With the help of Belgian troops, the Tutsis once again killed Hutus. What is the point of the Belgians’ presence in our capital, if not to help the Inkotanyi to take power? We often saw Col Marchal with Landuald Ndasingwa, what did they have to talk about, apart from plotting against the Hutus? We know that amongst the Belgian UNAMIR troops there are murderers, bandits and thieves picked up from the streets of Brussels. A large number of them don’t even have any training, nor have they studied. They should pack their bags, they have nothing to do in Rwanda. The UNAMIR is full of shady people, certainly among the Belgians. We ask the population to assume their responsibilities, if not the Belgians will offer Rwanda to the Tutsis”*³³⁰ .”

Colonel Vincent who was in charge of the technical military cooperation in Rwanda reports that he asked the Rwandan authorities to bring an end to this campaign of slander but he came up against an objection:

*“It is correct that on 9 Feb. 94 I attended a meeting organised together with General NSABIMANA and myself, at which the Belgian Ambassador, Col MARCHAL, President HABYARIMANA, the Rwandan Minister for Defence BIZIMANA, as well as some Rwandan and Belgian officers were also present. The aim of the meeting was to calm action by the RTLM which not only attacked the UNAMIR but also the whole Belgian community. The result of this meeting was disappointing. During this meeting the Rwandan President put forward the principle of freedom of the press and media”*³³¹.

³²⁸ ICTR, General Augustin Ndiririyimana’s Bill of Indictment

³²⁹ Report by the Belgian Senate, op. cit. p. 368

³³⁰ UNAMIR document, Kibat Commander Info S3, Kigali, 27 January 1994. Subject: Intelligence

³³¹ Hearing of Colonel André Vincent, 9 November 1995, by the criminal police in the military court Record no. 1223 of 09/11/95 Appendix A/1

Lieutenant-Colonel Dr Massimo Pasuch, posted to the Kanombe military hospital in the capacity of military cooperant, head of a health project within the Rwandan army, also reports that there was a very deliberate desire by the Rwandan authorities to take it out on the Belgians:

“With regard to the Radio des 1000 Collines, I only listen to it a little. I did not hear Ruggiu but I knew that there was a European who did anti-Belgian propaganda. We complained and the Ambassador went to find the President himself. The President replied to him that he could not do much and that RTLM also made fun of him. I can add that on Radio Rwanda (official radio) any French activity or donation was recounted and blown out of proportion in a repetitive way, while our huge donations and our concrete actions only took place at the cost of important interventions by the Ambassador. Therefore there was clearly a desire to denigrate the Belgians and Belgium³³²”.

President Habyarimana himself asked the RTLM to stop its attacks against the Belgians, but the managers of the radio, Nahimana Ferdinand and Phocas Habimana, refuse to submit to the orders of President Habyarimana. His communications adviser, Jean-Marie Vianney Mvulirwenande, was a witness to the conditions under which this refusal was given:

“President Habyarimana personally worried about these violent attacks directed against the Belgian UNAMIR on the waves of RTLM. He then sent me to meet Ferdinand Nahimana and Phocas Habimana who were the managers of the radio to ask them to bring the situation to an end. They told me to remind them that Belgium was a partner of Rwanda and an important backer which must not be displeased. I went to see Nahimana and I found him with the editing director who was called Gahigi Gaspard. I then showed Nahimana the message which the President had given me. He burst into laughter and replied: go and tell your boss that you are both cowards! We spent more than thirty minutes all three of us talking together and they clearly made me aware that they would not change their broadcasts at all despite the President of the Republic’s disagreement. Both Nahimana and Bagosora were big extremists. In addition, Nahimana was one of the founders of the CDR³³³”.

Corporal D’Heur Marc, a Belgian soldier belonging to the UNAMIR, reports the case of a demonstration in which the Belgians were taken as targets, the day before the attack:

“On 5 April 1994 at around 10:30 while I was on patrol in the centre of Kigali (towards the market place), we attended a demonstration against the UN forces. This demonstration was made up of Rwandan civilians flying the flags of their parties and banners against the UN. Those persons also threw stones at us visibly showing their antipathy towards us. In our vehicle there was Corporal TOMASI, a Rwandan gendarme and myself. In addition it was the Rwandan gendarme who went to talk with them in order to calm their animosity towards us. He came back to the vehicle explaining that it was definitely a demonstration against us but he had not managed to calm them down³³⁴”.

Several Rwandan witnesses, former members of the presidential guard and of the para-commando battalion, asserted that individuals from these units were discreetly chosen by their superiors, Major Mpiranya and Major Ntabakuze respectively, and were sent in civilian

³³² Hearing of Pasuch Massimo following file no. 02 02545 N94 C8 of the Military Prosecutor in Brussels, 9 May 1994

³³³ Hearing by the Committee in Karongi, 13 September 2008

³³⁴ Hearing of Cpl D’Heur Marc, 19 May 1994 by the Brussels military hearing, Appendix No. 1 of record 665/94 (Ntuyahaga Case).

clothes into demonstrations by political parties, with the mission of fomenting unrest alongside the Interahamwe and push the Belgian UNAMIR contingent to their limits, through public insults and acts of aggression to provoke fights with the Belgian soldiers. This information was confirmed by the Rwandan gendarmes who maintained public order in the city of Kigali. This strategy of destabilisation by the Belgian contingent was carried out with the intention of inciting and withdrawing from Rwanda in order to deprive the UNAMIR of its best performing units, which would have allowed the FAR, if necessary, to be able to face the UNAMIR militarily.

Sgt Rwekaza Laurien, member of the presidential guard from 1989 to 1994 reports:

“It’s true, members of the presidential guard took part in demonstrations with the mission of provoking the Belgian UNAMIR soldiers. In particular this happened when there were public demonstrations by the MRND and CD [sic] parties, members of the presidential guard chosen and sent by the commander of the camp, joined with the Interahamwe. Personally, I did not have that type of mission, but those who went on it told me that the commander also asked them to check that there weren’t any RPF people or their accomplices who were hiding behind those demonstrations. The soldiers who were sent on these missions wore civilian clothes and generally put on old clothes in order not to be easily spotted. They gave the report to the camp commander. I emphasise that for this type of mission, the commander sent his most trusted men. He did not give this mission to just anyone. He generally chose them from among people native to Gisenyi and Ruhengeri. They were even sent on missions to kill people³³⁵”.

Cpl Kigereke Jean-Baptiste, member of the presidential guard from 1985 to 1994, confirms the testimony of Rwekaza by specifying certain elements relating to special missions which the presidential guard carried out, including the anti-UNAMIR campaign:

“The presidential guard was made up of four companies of around 200 persons each. Units which were sent on obscure missions outside were chosen from among the fourth company known as ‘Headquarters’ but the official name of which was the intervention and presidential security group, which was a company which was better rated than the others. It was from within this company that the members were chosen for the immediate guard of the president and the soldiers who were responsible for intelligence outside the camp. The UNAMIR was not very well thought of by our leaders. I remember that once General Dallaire asked Major Mpiranya for a meeting for him to grant him authorisation to address the soldiers of the presidential guard, but Mpiranya categorically refused Dallaire’s request.

When these soldiers went outside, they wore civilian clothes and carried pistols. They had the mission of sabotaging the Belgians, but they did not take it out on the French. I know that obviously those people had the mission of making life difficult for the Belgians, in particular by using demonstrations by political parties.

On the night of 6 April, the special missions during which people were killed, were carried out by the ‘Military Staff’ company which was commanded by Major Mudacumura, assisted by Sergeant Rurikujisho Etienne, who was originally from Gisenyi. It was soldiers from this company who brought the old judge, Kavaruganda, to the camp. I myself saw Kavaruganda that evening in the entry building. Some soldiers entrusted him to Sergeant Major Ndererimana and Sergeant Rurikujisho, who then ordered his murder. All those who were brought to the presidential guard were

³³⁵ Sgt Rwekaza Laurien heard in Ngoma, 9 July 2008

entrusted to Rurikujisho who tortured them, and then ordered them to be massacred, which was done in the forest of the camp opposite the Rugando residential area³³⁶.

Sgt Iyamuremye Emmanuel, a para-commando from 1989 to 1994, indicates that the mission of provoking the Belgians notably was entrusted to members of the CRAP section who were from the Kanombe para-commando battalion, and it should be remembered they were under the supervision of the French commander Grégoire De Saint Quentin:

“Some of us received the mission of going to carry out patrols in civilian clothes and we carried pistols. But they were special missions, not everyone was chosen, often colleagues could not even know who had left to carry out this mission. Above all they were members of the CRAP company which were sent on these missions. They were given money in order to be able to buy themselves a beer and enter the bistros in town, dressed in civilian clothes, or demonstrations by political parties. These soldiers, disguised in civilian clothes, had to observe the activities and intentions of the Belgians from the UNAMIR as they were considered supporters of the RPF³³⁷”.

Sgt Major Munyaneza Emmanuel, a para-commando from 1974 to 1994 reinforced the previous testimonies about the participation of the presidential guard in meetings by political parties, with the task of taking it out on Belgians from the UNAMIR:

“Members of the presidential guard and the para-commando battalion took part in missions to intimidate Belgians from the UNAMIR. They had the task of simultaneously recording and listening to what was said at these demonstrations, then provoking the Belgian UNAMIR soldiers so that they reacted and this led to a fight. The soldiers sent on these operations gave reports to the camp commander, then he in turn transmitted the reports to the Presidency of the Republic and the army’s military staff. Bagosora and Ntabakuze were among the instigators of these actions³³⁸”.

It should be stressed that the provocation of the Belgians became a reality particularly after the attack against the Falcon 50 by spreading a rumour publicly naming them as the perpetrators of the attack. This rumour had the sole aim of inciting the soldiers and supporters of Hutu Power on taking it out on the Belgians to provoke their departure from the UNAMIR. Muganga Alphonse, a member of the presidential guard from 1988-1994, indicated that in the moments following the attack, a message from individuals posted to the presidential residence was sent to other units of the presidential guard indicating that the President had been killed by the Belgians and that Major Mpiranya had sent a patrol to Masaka where the aeroplane had been shot down³³⁹.

Sgt Muhutu Corneille, a FAR military nurse since 1980, and member of the presidential guard from 1991-1994, confirms that on the evening of 6 April 1994, he learnt from his colleagues that Bangladeshi individuals in the UNAMIR had caught some Belgians who said that they

³³⁶ Testimony gathered in Kayonza, 15 July 2008

³³⁷ Testimony gathered in Kigali, 11 August 2008

³³⁸ Testimony gathered in Ngoma (Kibungo), 10 July 2008. See also the testimonies of Sgt Major Kwizera Etienne, a presidential guard operator from 1982 to 1994, heard in Musanze, 22 July 2008; Cpl Kigereke Jean Baptiste, a para-commando from 1985 to 1994, Kayonza, 15 July 2008; Ntwarane Anastase, a presidential guard from 1988 to 1994, heard in Ngoma, 3 July 2008; Cpl Muganga Alphonse, a presidential guard from 1988 to 1994, Gicumbi, 19 September 2008; Cpl Mwongereza Evariste, a presidential guard from 1989-1994, Muhanga, 12 September 2008; Habimana Gonzague, a para-commando from 1987-1994, Muhanga, 7 August 2008, Cpl Bizimana Claver, a para-commando from 1992-1994, heard in Gisagara, 20 August 2008; Cpl Hagenimana Jean-Marie Vianney, G2 military intelligence service from 1990-1994, heard in Gatsibo, 1st August 2008.

³³⁹ Testimony gathered in Gicumbi, 19 September 2008

had been involved in the perpetration of the attack against the presidential aeroplane³⁴⁰. Rukundo Jean, a para-commando from 1983 to 1994, is consistent with this testimony in relating that on the morning of 7 April he learnt that the UNAMIR military police made up of soldiers from Bangladesh had caught some of their Belgian colleagues involved in the attack and they had been brought to the Kigali camp where they were murdered in the end³⁴¹. These elements taken together converge to confirm that the accusation against the Belgians to make them responsible for the attack was made up and had been prepared by the FAR as a strategy for weakening the UNAMIR in order to carry out the coup d'état.

Preparations for going into action in the days prior to the attack

Refining the plan for the attack and the bringing together of means allowing it to be carried out reached the final phase in the first few days of April, after the Gisenyi meeting where President Habyarimana had just confirmed that the setting up of transition institutions was irrevocable. On 30 March 1994, Bagosora went to his home in Gisenyi for a few days holiday and on 2 April 1994 he took part in a meeting which took place at the presidential residence of Butotori beside Lake Kivu, between President Habyarimana, the special representative of the United Nations in Rwanda, Jacques-Roger Booh-Booh, and MRND dignitaries, including his secretary general Joseph Nzirorera³⁴².

On 4 April 1994 which was an official holiday in Rwanda, when there was no major event which would have justified the interruption of his holidays, Colonel Bagosora hurriedly returned to Kigali and immediately initiated several high level contacts³⁴³. Jean-Berchmans Birara reported, on the basis of information which he holds about the high hierarchy in the FAR, Colonel Bagosora returned to Kigali to refine preparations for murdering the Head of State:

“On 04/04/1994, on Easter Monday, Colonel RUSATIRA, Secretary at the Ministry of Defence for 15 years, then Director of the Officers’ School, as a replacement for BUREGEYA, came to my house at midday. He told me that the President had just made his head of cabinet, RUHIGIRA Enock, responsible for preparing everything for the members of parliament and the government to take the oath, when he returned from ARUSHA. The in-laws and officers who were informed made BAGOSORA, who was on holiday in Gisenyi, come back: he got back to Kigali on 5/04/1994 in the evening. It was he who took the decision to shoot down the President’s aeroplane and call back SERUBUGA, BUREGEYA and RWAGAFIRITA (the three unhappy officers). During a reception with the Ethiopians or Egyptians at this time, he declared that he did not agree with the President going to Dar es Salaam and if he went he would have problems³⁴⁴. ”

Preparation of the attack was characterised by specific precursory actions consisting notably of forcibly preventing the UNAMIR from accessing certain areas, the early evacuation of the Mulindi market so that there were no troublesome witnesses in the

³⁴⁰ Testimony gathered in Rubavu, 16 May 2008

³⁴¹ Testimony gathered in Kigali, 22 May 2008

³⁴² Vénuste Nshimiyimana, *Prélude du génocide rwandais. Enquête sur les circonstances politiques et militaires du meurtre du Président Habyarimana* (Prelude to the Rwandan genocide. Investigation into the political and military consequences of President Habyarimana’s murder), Brussels, Quorum, 1995, p.37-38

³⁴³ Human Rights Watch, *Aucun témoin* ...p.216

³⁴⁴ Hearing of Jean Birara, 26 May 1994, military hearing of Brussels and Report from the hearing of Jean Birara as part of the international rogatory commission of Judge Damien Vandermeersch which took place in Rwanda from 05/06 to 24/06/1995.

vicinity of the Kanombe-Mulindi-Nyarugunga area, the maximum putting on alert of the FAR's specialised units ready to act etc.

The UNAMIR's prevention from entering the Kanombe camp before the attack

The testimonies gathered report an unexplained change at the level of the freedom of control which the UNAMIR had in the FAR military camps. While normally the UNAMIR had no restriction for entering the military camps in order to carry out routine checks there, an order was given by the Kanombe camp command, from 5 April 1994, to not let individuals from the UNAMIR enter the camp.

Sgt Yves Tessier from the UNAMIR's Belgian contingent in charge of security for the Kanombe region including the airport, the presidential residence and Kanombe camp, a witness as part of the preparation of the case relating to the death of ten Belgian blue helmets, declared that from 5 April, the UNAMIR was prevented, without explanation, from having access to the areas surrounding the Kanombe military camp:

"In Rwanda, I normally had the role of leader of the 2nd section of the 1st Platoon (1.2). My company was the ALPHA company, commanded by Captain VANDRIESCHE. I was stationed at TOP GUN. The tasks which we carried out were guarding TOP GUN, escorting Minister GAZANA (code word Spray), patrols and guarding the airport.

On the 5th, in the evening, we had a patrol planned in our sector from 20:00 to 22:00. The sector attributed to my section was situated at the north-east of the Kanombe camp. It bordered this camp. The sectors were attributed by section and did not change. My section was therefore the only one to patrol this place. The aim of this system was to establish contacts with the population and in this way obtain a maximum amount of intelligence.

Until the 5th, everything went ok and we even had good relations with the population. One of our first tasks had also been to locate President HABYARIMANA's villa. In fact just one road leads to that villa. It is an asphalt road, which cuts into the runway of the KIGALI Airport by the north, passes in front of the entrance to the KANOMBE camp, and then stops in front of the entrance to the villa. Normally we could travel along that road without any problems. There was about 300 metres between the entrance to the camp and the entrance to the villa. There were men from the presidential guard who were at the president's home permanently.

On the evening of 5 April, at around 20:30, we normally took the road which led to the villa and the village of KANOMBE. Coming up to the start of the fence around the KANOMBE camp, we were stopped by a roadblock. It was 5 April at 20:30. The roadblock was made up of about ten FAR men armed with light weapons. A caltrop barrier was placed on the road. They asked us to turn back because it was a military area. The Rwandans were determined and nervous, no discussion was possible.

I then decided to bypass this roadblock by the north, by taking dirt roads and we went towards the entrance to the KANOMBE camp. The journey on the dirt roads went without incident. We just noted an abnormally high presence of civilians in the village of KANOMBE.

I should specify that the village of KANOMBE is a military town occupied by soldiers from the nearby camp. We then arrived at the entrance to the military area and we saw that this entrance was blocked by armed men. A gun was in firing position, pointed towards the exterior of the camp. Machine guns were placed in firing position on the sides.

Riflemen trenches were occupied. We did not even have the opportunity to negotiate, the Rwandans waved at us indicating that we should move away. Upon my return this incident was reported to Captain VANDRIESCHE at the time of my patrol report. I don't know what consequences followed the patrol report, but Commander Cie, was always transferred to the Ops unit (S3 Captain CHOFFRAY)³⁴⁵.

A Rwandan sub-officer of the FAR's para-commando battalion, Sgt Iyamuremye Emmanuel, reported that he was part of the unit that guarded the entrance of the Kanombe military camp during the day of 6 April 1994. On that day, the commander of that camp, Colonel Félicien Muberuka, gave them a strict order to prevent the UNAMIR from entering:

“On the 6 April during the day, there were Belgian UNAMIR soldiers who came to Kanombe wanting to enter the military camp. They were used to coming to check the quantity of weapons which we had and they kept the keys to warehouses stocked with weapons. But, on that day we prevented them from entering since the commander of the Kanombe military camp, Colonel Muberuka, had given us the order to not allow the Belgian UNAMIR soldiers to penetrate the camp.

They arrived at around midday and insisted more than ten times trying to obtain the right to enter, but as the order had come from on high, we could not overstep it. They came back several times, but they came up against the categorical refusal by the Rwandan soldiers who guarded the camp, who acted on the orders of Colonel Muberuka. Usually, the Belgian soldiers and others from the UNAMIR entered the Kanombe camp without any problems, but on that day, the order was that they must not enter. Only the French could enter and go out on that day, the Belgians from the UNAMIR did not have any access³⁴⁶”.

Sgt Ngirumpatse Pascal, a soldier in the para-commando battalion from 1988 to 1994, reports the same facts: *“On 5th April, the order was given to the soldiers who guarded the military camp to prevent the UNAMIR from entering the camp. Usually, our superiors did not say things so clearly, but on that day they were explicit in giving the order to prevent the UNAMIR from entering in order to carry out their monitoring and checks. There were weapons which were leaving the camp and which were distributed to the Interahamwe outside; this could be the reason why this ban was ordered³⁴⁷”.*

Sgt Harinditwali Viateur of the Anti-aircraft battalion from 1986 to 1994 gave the same information: *“I remember that on the dates of the 4th to the 6th April 1994, my colleagues told me that the UNAMIR tried to enter the Kanombe camp and that soldiers who guarded the main entrance to the camp prevented them from entering. They were soldiers from the para-commando battalion who did that. I do not know why they received the instruction to drive away the UNAMIR, but they were indeed soldiers from the para-commando battalion who drove away the UNAMIR³⁴⁸”.* Cpl Turinumukiza Roger, member of the para-commando battalion from 1990-1994 confirmed having heard his colleagues say that the UNAMIR had

³⁴⁵ Hearing of Sergeant Yves TESSIER, 01/06/1994, record no. 765/94 of the Brussels crime detachment

³⁴⁶ Hearing by the Committee in Kigali, 11 August 2008

³⁴⁷ Testimony gathered by the Committee in Nyaruguru, 15 October 2008

³⁴⁸ Testimony gathered by the Committee in Ruhango, 23 October 2008

tried to enter the Kanombe camp between 5 and 6 April and that it had come up against a refusal by the FAR³⁴⁹.

This banning of the UNAMIR from entering the Kanombe military camp during the day of 6 April 1994 is surprising from more than one point of view. First of all, the UNAMIR's general mission which was accepted by the two parties in conflict, the FAR and the RPF, was to establish and maintain a climate of security which was essential for the setting up and working of transition institutions, and was therefore authorised to carry out surveillance activities at all the sites without any restriction. Then, in order to carry out this general mission, the UNAMIR carried out everyday specific missions, which had been communicated to the two parties, including checking all of the combatants' weapons and military material. In order to do this, the UNAMIR was authorised to carry out the checking of weapons by setting up check-points, cordons and searches on orders and patrols in the operation zone³⁵⁰.

As stated above, the prevention of the UNAMIR from entering the Kanombe camp had been preceded by operations hiding heavy weapons in order for them to escape the monitoring and seizure by the UNAMIR. Numerous ex-FAR witnesses declared that at the time when the UNAMIR had decided to keep the keys to the warehouses of their military arsenal, the FAR leaders showed the UNAMIR mainly light weapons and hid a large part of the heavy weapons in the forests of the Gako and Gabiro military camps, on the periphery of the Kacyiru gendarmerie camp, in Gitarama, at the presidential Residence of Rambura³⁵¹ and elsewhere.

The presidential guard's stock of weapons was buried in an underground cave made for this purpose in its camp³⁵². Therefore there is reason to wonder why the FAR prevented the UNAMIR from carrying out its checks in the Kanombe military camp a few hours before the attack, and one may legitimately think that behind this strategy of hiding heavy weapons there was an operation was planned for which the FAR was preparing itself.

The monitoring and abrupt modification of military communication

FAR witnesses report an unexpected change which was made after the morning of 6 April 1994 to the FAR's communication frequencies, leaving access and control of the military transmission network to certain carefully chosen soldiers. Gaëtan Kayitare a former para-commando, who was injured following a haulage accident, was assigned in 1994 to the medical company at the Kanombe camp where he resided permanently. On the morning of 6 April 1994 Kayitare saw unusual gatherings of several soldiers on the tarmac in front of the medical company's buildings. Seized by curiosity and wanting to know what was going on, Kayitare went to inquire from the operator Kamana Claver who was his friend. The latter told Kayitare that the situation was not as usual, things had changed, and that even the communication frequencies used by the FAR operators had been modified as a consequence:

"I remember that on the morning of the 6 April, I think it was a Wednesday, the President had gone to Dar es Salaam. At around 08:00, an alarm sounded and in the following minutes, I saw on the tarmac that numerous soldiers in combat clothes were mustered in front of the medical company's buildings. It was not normal for such a

³⁴⁹ Testimony gathered by the Committee in Ngororero, 26 September 2008

³⁵⁰ KIBAT, Chronicle 6 April-19 April 1994, p.1

³⁵¹ Testimony of 1st Sgt Kwitonda Samüel gathered in Kigali on 3 April 2008; Cpl Gasasira Henri, heard in Nyamagabe, 30 June 2008; Cpl Bazambanza Jean-Marie Vianney, para-commando from 1988-1994, Nyamagabe, 23 August 2008, Cpl Nsengiyumva Balthazar, heard in Ngoma 10 July 2008

³⁵² Cpl Kamana François, member of the immediate guard of President Habyarimana from 1976 to 1994, heard in Rwamagana on 21 September 2008.

large number of soldiers to be gathered in an area reserved for sick and war injured people.

I was seized by curiosity and I went to see the radio operator called Kamana Claver to ask him what was happening. We were used to contacting the operators since normally they were the ones who received the information from the Military Staff and transmitted it to the various military camps or the units concerned. The operators were well-informed and the job of transmission in the army was assigned to soldiers who had the full trust of the Military Staff. The operator Kamana was my friend.

When I asked him the question he answered that things had taken a different turn without revealing to me what exactly. He gave me an example in the guise of an illustration of this change, informing me that at the level of the FAR's transmission service, the frequencies had been modified on the morning of 6 April. He told me that normally, the operators of the various FAR units could communicate between themselves and transmit messages directly.

On 6 April, Kamana told me that the operators had received new orders and that the modifications had been made to the frequencies of the transceiver which they used. From then on the operators could no longer communicate directly between each other. They first of all had to contact the Headquarters and transmit the message which they had to it. Then, it was up to the Headquarters to have the message passed on to the relevant authority. From 6 April, the operators no longer knew the frequencies which any of their colleagues used, whereas previously they could converse with one another³⁵³”.

Sgt Major Ngabonziza Pierre who was an operator from 1987 to 1994 in the FAR's transmission company based at the Kanombe camp, confirmed the account given by Cpl Kayitare Gaëtan, adding that the changes of frequency on the communication equipment of the FAR units was a practice initiated by the French instructors since the time of Noroît in 1990, when they noticed that the RPF could pick up their communications. The French then taught the FAR techniques to regularly modify the frequencies, in particular during periods in which new instructions had to be sent to the various units, in order to make listening in more difficult³⁵⁴. Lieutenant Makuza Salathiel, a soldier of the LAA battalion in 1994 reported that the frequency of his radio set had changed network without him knowing, about two days before the attack, and was re-established during the day of 7 April 1994³⁵⁵.

It should be specified that Colonel Bagosora had an individual communication network with which he conversed directly with the commanders of the presidential guard, of the para-commando battalion and the reconnaissance unit, without these calls being able to be picked up by other units, and he used this telephone in particular during a series of meetings which took place during the night of 6 April 1994. General Marcel Gatsinzi states: “*We subsequently learnt that BAGOSORA had a radio network to himself, similar to the normal military network. In this network he had direct contact with the presidential guard, the para-commando battalion and the reconnaissance battalion. It was certainly by this network that he had to give orders to those units without the military authorities knowing*³⁵⁶”.

It should be pointed out that the presidential guard had a communication station, the “*control office*” which allowed it to converse with the Falcon 50 without going through the control

³⁵³ Testimony gathered by the Committee in Kigali, 25 June 2008

³⁵⁴ Testimony gathered by the Committee in Musanze, 19 June 2008

³⁵⁵ Testimony gathered by the Committee in Rubavu, 21 November 2008

³⁵⁶ Hearing of Marcel Gatsinzi as part of the international rogatory commission of the investigating judge Damien Vandermeersh, Kigali, 16 June 1995

tower. This station guaranteed communications between the leaders of the presidential guard and the head of state's aeroplane, which means that the leaders knew the aerial progress of the Falcon 50, and the exact moment of its landing before it made contact with the control tower.

Ngarambe Elias, a member of the presidential guard from 1981 to 1994, confirms the existence of this direct communication: *“There was a house which was called ‘Safe House’ which was located at the presidential residence of Kiyovu. This house had equipment which allowed direct communication with the aeroplane. Soldiers specialising in transmission ensured it was manned all the time. They had frequencies on which they communicated with the aeroplane, but no communication frequency with the control tower³⁵⁷”.*

Kamana François, who had been assigned to the security close to the President of the Republic since the creation of the presidential guard in 1976, and who was with President Habyarimana in Dar es Salaam on 6 April 1994 explains how the communications worked which were carried out on the aeroplane between the President and the leaders of the presidential guard remaining in Rwanda:

“I was among the first people to enter the presidential guard and to follow the whole development of the events. I was often assigned to key sectors and I was regularly in the service which ensured the security of the President or his family. I went on very many trips abroad with President Habyarimana and I was with him in Dar es Salaam. I was in the delegation which left on 3 April. I should inform you that President Habyarimana normally communicated with the presidential guard before contacting the control tower.

In general, either he did it personally or his aide de camp, Major Bagaragaza, did it. He gave a signal to the commander of the presidential guard when the Falcon 50 entered Rwandan territory to tell them its location and when it was getting ready to land in Kanombe. I even remember that at the time of take-off in Dar es Salaam, when the aeroplane was still on the tarmac, Major Bagaragaza informed the officers of the presidential guard remaining in Kigali, of the aeroplane's time of departure. I think that he contacted the commander of the presidential guard's camp, Major Protais Mpiranya. Given that I was older, everyone trusted me, which gave me more opportunity to be more informed about a number of things than my mates from the presidential guard³⁵⁸.”

In addition, the communication station of the Kiyovu presidential residence, as well as the Kimihurura presidential guard camp, could communicate directly with the other military camps, but not vice versa:

“Major Mpiranya Protais was the commander of the presidential guard. In this capacity, he was under the control of the minister for the defence. He had a radio network which was independent from the Rwandan Armed Forces (the FAR). A presidential guard post was stationed at the Kiyovu presidential residence. In fact, it was a store of weapons and munitions. The President of the Republic no longer lived there after having built his Kanombe residence. Since the war started, the Presidential Guards got supplies at that post. There was also a radio there with which the presidential guards could communicate with one another and notably with the Reconnaissance Battalion. The presidential guards could communicate with all the

³⁵⁷ Ngarambe Alias, testimony gathered in Ngoma (Kibungo), 9 May 2008

³⁵⁸ Testimony gathered by the Committee in Rwamagana, 21 September 2008

armed forces but the opposite was not true. Furthermore, there were also armoured vehicles equipped with radios at the Kiyovu presidential residence³⁵⁹”.

The presidential guard’s camp was in permanent contact with the Kiyovu “Control Office” and the communications could be sent at any time without going through any intermediary. Witnesses also stated that individuals in the presidential guard that worked in this service were carefully chosen from among the henchmen of Major Protais Mpiranya and his predecessor Léonard Nkundiye³⁶⁰. Therefore it should not be excluded that on the evening of 6 April 1994 the commander of the presidential guard, Major Protais Mpiranya, had profited from his privileged position to give all the information to Colonel Bagosora about the Falcon 50’s flight as he obtained them through communication with the aeroplane crew. Major Mpiranya was a hard-line supporter of rejecting the Arusha Accords, following the example of his colleague from the para-commando battalion, Major Aloys Ntabakuze. Then, Major Mpiranya closely collaborated with Bagosora in order to carry out the coup d’état of 6 April 1994, by supplying units who intervened in all the operations which occurred before and after the attack against the Falcon 50.

Forced evacuation of the market in Mulindi near Kanombe

On 06 April 1994 during the day, another striking event took place in the middle of the trade centre of Mulindi, close to Kanombe. In fact, on the first Wednesday of the month Mulindi held “*the Big Market*” which was called “*Igiterane*” which involved several people who came from different regions of the country. This “*Big Market*” had special rules of custom, particularly concerning its hours. Once the regular market which took place every Wednesday was closed at around 17:00 by the local police, the monthly “*Big Market*” was a regional tradition which the authorities allowed to proceed freely until it came to a natural end.

On 06 April 1994 between 14:00 and 15:00, soldiers from the presidential guard and the Kanombe camp, including some dressed in civilian clothes, interrupted the “*Big Market*” and violently dispersed it, ordering the sellers and buyers to pack up their goods and merchandise and go home, before the usual closing time. Shopkeepers were also asked to close their shops and people were forced not to go out into the surrounding streets at nightfall. This explains why, at the time of the attack, the majority of the inhabitants of Masaka, Kanombe and Rusororo were inside their homes. Others were occupied watching a televised football match from the World Cup which was taking place in the United States.

Sgt. Major Emmanuel Munyaneza states the following:

“On 6 April 1994, I went to the market in Mulindi. It was the day of the ‘Big Market’. I arrived at around 14:00. The market was still going, but they had already started to disperse it, to ask people to gather up their merchandise and their goods. It was unusual; normally this big market goes on into the evening without any problems, past 18:00. Sometimes this Big Market even went on until 19:00. I don’t know exactly who the people were who dispersed this market. I saw that they were dressed in civilian clothes. They could have been Interahamwe, because amongst them I recognised someone called Niyonzima, a shopkeeper in Mulindi, who was one of the heads of the Interahamwe. It could also be that they were soldiers, because it was

³⁵⁹ Turatsinze Jean, former FAR soldier, hearing in Kigali, 9 October 1995, as part of the international rogatory commission by Judge Damien Vandermeersch, Record no. 0370 File no. 57/95

³⁶⁰ Nzarora André, Presidential Guard from 1976 to 1994, in charge of transmission, heard in Musanze, 13 May 2008

often difficult to tell the difference between soldiers and civilians as soldiers on duty would sometimes disguise themselves as civilians³⁶¹”.

Uwimana Aloys, who had a shop in the trade centre of Mulindi recounts:

“On 06 April, I was a shopkeeper by profession, in the trade centre of Mulindi. It was the day of the Big Market, which sometimes went on until 20:00 without any problems. The thing which really surprised me, and which I consider today to have a cause and effect link with the attack against the presidential aeroplane, is that on 06 April, unlike normal, around 11:00 or 12:00, soldiers came from the Kanombe camp and set about dispersing the market.

People asked each other about what had happened and a rumour was passed around by several people that the soldiers’ anger could be explained by the presence of Bagosora who had come that day to see a drinks distributor called Niyonzima and hit someone called Vital when he found out that he was from Nduga (in the middle of the country).

It’s a rumour that I heard that was a sort of explanation for the question everyone was asking as to why the soldiers were dispersing the market so early, when that doesn’t normally happen. I didn’t see Bagosora myself, but people were talking about him, which goes to show he was in Mulindi visiting Niyonzima. I did, however, see the soldiers dispersing the market, sometimes violently. I left Mulindi at around 12:30 and went back to Kabuga³⁶²”.

Silas Ntamahungiro was a food seller in Kabuga and had been to the market in Mulindi on 06 April 1994 during the day. Like the previous witnesses, Ntamahungiro stated the premature and violent dispersal of the “Big Market” by the army:

“During the day on 06 April, along the Mulindi road towards a place called Km 19, there were soldiers, including members of the presidential guard. They were patrolling and checking vehicles at the Km 19 barrier. Up until Kabuga you would encounter groups of soldiers, including some dressed in civilian clothes. On 06 April I drove the daughter of my friend Kalimungabo Léodomir to the market in Mulindi by motorbike, I left her there buying her things, and I was meant to collect her at the end of her shopping. Waiting for her to finish, I drove someone else to Kabuga and came back to look for the girl.

When I got to Mulindi, I went into the market to look for her in the crowd. Suddenly the soldiers arrived and started hitting people to disperse the market. This was unusual because normally there are community police who do this job, but only for the market every Wednesday. For the Big Market it was unusual, they normally left people alone until the market ended naturally. It took place on the last Wednesday of every month.³⁶³”

Normally, every market day, people who went to the market did not go straight home. They would go to bars, get to talking for hours over a bottle of beer, and go home at night time, sometimes at a late hour. If the FAR had planned the attack against president Habyarimana’s aeroplane, it is very likely that they would not have wanted to have people around the sites where the action was going to take place. This could be the motive hiding behind the

³⁶¹ Testimony gathered by the Committee in Ngoma (Kibungo), 08 July 2008

³⁶² Testimony gathered by the Committee in Kigali, 14 April 2008

³⁶³ Testimony gathered by the Committee in Kigali, 20 February 2008

exceptional expulsion from the market in Mulindi and the constraint imposed on people to go home immediately.

In fact, according to testimonies of Rwandans who were on the sites in Masaka-Kanombe a few minutes after the explosion of the Falcon 50, soldiers were deployed in these areas shortly before the attack, which tends to confirm that it was a well prepared and coordinated attack which would have been disturbed by the presence of people if ever they had been left to walk around freely after the market. Lieutenant Jean De Dieu Tuyisenge is one of the soldiers who was in Masaka on the evening of the attack, and recounts that in the minutes following this act, he crossed two military roadblocks by the para-commando battalion, in Mulindi and at KM 15, which proves that they were set up there shortly before the attack since they were not there during the day. The only roadblock noted by several witnesses as being there during the day was the one at KM 19. Lieutenant Tuyisenge relates the events as follows:

“On the evening of 06 April, I was in Masaka on an intelligence mission which was given to me by Colonel Sagatwa. I was in a cafe following the conversations of the people there. Shortly after 20:00 I heard the first shot, I immediately went outside and saw the second shot which was heading straight towards the aeroplane which was above the SORWACI factory. I left immediately; I took my car to go back to the Military Academy where I was living. When I arrived in Mulindi I found that the road leading into the town was blocked by soldiers from the para-commando battalion who would not let anyone pass. My rank as officer allowed me to cross this barrier. When I arrived at the place known as Km 15, where the road leading to Ndera divides from the road going to Kanombe, I also found a barrier of soldiers from the para-commando battalion. I arrived at the Military Academy at around 21:00³⁶⁴”.

Deployment of the presidential guard before the attack and its involvement immediately after the attack

On the evening of 06 April 1994, at least one hour before the attack, the presidential guard was already in position in the residential area of Kimihurura, which greatly surprised witnesses who saw this deployment as unusual. Dr. Charles Zirimwabagabo, a former prefect of Gisenyi, a stronghold of extremists from the Habyarimana regime, confirmed this state of affairs to the Belgian investigators: *“I myself, on 6 April at 20:00, witnessed the Presidential Guard take control of the KIMIHURURA area of Kigali. It was unusual. You got the feeling that something was about to happen”³⁶⁵*. Jean-Berchmans Birara who lived in the Kimihurura area also observed the positioning of individuals of the presidential guard at 19:00: *“On 6 April 1994, at 19:00, that is before the attack on the presidential aeroplane, the presidential guard had already set up barriers. It’s the first time we’d seen that, it was something we’d never seen.”*

Pascal-Charles Voituron, a Belgian UNAMIR soldier, witnessed the setting up of the barriers and their checks by the FAR shortly before the attack: *“So in fact, on 06 Apr at the beginning of the evening I went to drive five men close to parliament to the National Development Council for an observation. During the journey I noticed that there was a little tension and*

³⁶⁴ Testimony of Lt. Jean de Dieu Tuyisenge, hearing before the independent national commission on the involvement of France in the Tutsi genocide committed in 1994.

³⁶⁵ Hearing before an international rogatory commission of the Belgian judge Damien Vandermeersch, Gisenyi, 11 June 1995 (see the Report of this rogatory commission, p.9)

particularly that roadblocks were starting to form. They were carrying out area checks. Then I set off again for Top Gun. I was meant to go and get them at 0500 hrs in the morning³⁶⁶”.

Thierry Charlier, a Belgian journalist who was in Rwanda in April-May 1994 reported that expatriate witnesses had spoken to him about the deployment of soldiers at key points in Kigali before the attack: *“At the time of the events in Rwanda, I was in Butare. (...) I can report that European civil witnesses told me in Kigali that roadblocks and soldiers were already in place at certain junctions in town before the attack against the presidential aeroplane. These junctions were not normally occupied.”*³⁶⁷

The witness Nduruhutse Elias, Chief Warrant Officer of the FAR who lived at the Kanombe camp in the para-commando battalion, reports that on 04 April 1994, he was sent with other soldiers from his battalion to strengthen the protection of the presidential guard’s camp, and that he had noted that there were very few soldiers from the presidential guard in the camp, which means that they had been sent into operations in town, particularly in Kanombe³⁶⁸, proof that something was about to happen involving the presidential guard or para-commando battalion :

*“On 04 April 1994, we had a meeting with our superiors in the para-commando battalion in Kanombe, led by Major Ntabakuze. We had been informed that the situation was not good, that there was a chance of the RPF attacking the presidential guard’s camp, and that therefore we had to go in as reinforcements. The company I lived in was nominated on 05 April to go and carry out this work and I took part in that. When we arrived at the presidential guard’s camp, I realised that the camp was almost empty, there were no more than fifty soldiers; all the others had had been sent out to different places. We were placed around the camp to ensure security. We spent the whole day there on 06 April until the evening and you could see that something wasn’t right. That day we had been put on combat alert, on the pretext that the presidential guard’s camp was going to be attacked. The real question is why our leaders considered those two days to be a danger, which had not been the case before. Why this special attention on these two days?”*³⁶⁹.

Once the attack was over, individuals from the presidential guard sent into the residential area of Kimihurura immediately escorted the ministers from the Revolutionary Movement for Development to put them in a safe place in the presidential guard’s camp, and then in the French embassy. Others immediately went to the homes of important figures in the opposition and executed them. For example, Boniface Ngulinzira, the foreign affairs minister belonging to the Democratic Republican Movement, was taken by the presidential guard a few minutes after the plane crash: *“Six soldiers from the presidential guard took my husband. I never saw him again. I found out he was dead from Radio Mille Collines, which was delighted about the extermination of the RPF’s accomplices,”* states Florida Mukeshimana, wife of the late minister Boniface Ngulinzira³⁷⁰. Other soldiers were sent on special missions either to carry out massacres, or to protect important sites, or to exfiltrate people who were wanted for one reason or another.

According to a document dated 17 November 2003 from the witness R.G. heard by the International Criminal Tribunal for Rwanda, who was close to Joseph Nzirorera, Nzirorera

³⁶⁶ Voituron Pascal-Charles, hearing 30 May 1994, Gendarmerie, Brussels Crime Detachment, record. N° 770/94 (Ntuyahaga trial document).

³⁶⁷ Hearing of Thierry Charlier of 16 May 1994, following file n° 02 02545 94 C8, Brussels military hearing

³⁶⁸ See testimony of Cpt. Bwanakweri Isidore, Rilima, 08 August 2008

³⁶⁹ Testimony gathered by the Committee in Rubavu, 21 November 2008

³⁷⁰ Testimony to the Belgian senate on 19 February 1997 (Belgian Senate Report, p.620)

confided in him when they were in exile in Benin that once the attack was over, the presidential guard and the reconnaissance squadron unit were jointly involved in exfiltrating influential members of Hutu Power. It was particularly the reconnaissance squadron commanded by Major François-Xavier Nzuwonemeye, on trial at the International Criminal Tribunal for Rwanda with his assistant Captain Innocent Sagahutu, who was given the task of evacuating the Liberal Party minister from Hutu Power, Justin Mugenzi, from his home to Kimihurura.

The witness R.G. implies that the units which were due to carry out these evacuations were ready to go into action well before the attack:

“That must have been organised and carried out jointly by the Reconnaissance Squadron Unit and the Presidential Guard Unit, and it is the latter which evacuated him [Nzirorera] from his home in Kimihurura. He continued by saying that when he was in Cameroon, there was a dispute between MUGENZI Justin and Major NZUWONEMEYE. The latter was given the task of evacuating Mugenzi from his home in KICUKIRO to the presidential guard’s camp, and he could even, if the Major had wanted it, have killed MUGENZI. In fact, according to him, all the homes of the affiliated and opposition top authorities had been clearly identified before the genocide.”³⁷¹

The diplomat Bruno Angelet, attaché to the Belgian embassy in Kigali in April 1994, reported that FAR soldiers quickly occupied strategic points in the capital after the plane crash and that the conditions of this deployment showed that it was an operation planned in advance :

“As Attaché to our Embassy in Kigali in November 1993, I arrived in Kigali on 17 January 1994. From the beginning of February I lived in a house there which was owned by the Belgian State, located on the corner of Avenue Paul VI and Avenue de la Jeunesse. The Belgian Embassy was a five minute walk from the house. My neighbours on Avenue Paul VI were my colleague Mr. Philippe COLYN, first secretary of the Belgian Embassy, his wife and his daughter. The two houses were adjoining; you could pass from one property to another by a small gate in the fence.

The Rwandan Prime Minister, Ms Agathe UWILINGIYIMANA, lived four houses away on Avenue Paul VI. Behind my house lived the President’s personal doctor, Dr. AKINGENEYE Emmanuel, who also died in the attack on 06 April. Behind Mr. COLYN’s house lived Mr SINDIKUBWABO, former President of Parliament appointed President of the Republic by the interim Government following the attack on 06 April. Further along on the right of the junction, on Avenue de la Jeunesse, was President HABYARIMANA’s residence. The area was well controlled by Rwandan soldiers. For this reason several roadblocks had been erected where cars were generally banned. I knew these control points relatively well, since I was in the habit of going jogging in the area several times a week from 06:30 in the morning.

On Wednesday 06 April 1994, having finished a meeting with the Ambassador and Ms. MUJAWAMARIYA Monique (...) I left them Embassy at around 18:00 to go home. From 19:30 to 20:20 I watched television in an outbuilding at Philippe COLYN’s house. He was on holiday with his family in Zanzibar and had left me the keys to the house. I then spoke to Philippe COLYN’s staff to make sure everything was going well. I then went through the gate and onto my house’s land, and heard a loud explosion. I spoke to the sentry who confirmed that it was not a grenade explosion but that it could be an explosion in a munitions store. I went to listen to the news in French on RTLM which normally starts at 20:30. That was the moment I

³⁷¹ Testimony written and signed by R.G., 17 November 2003

learnt that an attack had been carried out against the presidential aeroplane. The RTLM journalists asked us to keep listening because they were waiting for confirmation that the President had died in the attack. (...)

At around 21:20, Edgard, the night sentry, came knocking at the door to tell me that a number of soldiers were coming to occupy the junction in front of the house. In fact I saw and heard the heavy vehicles carrying out manoeuvres in front of the house. I went out and approached the entrance gate which opens onto the junction in order to see what was happening. The soldiers ordered me to go back immediately and not to come out of the house again.

I remember having seen the vehicles and some soldiers, but I couldn't guess the number. I then heard heavy blows of hammers on steel objects. There was no doubt that they were setting up heavy artillery on the junction. I tried to observe the junction with a pair of binoculars. I made out an armoured tank placed in front of the gate, with the machine gun cannon pointing towards the Prime Minister's house, that is, in the opposite direction. Throughout the night there was a lot of traffic there. I received an endless number of telephone calls from worried Belgians.

From what I experienced between the sixth and tenth of April, and from what I saw on the junction of Avenue Paul VI and Avenue de la Jeunesse, several conclusions could be drawn.

- 1. On the evening of 6 April, from 21:30, Rwandan soldiers came to occupy the junction with armoured vehicles, trucks and artillery. This was barely an hour after the plane crash. **This could indicate that everything was prepared, especially when you add this element to the events which happened elsewhere in Kigali at around the same time.***
- 2. Given that these Rwandan soldiers were wearing black berets, I assume this means they were from the Presidential Guard.(...)³⁷² ”.*

Many other expatriate witnesses highlight this aspect of preparation which seemed apparent to them in the moments following the attack, with regard to the immediate chain of events, which did not seem to be spontaneous. Lieutenant Lecomte Jean-Noël, a Belgian UNAMIR officer, confirms this state of affairs:

*“The announcement of the attack came at around 20:15. I heard about it from Sergeant LEKEU, who got the information from the battalion network. At 21:34 I set up a mission to recover men on night out at KIGALI NIGHT. I got back to BBase at 21:53. We were met by an FAR roadblock 200m west of RWANDEX. We were able to pass through this roadblock without any problems. I couldn't say exactly what time the official announcement was made that the President was in the plane that was shot down. The guard had been reinforced on the initiative of the company. With regard to the airport and the power cuts, I think I heard that it was normal practice for the airport not to be lit. The lighting was turned on when a plane was approaching. **After the attack, we were surprised by the speed of the reaction by the FAR and gendarmes. It should be said that they were very low on radios. The way they reacted only seems possible to me if there was prior organisation.**³⁷³”.*

³⁷² Letter from Bruno Angelet of 08 July 1994 to Mr. Van Winsen, Military Prosecutor for Court Martial. Subject : Investigation into the murder of 10 Belgian soldiers in Kigali on 07 April 1994.

³⁷³ Hearing of Lt. Lecomte Jean-Noël, 25 May 1995, by Brussels Criminal Detachment, Appendix One of Record N°743/94

Another Belgian soldier, Chief Warrant Officer Lechat Jean, in Kigali in April 1994 as part of military technical cooperation, gives an identical version of events on the planned nature of the actions of the FAR following the attack:

“With regard to the attack on the Rwandan presidential aeroplane, I hadn’t heard anything beforehand. However, on 06.04.94 I went to the airport because I had to wait there for a C 130 which was due between 20:30 and 21:00. At around 20:30 I was driving along the road from Nyarutarama to the airport (around 7Km) and I heard Dr Pasuch on our radio announcing that an aeroplane had been struck by two shafts of light, probably missiles. I called Dr Pasuch and told him that I was arriving at the site. I was accompanied by Jean-Pierre Duquesnoy, a telecipher clerk from the Belgian Embassy.

*When I arrived at the airport I announced myself at the service entrance. There, I noted that the gendarmes on guard duty were very nervous. **I couldn’t get in, and that was around 10 minutes after the call from Dr Pasuch. I noticed that soldiers from the presidential guard were coming out of the airport, laden with cartridges to occupy the junctions opposite the airport. I normally only met gendarmes or soldiers from the aviation squadron at the airport. I was also surprised to see, 10 minutes after the attack, soldiers laden with munitions leaving this airport.***

Throughout the night, we were stopped along the fence by gendarmes, who were clearly aggressive. Warrant Officer Cantineau of 2 Cdo and the doctor, Major Thiry arrived, as I did, to welcome our C 130 and they, like us, were stopped on site. Dr. Thiry and a logistics officer were made to sit on the floor and they were disarmed (Presidential Guard). All these people were in UN uniforms and in UN vehicles.³⁷⁴”

Lieutenant-Colonel Chantraine René, also a member of the military technical cooperation as a teacher at the military academy in Kigali, reports the same situation showing the fast and methodical reaction of the FAR after the attack:

*“On 06.04.94 at around 21:00 I was coming back from town and when I got close to the roundabout near Kacyiru I encountered roadblocks of Rwandan gendarmes. They didn’t tell me the reason for these roadblocks but they were very nervous. At the roundabout itself I was stopped and three particularly rough gendarmes pointed their guns at me. There, I found out from the driver of the vehicle behind me that the President had been shot down. I quickly understood and forced my way through. When I left I heard shooting and the person following me had had their tyre hit. I went back to the Belgian military camp of the military technical cooperation in Nyarutarama. **The speed of the presidential guard’s reaction and the speed with which a new government was put in place with an extremist majority made me think that it was on this side that we should be looking for the perpetrators of the attack.** There was a hard core within the armed forces, with leanings towards the Coalition for the Defence of the Republic. It would have been this hard core which armed the Interahamwe and had already caused massacres in the past³⁷⁵”.*

Chief Warrant Officer Defraigne Christian Joseph, another member of the Belgian military technical cooperation, gave a testimony which backs up those given by his colleagues : *“At the time of the attack against the Rwandan president, I was in the Belgian military village in Nyarutarama. I was stopped there. I don’t know what I can say of any note with regard to*

³⁷⁴ Hearing of Lechat Jean, 10 May 1994, by Brussels Military Hearing, following file N° 02 02545 N94 C8 (Ntuyahaga trial).

³⁷⁵ Hearing of Lt. Col. Chantraine René, 09 May 1994, by Brussels Military Hearing, following file N° 02 02545 N94 C8 (Ntuyahaga trial)

the attack and the assassination of our 10 paras. What surprised me was the speed with which the FAR acted. Less than 20 minutes after the attack the whole town was controlled and blocked off. It seemed to me that the soldiers were aware before [not our underlining] the attack of what was going to happen and what they had to do³⁷⁶ ”.

The sum of the evidence developed shows that a certain number of high-ranking FAR members and extremist politicians from Hutu Power were preparing to carry out an exceptional event which could have been the elimination of the President of the Republic and the Tutsi genocide, with the firm intention of taking advantage of the gap created by the sudden disappearance of the head of State to carry out a military coup and shelve the Arusha Accords once and for all.

Other actions which reveal the preparation of the attack by the FAR

On 06 April 1994, during the day, a series of actions revealing an overall strategy has been observed in the army, particularly within the elite units of the FAR: Para-commando, Reconnaissance and Presidential Guard. These were actions of different natures, but all agreeing on one point – keeping these units on alert until early afternoon when the first individuals began to be sent into operations on the ground close to the site of the attack or other key locations in the city of Kigali.

At first members of the presidential guard were patrolling in large numbers in the Kanombe area during the day on 06 April 1994, which surprised some of the soldiers in the Kanombe camp who were not used to seeing these movements in a place which was their stronghold³⁷⁷. Jacques Collet, a Belgian journalist who has covered the Rwandan conflict since October 1990 said that he learnt from Mr. Cam Tran, a Belgian cooperant in Rwanda, that the FAR soldiers had told him on the morning of 06 April 1994: *“Today is a big day; something important is going to happen.”*³⁷⁸

A witness from the para-commando battalion, Sgt. Major Emmanuel Munyaneza, reported that on 06 April 1994, certain units from this company were placed on alert, and that to do this, Major Ntabakuze cancelled, quite unexpectedly, the parachuting exercises which were due to take place in the Nyandungu valley. Major Ntabakuze then went to a meeting at the army headquarters:

*“On 06 April in the morning, we should have gone to the Nyandungu valley to carry out parachuting exercises there. A message came from the headquarters asking Major Ntabakuze to go to an urgent meeting. Immediately, Ntabakuze took the measure of suspending our battalion’s exercises which were planned for the day of 06 April and went to the meeting, leaving the order to stay prepared. When Major Ntabakuze passed on this order to us, he seemed very worried. There must have been as reason for this suspension, but I’m not aware of it.”*³⁷⁹

Warrant Officer Ndaruhutse Elias, an FAR soldier since 1985 who lived in the para-commando battalion in 1994, confirms this cancellation of parachuting exercises which should have been carried out by two companies of this battalion and states that the decision

³⁷⁶ Hearing of Defraigne Christian Joseph, 10 May 1994, by Brussels Military Hearing, following file N° 02 02545 N94 C8 (Ntuyahaga trial)

³⁷⁷ Sgt. Major Mbonigaba Wellars, para-commando in 1994, heard in Rusizi, 31 July 2008

³⁷⁸ Hearing of Jacques Collet of 16 May 1994, Record n°686, file n°02 0254594 C8, Brussels Military Hearing

³⁷⁹ Testimony gathered by the Committee in Ngoma (Kibungo), 08 July 2008

was made very quickly by Major Ntabakuze, on the morning of the same day: “On 06 April 1994, the parachuting exercises were cancelled by Major Ntabakuze, he told us that the situation was not good and he placed us on alert.³⁸⁰” One of the instructors in the paracommando battalion who was due to lead these exercises on the day, Sgt. Ngirumpatse Pascal confirms the previous testimonies of these former colleagues, stating how this cancellation was decided:

“I was one of the instructors who were expected to coordinate the parachuting exercises on the morning of 06 April. I went to the place where they were due to take place for a site observation and to put the equipment in place. Everything was ready. While I was waiting for the soldiers who were due to participate in the exercises to arrive, Chief Warrant Officer Canisius, alias Ndabashinzwe, whose actual name I’ve forgotten, came to tell me that the exercises had been cancelled. He didn’t give me any explanation as to the reason for the cancellation. I packed up the equipment and went to tell the companies concerned.³⁸¹”

In other military camps in Kigali, the apparent situation also indicated that something was about to happen. Chief Warrant Officer Munyaneza Denis who lived in the reconnaissance battalion commanded by Major François-Xavier Nzuwonemeye assisted by Captain Innocent Sagahutu, both on trial at the International Criminal Tribunal for Rwanda, reported that he was working in the administration service at the Kigali camp and that throughout the day on 06 April 1994 he observed a significant change in the behaviour of certain officers who seemed to be preparing for something unusual:

“On 06 April during the day, I saw that my direct superiors, Major Nzuwonemeye and Captain Sagahutu were behaving in way that was unlike everyone else. I noticed that they were both coming and going from the camp in a jeep as though preparing for a military operation. Other officers such as Nubaha and Neretse were making the same movements. This kind of attitude wasn’t normal; you could see that something had changed in the daily behaviour of these officers. Their movements showed that they were preoccupied by the preparation of something, but I can’t say exactly what. In any case, Sagahutu wasn’t at all stable that day, which is most unlike him³⁸²”.

Lieutenant Makuza Salathiel, who was in support in the field of operations in Shyorongi, says that he had observed an unusual situation from 05 April 1994 and adds that their superiors had placed them on alert, when the war was no longer taking place, and they were waiting for the transitional institutions to be put in place:

“What I remember is that over the dates of 05 and 06 April 1994, certain officers had clearly had their fingers burned. We could see for ourselves, and some of us knew that something was going to happen on the date of 06 April, without knowing exactly what. We thought perhaps that Kigali was going to be stormed. We were placed on stand by class one. I was ordered to place the alert at a meeting I had with my direct superior, Major Habimana, alias Bemera, which took place in the field of operations where I was in support, in Shyorongi. I can also state that I attended several meetings, since I was responsible for the aerial artillery weapons which were often used in combat support³⁸³”.

Another significant event which suggests that something was being prepared took place on the morning of 06 April, at Kanombe international airport, when President Habyarimana was

³⁸⁰ Testimony gathered by the Committee in Rubavu, 21 November 2008

³⁸¹ Testimony gathered by the Committee in Nyaruguru, 15 October 2008

³⁸² Testimony gathered by the Committee in Gicumbi, 22 October 2008

³⁸³ Testimony gathered by the Committee in Rubavu, 21 November 2008

leaving for the Dar es Salaam summit. When the crew of the Falcon 50 was ready to leave, the airport command services did not give the order for take-off until a member of the crew made some surprising comments which revealed that he suspected that something serious might happen.

In fact, Heri Jumapili, one of the most experienced air-traffic controllers at the time, who held this position at Kamembe aerodrome from 1982 to 1989, then at Kanombe airport from 1989 to 1994, who oversaw the management of the control tower on the night of 05 to the morning of 06 April 1994, told the Committee that the departure of the aeroplane had been delayed for reasons which were not explained:

“I worked as chief air-traffic controller on the night of 05 to 06 April 1994. I arrived at my post at 18:00 and did the handover with the man on the previous shift. He told me that the Falcon 50 was due to leave the following day, very early in the morning. Normally, before each departure, a member of the crew would bring the flight plan and clearance to us in the control tower, and we would then contact the destination airport. No aeroplane could take off without these documents being in order.

On that morning, I did not receive from the airport management either the flight plan or the take-off clearance. In the meantime, the crew were to-ing and fro-ing in the offices of the aeronautical and command services on duty. One of the crew members, who was called Héraud, came to the control tower several times and asked me whether I had the flight clearance yet. Things carried on like that and the plane, which should have left before 06:00, was delayed for a very long time. I can't remember what time the plane left, but what I am very sure of is that it was delayed and that there was no reason to explain the delay which had been communicated to me, so that in turn I could inform the airport in Dar es Salaam.

*Shortly before I received the order from the airport commander, one of the French crew members called Héraud, came into the control tower where I was. He didn't understand what was happening, and asked me whether I had the papers in order yet to give take-off clearance. I answered in the negative. He said this enigmatic phrase: **'It seems to me that these people don't want their leader anymore'**. Then, without saying anything else, he left with a disillusioned air³⁸⁴”.*

Being well aware that the French crew of the late President Habyarimana understood the situation in Rwanda, one has to wonder why one of them had these suspicions. Was he aware or had he seen signs that people were preparing for the assassination of President Habyarimana? This hypothesis should be taken seriously.

Coup d'état on the night of 06 April 1994, revealing the motives for the attack

Following the crash of the presidential aeroplane, the development of events proves that the intention of the clique of FAR officers commanded by Colonel Bagosora was to carry out a military coup, to impose it on civilians, the UNAMIR and the United Nations, to put in place a regime which was to their liking. However, the attempted coup could not have succeeded following the advice that Bagosora received from the western diplomats and UN representatives he contacted on the night of 06 April and during the morning of 07 April 1994. It is particularly following the positions expressed by General Dallaire and Jacques

³⁸⁴ Hearing by the Committee in Rusizi, 21 April 2008

Roger Booh-Booh, considered and accepted by the Hutu extremists as their friend, that Colonel Bagosora reluctantly renounced the idea of the soldiers taking power³⁸⁵.

According to General Augustin Ndindiriyimana, head of the Rwandan national gendarmerie, contact with Jacques-Roger Booh-Booh was made at his suggestion:

“When Dallaire arrived alone, at around 22:00, Bagosora explained the situation to him. After having confirmed to him that the President had in fact died in the accident, Bagosora explained to him that we were going to form a crisis committee to take matters in hand. Bagosora could not give a clear response to Dallaire’s question of precisely what we were going to do. I then intervened to clarify that if it was a takeover by soldiers, we should first check the mood of the international community, so that we would know whether it would support us in our projects.

My suggestion was immediately accepted by everyone, and Dallaire, Bagosora and Colonel Rwabarinda then went to see Booh-Booh. I stayed with the others in the meeting room until the following morning. Shortly after Dallaire and Bagosora left, Colonel Marchal arrived; I brought him up to speed on the situation. When I had finished, Lieutenant Colonel Kayumba pointed out that I had forgotten to say that our crisis committee was taking control of things. I stressed that this would depend on the outcome of the meeting with Booh-Booh.

(...) It was around midnight or 01:00 in the morning that Bagosora returned accompanied by Rwabarinda; I personally did not see Dallaire again. Bagosora explained to us that according to Booh-Booh, we had to stay within the Arusha Accords, and that the National Revolutionary Movement for Development, the president’s party, would choose a new president from among its members, in accordance with the ideology of these accords.

According to Bagosora, Booh-Booh had promised to make contact with the American Ambassador, so that he could organise a meeting for all the diplomats at his house at 09:00 the following morning. I expressed a desire to be present at this meeting, at the same time as Bagosora and Rwabarinda; everyone signalled their agreement. We also agreed that Bagosora would meet the leading MRND figures, so that they could choose a new president from among their ranks, in accordance with Booh-Booh’s suggestion. Bagosora then left the room³⁸⁶”.

On the night between 06 and 07 April 1994, Bagosora called a meeting at the Kigali camp, headquarters of the FAR military staff, which gathered together officers from the two military staffs, the Army and Gendarmerie, and with the support of other officers. He expressed the intention to take power in a military coup. Colonel Balthazar Ndengeyinka, who attended the meeting, attests to this :

“At the time of the events, I was technical advisor to the Rwandan Ministry of Defence. At the time the plane crashed I was in town, but I didn’t know what it was. I went home and I received telephone communications asking me for information. I then personally called the manned line at the Ministry of Defence which informed me that the presidential guard had confirmed that the presidential aeroplane had crashed. It was about 21:00. I also went to the army HQ. There I met Colonel

³⁸⁵ Report by the independent national commission on the involvement of France in the Tutsi genocide, Volume II, p. 139

³⁸⁶ Hearing of General Augustin Ndindiriyimana by the principal commissioner to criminal detachments, Brussels, 15 September 1995, following the duties prescribed by the investigating judge VANDERMEERSCH, file 57/95 against BAGOSORA Théoneste.

BAGOSORA, General NDINDILYIMANA, Lieutenant Colonel RWABALINDA, Lieutenant Colonel KAYUMBA and perhaps Lieutenant Colonel KANYANDEKWE, assistant to the G3 and also others but I can't remember their names.

We spent the whole night discussing what we should do. Colonel MARCHAL, with whom I did my postgraduate studies in Belgium, joined us at around midnight and then General DALLAIRE. Once the death of the President and the Chief of Staff had been made official, Colonel BAGOSORA proposed that the army take control of everything, but the other officers who were not close to the presidency disagreed. KAYUMBA agreed with BAGOSORA after receiving telephone calls from officers³⁸⁷”.

During this meeting on 06 April 1994, Bagosora also proposed appointing Colonel Augustin Bizimungu as the new Chief of Staff. He was then major in charge of the operational sector of Ruhengeri, whom Bagosora considered to be an officer he could count on for the completion of his programme. Certain officers rejected Bagosora's proposal, considering Augustin Bizimungu to be of an inferior rank and without as much experience as them. Logic would have dictated that Colonel Léonidas Rusatira, the oldest and highest ranking, occupy the post left vacant by General Nsabimana who died in the attack, but Bagosora, who saw Rusatira as a rival opposed his appointment. The compromise was Colonel Marcel Gatsinzi who commanded the southern sector of Butare³⁸⁸. Certain people present at the meeting, particularly General Roméo Dallaire, refused to give their support to this military coup and recommended that the Prime Minister from the opposition, Ms Agathe Uwilingiyimana be included in the management of the crisis.

According to Colonel Ndengeyinka, *“General Dallaire arrived and said that if we chose BAGOSORA's way the UN would have no choice but to withdraw.³⁸⁹”* Bagosora then opposed any consultation with the Prime Minister and declared that he no longer recognised her authority at all. Ndengeyinka states: *“the capacity of Prime Minister Agathe was contested. For BAGOSORA, the government no longer existed. He even said this to General DALLAIRE³⁹⁰”*. During his hearing by judge Bruguière in rogatory letters at the International Criminal Tribunal for Rwanda in Arusha, on 20 May 2000, Bagosora stated, following Booh-Booh's point of view, that Prime Minister Agathe Uwilingiyimana must be recognised, which he had refused to do: *“I told him categorically that I represent the armed forces. That is not negotiable; it's not negotiable”*.

At the time the meeting was taking place, Belgian UNAMIR soldiers received the order to go to the Prime Minister's house to escort her to the national radio where she should make a speech appealing for an end to the violence. When they arrived at her house at around 05:00 the blue helmets were attacked by FAR soldiers, disarmed and arrested along with five Ghanaian soldiers who were responsible for protecting the Prime Minister. Ndengeyinka expresses it in these terms: *“At around 05:00 I had just got undressed at home, I heard gunshots very nearby. I lived on the corner of avenue Paul VI and rue NYARUGUNGA, in a house next to the Russian house. I called the manned telephone line. Lieutenant Colonel KAYUMBA told me: ‘It's us who want to stop the Prime Minister going on the radio’. Then I understood that incidents were happening at Agathe's house³⁹¹”*.

³⁸⁷ Hearing of Lieutenant Colonel Balthazar Ndengeyinka by Judge Damien VANDERMEERSCH, Kigali, 19 June 1995: Record n°0155/CRIM/DA/KGL/95 of File n°48/95 J.I. VANDERMEERSCH.

³⁸⁸ Human Rights Watch, *Aucun témoin...* p.218-219

³⁸⁹ Ibidem

³⁹⁰ Ibidem

³⁹¹ Ibidem

Once they had been arrested, the blue helmets negotiated their surrender with the promise of being taken to a UNAMIR base, but the Rwandan soldiers, probably acting on orders, took them to the Kigali camp where they were attacked as soon as they arrived, beaten and then killed. With this, General Dallaire signalled that “*the murder of the 10 Belgian para commandos must be considered part of a deliberate plan*”, specifying that Colonel Bagosora and the gendarmerie’s chief of staff had told him that “*the events at the Kigali camp would show that the Belgian UNAMIR troops would do better to withdraw from Rwanda*”³⁹². At that time, Bagosora was carrying on negotiations and contact all over the place to obtain the political, military and diplomatic support he needed to sanction his coup d’état: “*During the meeting,*” states Balthazar Ndengenyinka, “*the telephone never stopped ringing. BAGOSORA asked for the calls to be diverted to another room. From then on BAGOSORA left the room every time the telephone rang. He was leading the meeting*”³⁹³.

On 07 April 1994 first thing in the morning, General Ndindiriyimana, Colonel Bagosora and Lieutenant Colonel Rwabarinda went to meet the American ambassador at his residence to ask his opinion with regard to the management of the political and military situation. During this meeting, the ambassador raised the issue of why the soldiers prevented the Prime Minister from going on national radio to address the population. Bagosora remained silent on this matter, making do with saying that the shots that were heard in town were the individuals in the presidential guard firing into the air, because they were affected by the death of their leader. Ndindiriyimana recounts this episode as follows:

*“At around 08:45, I went to the home of the ambassador in question, where I met RWABARINDA and BAGOSORA. The ambassador questioned us about the shots which we could hear at that moment, and which were coming from the KIMIHURURA hill, that is the area where the battalion of the Presidential Guard was quartered. BAGOSORA replied that they were shots into the air, coming from the presidential guard in a display of its discontent following the death of the President. The ambassador asked us why we had prevented the Prime Minister, Agathe UWILINGIYIMANA, from giving her speech. Personally, I didn’t know, and BAGOSORA did not give an answer either”*³⁹⁴.

Still on the morning of 07 April 1994, another meeting of FAR officers was held at the military academy which was attended by all the country’s operational sector commanders, military camp commanders, and officers from the military staff, Rwandan Army and Gendarmerie. Colonel Bagosora led the meeting and reiterated his position that the soldiers must take power, and for a third time opposed all consultation with the Prime Minister, stating that he did not know whether she was alive. The meeting ratified the decision taken during the night to create a crisis committee, grouping together several superior officers. While this meeting was taking place Ms Agathe Uwilingiyimana, was tracked down, arrested, sexually assaulted and killed by members of the Rwandan army belonging to the Presidential Guard and Reconnaissance units, commanded by Majors Mpiranya and Nzuwonemeye, both of whom were part of the extremist movement in favour of a takeover by the soldiers.

At the same time as this assassination, members of these units arrested, imprisoned and killed the main leaders of the opposition and important figures such as the president of the constitutional court, Joseph Kavaruganda, the president of the Social Democratic Party and agriculture minister, Frédéric Nzamurambaho, the vice-president of the liberal party and the minister for work and social affairs, Landoald Ndasingwa, and a member of the political

³⁹² Report by the Belgian Senate, op. cit. pp. 417-418

³⁹³ Ibidem

³⁹⁴ Hearing of General Augustin Ndindiriyimana by the principal commissioner to the crime detachment, Brussels, 15 September 1995, following the duties prescribed by the investigating judge VANDERMEERSCH, file 57/95 against BAGOSORA Théoneste.

bureau of the moderate Democratic Republican Movement and the information minister, Faustin Rucogoza. The elimination of political opponents and Belgian soldiers then definitively prevented the setting up of the Arusha institutions, and led to the withdrawal of the Belgian contingent of the UNAMIR, making it possible to carry out genocide and massacres. Once the military crisis committee had been set up, Bagosora, who was thus assured of having a military organisation under his control, set about trying to create a civil government which would in fact be under his orders. Bagosora therefore got directly in touch with the toughest leaders of the MRND to work out how to institute this government:

“I know, testified Lt. Col. Ndengeyinka, that the MRND held a meeting, without doubt between 4:00 and 7:00 on the morning of 7 April, which BAGOSORA attended, because he called it. I remember hearing BAGOSORA say, without doubt before the meeting of sector commanders that the MRND had been informed of BOOH-BOOH’s suggestions, but that it had expressed some doubts and I got the impression that it wanted to dither. After Agathe’s death, the MRND accepted the proposed process³⁹⁵”.

All the witnesses present in the meetings of 06-7 April 1994 heard on this day, state that Colonel Bagosora was the person who handled all matters from 06 April and that his main concern was the takeover by the soldiers³⁹⁶. During the period of the genocide, Bagosora continued to be the man of the moment, receiving the support of a government made up of members all in support of his cause and an army which he controlled. General Marcel Gatsinzi, stated that during his short-lived appointment as FAR Chief of Staff, he did not have any real power enabling him to direct all military and security actions :

“ From the 8th [of April], I realised that there was no consensus between the political and the military, and I had to establish that the situation on the ground was still going on, as I myself was occupied with the military operations which had started up again against the RPF. In my opinion, with regard to operations at that time, there was a purely military part of the operations (war against the RPF) and other operations carried out by soldiers, including the Presidential Guard, which were the execution of a pre-established plan which was known to underground networks. I had no control over the latter operations. However, I did have control over front line military operations. It was the commander of the city of Kigali who was responsible for these units for the defence of Kigali³⁹⁷”.

Dr. Charles Zirimwabagabo, former prefect of Gisenyi, the region where Colonel Bagosora was born, also reported that he believed Bagosora to be the orchestrator of the situation which prevailed in Rwanda from the night of 06 April 1994:

“During the months of May and June 1994, I met certain ministers who explained to me what happened on the night of 06 to 07 April 1994. They told me that it was BAGOSORA himself who chose them and who came to get them. It was the same for the interim president. It was BAGOSORA and the interim government who encouraged the massacres.³⁹⁸”

³⁹⁵ Hearing of Lt. col. Balthazar Ndengeyinka, op. cit.

³⁹⁶ See in particular the testimonies of General Marcel Gatsinzi, General Major Paul Rwarakabije, Lt. Col. Balthazar Ndengeyinka, Colonel Bavugamenshi Innocent, referenced above in this Report.

³⁹⁷ Hearing of General Marcel Gatsinzi in Butare, 16 June 1995, as part of a rogatory commission of Judge Damien Vandermeersch.

³⁹⁸ Hearing of Charles Zirimwabagabo, as part of an international rogatory commission of investigating Judge Damien Vandermeersch carried out in Rwanda on 5 June to 24 June 1995

Reactions revealing the prior knowledge of the plan for an attack

The day after the attack, expatriate witnesses resident in Rwanda reported having observed a holiday mood amongst FAR officers after the death of President Habyarimana, as though it was the culmination of a plan they had been waiting for. Robert Schriewer, head of the cooperation section at the Belgian Embassy in Rwanda between 1991 and 1994 gave a testimony reporting this reaction of happiness and celebration to the death of the President of the Republic and indicated that this celebration was organised at the home of Major Bernard Ntuyahaga, later found guilty of the assassination of ten Belgian UNAMIR soldiers. Robert Schriewer reports the events as follows:

“I arrived in Kigali on 13 September 1991 and I’ve lived here permanently since then, except for going back to Belgium on leave. I was in Kigali on 6 April 1994. I left Kigali in a C 130 on the night of 14 to 15 April. I came back to Kigali on 27 July. At that time I was living at Avenue des Grands Lacs 24 in Kiyovu (Kigali). On the night of 6 to 7, I was at home with my wife. I did not hear the noise of the attack. During the night we heard the usual noise of explosions or shooting. We also heard the frequent passage of military vehicles with radios but not listening to the radio, we weren’t aware of what was happening. We were woken up at about 05:00 in the morning by artillery fire. We realised that something wasn’t right. We telephoned and turned on the radio and found out about the attack the previous night. At 07:30, I made contact with the Ambassador, who gave us the instruction not to leave our homes. (...)

On the evening of Thursday 7, at around 16:00, my wife told me that one of our neighbours had lit up their terrace, and that laughter and noises were coming from a house diagonally behind mine which faced onto avenue de la jeunesse. (...) That was even more striking because the atmosphere was heavy. With the exception of this house the area was completely dark, because everyone had turned off their lights so as not to be taken for a target in the heavy silence which reigned and was punctuated by bursts of gunfire. The laughter and party noises seemed all the more out of place, as my wife commented: ‘But who could have a party, at a time like this? I tried to find out who lived in that house. When my houseboy came back to take shelter, he told me that it was a soldier, a captain. (...)

I would like to add that on Thursday 7 April in the morning, long bursts of gunfire had resounded in the “French Village”. I then found out from Mr. NKUBITO, the current justice minister, who lived in the same area as me, that it was the family of Justin Niyongira from the Ministry of Public Works who had been massacred as they fled. So from our garden we saw the various movements of the killers in uniform, wearing a black beret and armed with Kalashnikovs, we had the feeling, which was shared by our houseboy, that these movements were being directed from the neighbouring soldier’s house on plot 2. This information was later confirmed to us by Mr. NKUBITO himself.

(...) At a meeting with Mr. NKUBITO Alphonse-Marie, in Brussels, during the summer of 1994, when he was not yet justice minister, but a very few days before his appointment, we talked about the events. Mr. NKUBITO told me that my neighbouring soldier on plot 2 had indeed been the leader of the murders in the area and that he was called NTUYAHAGA, Major, and he wrote this name by hand in my notebook³⁹⁹”.

³⁹⁹ Hearing of Robert Schriewer by Judge Damien Van Dermeersch, Record N° 0011/File n° 57/95 J.I./VANDERMEERSCH, Kigali, 05 May 1995

If you compare this testimony to that of Mr. Cam Tran, a Belgian cooperant in Rwanda in April 1994, who revealed to his compatriot Jacques Collet that “*on the morning of 06.04.94 the Rwandan army was expecting a significant event,*” that the Rwandan soldiers had told him that it was “*a big day, something important was going to happen*”⁴⁰⁰, we can consider that extremist elements of the FAR, including Major Ntuyahaga, knew that the attack was going to be committed and were preparing to celebrate the elimination of President Habyarimana. It has also been said that a few minutes after the attack, FAR units were quickly deployed to different strategic locations in Kigali - an operation which would have been difficult to carry out in such a short time for an army which had been surprised by the assassination of its leader. Notably, soldiers from the Presidential Guard immediately besieged Kanombe airport where they blocked the Belgian contingent of the UNAMIR⁴⁰¹ who had two sections there whose mission was to ensure “*a UN presence on the roof of the terminal*” and “*carry out constant patrols inside the terminal*”⁴⁰².

At the time of this neutralisation, Colonel Bagosora explained to Dallaire that it would be better to withdraw his Belgian contingent from the UNAMIR, which greatly surprised Dallaire, who signalled it in these terms: “*All of a sudden, Bagosora put forward an idea to me, asking me to develop it: it might be good to get the Belgians out of the UNAMIR and Rwanda because of the rumours that they are responsible for the crash of the president’s aeroplane. (...) Did he expect the UNAMIR’s best unit to desert the field of operations? It was the first time that I’d heard from the mouth of one of the heads of the Habyarimana government that the presence of the Belgians was undesirable*”⁴⁰³.

The FAR had specialists in anti-aircraft artillery

One of the arguments by people concerned about clearing the FAR of all responsibility for the preparation and execution of the attacks is the claim that “*the FAR were badly equipped and poorly trained unlike the RPA, and that their heavy armament was under the control of the UNAMIR; moreover, that they only had weak anti-aircraft capabilities and they did not have any missiles*”⁴⁰⁴. The UNAMIR was not in a position which enabled it to carry out a full check of all the FAR’s military equipment. It has been stated above that the FAR had hidden their heavy armaments in various places which were inaccessible to the UNAMIR. Then, during the three days leading up to the attack, the UNAMIR was prevented from accessing FAR military camps including the one in Kanombe. Apart from this, it should be stated that the FAR had human and material resources capable of carrying out an attack.

In fact the FAR had specialists in anti-aircraft artillery trained in different countries, particularly France, Libya, China, Korea and the Union of Soviet Socialist Republics. These specialists joined two main units, the reconnaissance squadron battalion, and the anti-aircraft battalion (known as the L.A.A.) which had been commanded for several years by Colonel Bagosora. It was this battalion which ensured the security of the international airport in Kanombe with anti-aircraft weapons installed all around the airport’s landing strip, including “*4 mobile anti-aircraft posts set up around a twin 37.2 mm gun on a truck : one at each end of the strip, west and east, one at the terminal, near the taxiway and the control tower, to the north, one near the hangars to the south; (...) ; the anti-aircraft battery: two 14.5mm guns and four 14.5mm guns, twin 37.2 mm guns*”⁴⁰⁵.

⁴⁰⁰ Hearing of Jacques Collet, 16 May 1994, Record n°686, file n°02 0254594 C8, Brussels military hearing

⁴⁰¹ Human Rights Watch, *Aucun témoin...*, p.221

⁴⁰² KIBAT, Chronicle, 06 April -19 April 1994, p.6 and 15-16

⁴⁰³ R. Dallaire, *J’ai serré la main du diable...* Op. Cit., p.324

⁴⁰⁴ Subpoena duces tecum from Judge Bruguière, p.13

⁴⁰⁵ MIP, Volume II, Appendices, p.268-269

The technicians of the anti-aircraft battalion were trained by using surface-to-surface and surface-to-air missiles, and were mainly experienced warrant officers who had spent many years in the army. With regard to the reconnaissance squadron battalion, they were mainly trained by using surface-to-surface missiles called Milan used with light armoured vehicles (LAVs), but also had knowledge about the handling of surface-to-air missiles. An officer from the battalion, Lt. Habimana, had received military training in France in missile use techniques⁴⁰⁶. The Rwandan sub-officers were also trained in France, at the école d'application de l'artillerie (artillery application school), in anti-aircraft weapon handling techniques, including missiles. These were namely warrant officers Kalinda, Mburenumwe, and Nikorutuye, and Sgt. Hitimana. Warrant Officers Bayingana Valens, Ngaboyaruti Simon and Girukwayo Gaspard of the anti-aircraft battalion, had had identical training in Korea and France⁴⁰⁷.

A letter from the FAR Chief of Staff, Colonel Laurent Serubuga, dated 17 January 1992, states that the FAR had technicians in the anti-aircraft battalion with all the skills required for the use and control of anti-aircraft weapons:

" (...) on two occasions, states this letter, AA detachments were given the mission of going to RUHENGARI and to RUSUMO to shoot down planes which were flying over our territory, but did NOT succeed because these planes were flying above the intervention limits of the anti-aircraft battalion. The weapons this battalion has, twin 37mm guns and 14,5mm AA machine guns, in this case, can ONLY cover low altitude, that is less than 1,500 m above ground level.

To effectively defend mid-altitude (1,500 - 7,500 m), other weapons would be required which perform in the same or similar way to the French Roland, the possibilities of which are described in the attached appendix I. The approach taken during this war, which was known to the Rwandan Ministry of Defence consisted of buying an SAM 16 weapons system which was classed in the 'mid-altitude' range and had the advantage of being mounted on small vehicles.

This file should hold your due attention and be included in the overall defence requirements for the national territory. It is urgent that we first acquire an SAM 16 battery including 12 launchers and 120 missiles, knowing that the smallest unit used is a platoon made up of 4 sections. The technical characteristics and the costs of this equipment can be found in appendix II and III⁴⁰⁸.

In this letter, the Chief of Staff of the Rwandan army does not cite either the insufficiency or technical incompetence of the anti-aircraft battalion; he simply stresses that the aerial resources available to this battalion in January 1992 were not very long range, and expresses the desire to equip himself with more powerful anti-aircraft weapons, which clearly means that the FAR had Rwandan specialists in anti-aircraft artillery. We will also see below, in examining the supporting documents, that the FAR was trying, between 1990 and 1993, to obtain missiles and missile launchers, in large numbers and in different countries, in a very

⁴⁰⁶ Cpt. Nsengiyumva Théogène, heard in Gako, 19 June 2008; Cpl. Kabagema Camille, squadron 1986-1994, heard in Rubavu, 19 June 2008 ; Cpl. Muhozi François, squadron of 1991-1994, heard in Nyabihu, 19 June 2008

⁴⁰⁷ Testimony of Cpl. Nsengiyumva Tharcisse, gathered by the Committee in Kigali, 04 June 2008; Cpl. Ntawiyahura Innocent, heard by the Committee in Nyamasheke, 03 November 2008; Lieutenant Makuza Salathiel (Anti-aircraft battalion from 28/10/1991 until July 1994) heard at Rubavu, on 21 November 2008.

⁴⁰⁸ Colonel Serubuga Laurent, Chef AM AR, Letter n°0053/G3.3.2 to the National Defence Minister, Kigali, 17 January 1992.

short space of time, which reveals that the FAR could not establish firm command of missiles without having specialists trained to use them.

The possession of missile launchers and missiles by the FAR

The collection of pieces of evidence still in existence today, documents and testimonies, leads to the conclusion that the FAR was equipped with anti-aircraft weapons suitable for shooting down a plane on its landing approach, including missiles.

The different orders for missiles and missile launchers

The supporting documents show that since 1990 the FAR had been occupied with research related to missiles to strengthen its military arsenal and its anti-aircraft strike force. A document from the Rwandan Defence Minister which is the report of a meeting between the Chief of Staff of the Rwandan Army, Colonel Laurent Serubuga, the Minister at the presidential office who was responsible for defence and security, General Augustin Ndindiriyimana, and thirteen operational sector commanders of the FAR, on 21 September 1991, indicates that this important meeting proposed the acquisition of anti-aircraft missiles for shooting down an enemy reconnaissance plane which was flying over the volcanic region in the prefecture of Ruhengeri :

*“Com. OPS RUHENGARI states that an aeroplane was flying almost every night and at a very high altitude over the area of CYANIKA and the volcanoes, and that our weapons could NOT reach it. (...) The members of the meeting were all in agreement that this was an unidentified enemy reconnaissance aircraft certainly equipped with night vision equipment, since it was stated that its flyovers always preceded an attack or bombardment of our positions by the unidentified enemy. As we do NOT have AA weapons capable of shooting it down or at least threatening it, **the meeting proposes as far as possible to acquire a Surface-to-Air missile. However, as we do NOT have sufficient information with regard to the cost of such a weapon, we will have to refer to the opinion of Technicians from friendly countries to see to what extent our country would be capable of buying this weapon**”⁴⁰⁹.*

Between November 1990 and February 1992, missiles and missile launchers were both ordered by the FAR from five different States, either by way of repayable military credit or with direct military assistance. The countries were the Union of Soviet Socialist Republics (U.S.S.R.), the People’s Democratic Republic of Korea, Egypt, China and Brazil. In fact, on 31 July 1991, the Rwandan foreign affairs minister asked the U.S.S.R. for the acquisition of military equipment through concessionary repayable credit, including “**12 SAM 16 missile**

⁴⁰⁹ Letter N° 0104/G3.9.2.0 addressed to the Rwandan Army Chief of Staff by Commander Bujyakera Joseph, officer G2 EM AR. Subject : Report from the Meeting of OPS Commanders, Kigali, 21 September 1991. Present at this meeting: Colonel Laurent Serubuga, Rwandan Army Chief of Staff and Chairman of the meeting; Col. BEM Ndindilyimana Augustin, Minister at the presidential office who was responsible for defence and national security ; Colonel Nshizirungu Anselme, OPS Commander, Byumba ; COL. BEM Nsabimana Déogratias, Ops. Commander Mutara ; Lt. Col. BEM Munyarugarama Phénéas, G1 Rwandan Army Military Staff; Lt. Col. BEM Rwabalinda Ephrem, G3 Rwandan Army Military Staff; Lt. Col. BEMSG Ntiwiragabo Aloys, OPS Commander city of Kigali ; Lt. Col. BEMS Nsengiyumva Anatole, G2 Rwandan Army Military Staff; Lt. Col. BEM Ndengeyinka Balthazar, Ops Commander Rusumo ; Lt. Col. BEM Kamanzi Innocent, OPS Commander, Kibungo ; Lt. Col. Nzungize Alphonse, Commander of Commando Training Centre, Bigogwe ; Lt. Col. BEM Bizimungu Augustin, OPS Commander Ruhengeri ; Maj. Ngirumpatse Pascal, G4 Rwandan Army Military Staff; Maj. BEM Bahufite Juvénel, OPS Commander Gisenyi ; Commander Bujyakera Joseph, officer G2 Rwandan Army Military Staff, Reporter for the meeting.

launchers” and “**60 SAM 16 (IGLA) missiles**⁴¹⁰”. In a letter of 22 October 1991, the same minister reiterated his request for the aforementioned equipment to the embassy of the U.S.S.R. IN Kigali.⁴¹¹ On the same day, an identical letter was sent to the Ambassador of the People’s Democratic Republic of Korea in Kigali, requesting the same type of armament and munitions: “**6 SAM 16 missile launchers and 30 SAM 16 (IGLA) missiles**⁴¹²”.

On 13 July 1992, the Russian embassy to Rwanda sent a positive memorandum to the Rwandan foreign affairs minister with a copy to the defence minister informing him that “*the Government of the Russian Federation has given its agreement for a delivery to Rwanda, during the years 1992-1993, of military equipment, a list of which is attached, for the amount of USD 26 million. Payment must be made during the same year as delivery in convertible currencies. Part of this sum could be paid in Rwandan merchandise. To carry out negotiations and sign an agreement for the delivery of this equipment, the Russian Party is prepared to send a government delegation to Rwanda, or to receive a Rwandan delegation in Moscow within the time frame accepted by the two parties*”.

The list of military equipment that Russia agreed to deliver to the Rwandan government included anti-aircraft weapons identified as follows: “(...)

- **Portable anti-aircraft complex (SAM) ‘IGLA’ – 1M’ (‘AIGUILLE – 1M’) : 30 pcs**

- **Twin-barrelled anti aircraft gun 23 mm ZU-23 (‘Shield’)**

- *Munitions for the equipment mentioned above*⁴¹³”. On receipt of this letter, the Rwandan foreign affairs minister contacted the defence minister, who replied immediately in a letter on 27 July 1992, specifying that: “*we are ready to receive a RUSSIAN delegation in KIGALI as soon as possible to discuss the equipment to be obtained in RUSSIA, and the terms of repayment for credit which will be granted to us in this respect*⁴¹⁴”.

On 17 January 1992, the FAR chief of staff, Colonel Laurent Serubuga, sent a letter to the defence minister, with a copy to the commander of the anti-aircraft battalion and the Rwandan army’s head of military intelligence, reminding him that “*The approach taken during this war, which was known to the Rwandan Ministry of Defence consisted of buying an SAM 16 weapons system which was classed in the ‘mid-altitude’ range and had the advantage of being mounted on small vehicles. This file should hold your due attention and be included in the overall defence requirements for the national territory. It is urgent that we first acquire an SAM 16 battery including 12 launchers and 120 missiles, knowing that the smallest unit used is a platoon made up of 4 sections.*⁴¹⁵”

⁴¹⁰ Rwandan Ministry of Foreign Affairs and Cooperation, Memorandum n°65

⁴¹¹ Letter n° 1051/16.00/CAB from the Rwandan foreign affairs minister, Dr. Casimir Bizimungu to the Ambassador of the Union of Soviet Socialist Republics.

⁴¹² Letter n° 1062/16.00/CAB sent to the Ambassador of Korea in Kigali by the Rwandan Ministry of Foreign Affairs and Cooperation.

⁴¹³ Memorandum n° 45 of 13 July 1992

⁴¹⁴ Dr James Gasana, Defence Minister, letter n°1450/06.1.9, to the foreign affairs and cooperation minister, Kigali, 27 July 1992. Subject : Military equipment credit for Russia.

⁴¹⁵ Colonel Laurent Serubuga, Rwandan Army Chief of Staff, letter n° 0053/G3.3.2 to the National Defence Minister, Kigali, 12 January 1992. Subject: anti-aircraft defence of Rwandan territory.

The letter from Colonel Serubuga is marked “*Secret*” with three appendices including, respectively, the aerial defence plan for Kanombe airport, the technical specifications of the military equipment ordered in Egypt and the specifications of the missiles and missile launchers which also had to be acquired urgently in Egypt. The two latter appendices are, in reality, fax copies of orders which had been sent to Egypt by the Rwandan army on 02 September 1991⁴¹⁶. These missiles have the following features:

“IGLA (SA-16)

IGLA-1 : man portable anti aircraft rocket system consisting of :

Handle 9p-519
Barrel 9p-622
Missiles 9M-313

Production : 1990/91

Origin : USSR/Bulgaria

Quantity : 100 missiles, 20 launchers

Delivery : within 30 days after order entry

Price : launcher USD 30.000, -- c+f African port
Missile USDA 70.000, -- c+f “ “

Payment : as per agreement

Inspection : at port of loading

Warranty : as per producer

Validity : 2 months”.

On 12 January 1992, the Rwandan Ambassador in China sent a diplomatic note to the Rwandan authorities, in which he stated that he had had meetings with Colonel Chen Hong Sheng, head of the division of the bureau responsible for equipment and military cooperation, and indicated that the Chinese party was prepared to “*consider a Rwandan request with regard to granting substantial long term credit for the acquisition of Chinese armaments*”. The content of this diplomatic note was quickly taken up by the minister for foreign affairs and cooperation, Casimir Bizimungu, in a letter to the defence minister, to suggest that he, “*quickly make available a list of armaments that our country could acquire from our Chinese partner for our Army, now faced with the INYENZI-INKOTANYI*⁴¹⁷”, and the request for weapons and munitions, including missiles, was then sent to the Embassy of the People’s Republic of China in Rwanda.

On 30 January 1992, the Embassy of the People’s Republic of China in Rwanda sent a memorandum to the Rwandan foreign affairs minister informing him that “*the Chinese Government agrees to grant interest-free military credit for an amount of one million five hundred thousand American dollars for the purposes of buying weapons and munitions in China, (...) could the Minister please send him a list of the weapons and munitions required by the Rwandan Army as soon as possible*⁴¹⁸”.

On 1 February 1992, the Rwandan authorities were intensely active with a view to procuring missiles. In fact on this date, the Foreign Affairs Minister, Casimir Bizimungu, wrote a note to his counterpart in national defence, Colonel Ndiriryimana, asking him “*to get down to work so that the list of weapons and munitions to buy in China is available as soon as*

⁴¹⁶ The fax includes the mailing address for the order and the date the letter was written (2.9.91)

⁴¹⁷ Dr. Casimir Bizimungu, foreign affairs minister, letter n° 0068/16.00.00/CAB, to the national defence minister, Kigali, 25 January 1992. Subject : Military cooperation with China.

⁴¹⁸ Chinese Embassy in Rwanda, B.C.E. Memorandum n° 1/92, 30 January 1992

*possible, while we are waiting for the text of the credit agreement to be finalised with the signatures of the two parties.*⁴¹⁹”

On the same day, Colonel Ndiririyimana gave an immediate response specifying the technical military requirements to be “*acquired urgently from the Chinese Government*”. This equipment included: “**6 SAM 7 or 16 missile launchers**” and “**100 SAM 7 or 16 missiles**”⁴²⁰. Also on 1 February 1992, Colonel Ndiririyimana sent another letter to the Rwandan foreign affairs minister in which he gave the list of technical military equipment for which they should ask to acquire, this time from Brazil, up to 2.874.674.288 Rwandan francs. This list included: “**4 SAM 16 missile launchers**” and “**50 SAM 16 missiles**”⁴²¹. The order was then sent by the Foreign Affairs Minister to Rwandan Embassy in Washington on 05 February 1992 to ensure follow-up⁴²².

In other words, on the same day that Rwanda was asking for missile launchers and missiles in China, it was also looking for them in Brazil, which proves that it was a matter which greatly concerned the FAR and the Rwandan government. It should be noted, with regard to all these letters, that the increase in FAR negotiations with regard to the acquisition of missiles was accelerated after Colonel Serubuga’s letter of alarm of 17 January 1992 which requested the extremely urgent acquisition of effective anti-aircraft weapons, similar or equivalent to the French Roland.

Finally, a report drawn up by the Rwandan Defence Minister, James Gasana, on the “*situation with regard to Franco-Rwandan military cooperation*” between 1992 and 1993 signals a specific request by Rwanda to France for the acquisition of surface-to-air missiles:

“(a) To increase our defensive capacity, we are asking France to provide the following armament:

- 105 mm guns: 6
- 12.7 mm machine guns : 30
- 120 mm rifled mortars : 10
- 80 mm mortars : 20

The current situation on the ground justifies the extreme urgency placed on obtaining and getting into place these guns and machine guns during the course of this week.

(b) Concerning anti-aircraft defence, we hope to have mid-range surface-to-air missiles in the region of 12 launchers and 150 missiles. We are also asking FRANCE to provide at least three of our battalions with night vision equipment”.

Results of the UNAMIR enquiry and independent investigations

After the genocide, the UNAMIR II quickly set up a team of intelligence specialists who worked in particular on the attack. The Committee spoke to Captain Sean Moorhouse, a British Army officer, who worked on this file for six months as a UNAMIR agent from September 1994 to March 1995. Sean Moorhouse first indicated that from his arrival in Rwanda, General Guy Toussignant, who succeeded Dallaire as commander of the UNAMIR, asked him to gather specially information on the attack against the presidential aeroplane and

⁴¹⁹ Dr. Casimir Bizmungu, foreign affairs minister, to the national defence minister, letter n°0082/16.00/CAB, Kigali, 1 February 1992

⁴²⁰ Colonel BEM, National Defence Minister, letter n°0161/02.1.9 and its appendix, to the foreign affairs minister, Kigali, 01 February 1992. Subject: technical military equipment requirements.

⁴²¹ Colonel BEM Ndiririyimana Augustin, letter n°0160/02.1.9, Kigali, 01 February 1992. Subject: technical military equipment requirements.

⁴²² Minister for foreign affairs and international cooperation, FAX n°166 bis/001/CAB

on the genocide. To do this, Sean Moorhouse worked with a team of three other UNAMIR specialists from Canada, Australia and the USA.

Sean Moorhouse reported to the Committee that this UNAMIR team received a large amount of information from a great many sources, which was then evaluated, filtered, and analysed so that only the most credible elements were kept. With regard to the anti-aircraft weapons in possession in the FAR arsenal, Sean Moorhouse stated that his team produced a report on the weapons possessed by the FAR on the basis of information gathered by the Americans in Zaire, particularly in refugee camps where there were FAR soldiers and the in the stocks of their arsenal stored in a military camp of the Zairian army near Goma. Then, Sean Moorhouse specified that after producing the report on these weapons he passed it on to his superiors. Sean Moorhouse recognised that it its the same list that was published by Human Rights Watch except with regard to the Mistrals which, according to him, did not feature in the list which he had passed on to his superiors in the UNAMIR⁴²³.

In fact, in December 1994, Human Rights Watch published a report establishing that the FAR was, in April 1994, in possession of a rather efficient anti-aircraft arsenal which it had brought to Zaire after its defeat. This report contained the following elements:

“Rwandan soldiers reportedly guard and maintain howitzers and armoured personnel carriers hidden in a warehouse in Goma that is supposedly under the control of the Zairian military. During its mission to the region in October and November, Human Rights Watch/Africa obtained a detailed inventory of arms held by the former Rwandan government army. Among the equipment are:

- + 6 helicopters (1 Dolphin, 2 Larks, 3 Gazelles)
- + 50 anti-tank weapons (75mm recoilless rifles)
- + 40-50 SA-7 missiles
- + 15 Mistral AAM missiles
- + 46 air defence weapons (37mm, 23mm, 14.5 AAMG)
- + 255 mortars (120 mm, 82 mm, 60mm)
- + 6105 mm howitzers
- + 56 armoured personnel carriers (with cannons or machine guns)⁴²⁴”.

The investigation by Human Rights Watch and the testimony of Cpt. Sean Moorhouse enable us to see that the FAR had a significant anti-aircraft armament because they had Mistral missiles which are weapons just as effective as SAM-16s, since the Mistral has a range of 5km and a weight of 20kg, while the SAM-16 IGLA (USSR) known as Gimlet by NATO, has a range of 5km like the Mistral and a weight of 18kg⁴²⁵.

This is what contradicts the statements by the French Parliamentary Commission of Inquiry which concluded that *“the capacity of the FAR’s surface-to-air missiles, highlighted by Human Rights Watch, may be open to doubt, since the UNAMIR had never suspected they existed until April 1994. Moreover, the FAR only had only used this type of armament very little, since the RPF did not have any aerial resources. Finally, the Human Rights Watch report only mentions the SAM-7s or Mistrals, whereas, in all likelihood, the missiles used to carry out the attack are SAM-16s, ‘Gimlets’⁴²⁶”*. The same mistake was made by Judge Bruguière when he cleared the FAR of all responsibility for the attack, stating that *“the FAR did not possess surface-to-air missiles in their armament, but rather they only had classic*

⁴²³ Testimony of Sean Moorhouse gathered by the Committee in Cotonou, 04, 05 and 06 December 2008

⁴²⁴ Human Rights Watch/Africa, *“Rwanda, a new catastrophe”*, December 1994, Vol. 6, N°12

⁴²⁵ J. Morel and G. Kapler, art. cited, p.8

⁴²⁶ Parliamentary Commission of Inquiry, Report, p.218

*anti-aircraft weapons (anti-aircraft guns and machine guns) which is shown by the inventory of heavy or collective artillery given to the UNAMIR in which no surface-to-air missile appears*⁴²⁷ ”.

The information provided by Human Rights Watch is not the only information, since the presence of 15 Mistral missiles in the FAR arsenal had been signalled by the Belgian contingent of the UNAMIR, which had stressed, less than a week before the attack, the danger of missile launches in Kigali against the Belgian air force's C-130s⁴²⁸. On this point, the Commission of the Belgian Senate stated that it was “*aware of a telex issued by the 15th Transport Wing of the Air Force relayed by the C. Ops at KIBAT II. This telex, dated 5 April, advised KIBAT II that the C130 which was due to arrive in Kigali on 6 April would be equipped with electronic counter measure (ECM) resources, due to the fear of attacks by anti-aircraft rockets against our C130s on missions in Africa*⁴²⁹”.

It should be remembered that the Belgian intelligence services were well informed on the political and military situation in Rwanda both by their soldiers in the UNAMIR, and by Colonel Vincent, head of the military technical cooperation⁴³⁰. We can assume therefore, that it was in full knowledge of the facts that the Belgian army decided to equip its C130 with missile detection devices. Without the real existence of this risk, we would not see the validity of this precaution which had not been envisaged until April 1994. For his part, Dallaire assures that the FAR “*had anti-aircraft batteries at Kigali airport and an indeterminate number of SA-7 missiles*⁴³¹”, which is a sufficient armament to shoot down an aeroplane on its landing approach. The SAM-7 Strella in fact has a range of 3.2 to 4.2 Km⁴³², and the distance between Kanombe and Masaka/Rusororo which was crossed by aeroplanes ready to land is 1km as the crow flies.

Then, the investigations carried out by the journalist Patrick De Saint Exupéry into French military sources led to the fact that between the end of 1993 and the beginning of 1994, a request to provide the Rwandan government with two surface-to-air missiles was made by a close colleague of Paul Barril first to the arms salesman Dominique Lemonnier, and then to a French company specialising in exporting warfare equipment. Patrick De Saint Exupéry cites a written statement which he has, issued by a French reserve officer which confirms this:

*“I confirm that I was aware of a request which had been made, to the best of my memory, in the period between November 1993 and February 1994, for the two surface-to-air missiles. I clearly remember that my friend Dominique Lemonnier (Editor’s note: a businessman involved in arms trading in Rwanda, who died of a heart attack on 11 April 1997), spoke to me at that time and told me that this order seemed to have come from someone close to the former Captain Barril: also that it had, to his knowledge and after its refusal, been drawn up with an authorised French company which exports warfare equipment*⁴³³”.

During the trial of Colonel Bagosora before the International Criminal Tribunal for Rwanda, the letter from Colonel Serubuga mentioned above was presented by the deputy Public

⁴²⁷ Jean-Louis Bruguière, Order..., p.43

⁴²⁸ J. Morel and G. Kapler, art. cited, p.16 note 48

⁴²⁹ Report by the Belgian Senate, op. cit., p.401

⁴³⁰ Colonel André Vincent, Hearing of 09 November 1995, by the criminal police in the military courts, Record n°1223 of 09/11/95 (document from Ntuyahaga trial)

⁴³¹ R. Dallaire, *J’ai serré la main du diable...* op. cit., pp. 112-113

⁴³² J. Morel and G. Kapler, op. cit., p.15. These authors state that the SA-7 Strella missiles were launched at the back of the target.

⁴³³ Patrick De Saint Exupéry, “*France-Rwanda : Dangereuses liaisons*” (France-Rwanda : Dangerous Liaisons), Le Figaro, 31 March 1998

Prosecutor by way of evidence of the FAR's possession of surface-to-air missiles. Colonel Bagosora responded that the FAR had never bought them, although the FAR had passed on the orders and received the invoices. The deputy Public Prosecutor then underlined that the serial numbers mentioned in the pro forma invoice are the same as those on the battery that the Rwandan army stated it had collected in Masaka the day after the attack. And Bagosora responded: *"We intended to make an order; we didn't buy. In the meantime someone else could have bought it!"*⁴³⁴ Who else, instead of the FAR could have bought the missiles which, according to the deputy Public Prosecutor, have the same numbers as those of the weapon held up by the superior officers of the FAR as having been used in carrying out the attack?

The witness Mugenzi Richard, head of the FAR's listening and transmission centre located in Gisenyi, and who was confided in by superior officers in key posts in the Army, reported that Lieutenant Bizumuremyi, responsible for military intelligence in Gisenyi, and very close to Lieutenant Colonel Anatole Nsengiyumva, told him in 1993 that the FAR had surface-to-air missiles which had been delivered to them by France. Bizumuremyi told Mugenzi Richard that these missiles came from a lot that the French had recovered during the war in Iraq:

"Other information which I was aware of concerns the FAR's anti-aircraft device. In the last few months of 1993, I can't remember which month exactly, Lieutenant BIZUMUREMYI, responsible for military intelligence in Gisenyi, with whom I often worked in my capacity as operator, told me that the FAR had surface-to-air missiles which had just been delivered by France during those days. Sub-lieutenant BIZUMUREMYI mentioned this fact when we discussing the support Rwanda received during this period of war. He then praised the friendship between France and Rwanda and stressed its importance, revealing to me that France had shown its solidarity towards the Rwandan army by delivering surface-to-air missiles to Rwanda.

BIZUMUREMYI told me that these missiles came from the arms that the French soldiers had recovered during the war in Iraq and added that the French had given the FAR certain missiles from this acquisition. Talking about these missiles, BIZUMUREMYI told me that we didn't have to worry because the Rwandan Armed Forces had very powerful technical and military equipment, including anti-aircraft resources enabling the FAR to go into combat, which implied the destruction of aeroplanes.

Likewise, during the period of our exile in the Democratic Republic of Congo, FAR officers would sometimes talk about the reasons for their defeat, which they explained by the fact that they were divided and that several soldiers became more concerned with killing and pillaging than fighting against the RPF. During these discussions these officers gave details of the nature of the munitions the FAR had and referred to surface-to-surface missiles and surface-to-air missiles which existed in the FAR arsenal and which were dispersed amongst the specialised units of the military camps in Kanombe, Kigali and the presidential guard⁴³⁵."

What is justifiably troubling is that the French Parliamentary Commission of Inquiry published a series of missiles which were found in the lots of the Ugandan army with their respective serial numbers⁴³⁶, but kept quiet about the list and the numbers of missiles recovered by the French soldiers in Iraq. This omission does not seem innocent, since

⁴³⁴ Hirondelle, 07 February 2006 :

<http://www.hirondelle.org/arusha.nsf/LookupUrlEnglish/ae1a63a52497bb724325710e>

⁴³⁵ Hearing of Mugenzi Richard by the Committee in Kigali, 29 December 2008

⁴³⁶ Parliamentary Commission of Inquiry, Appendices, p.260

Mugenzi Richard's testimony is a credible source, aiming to show that France could have delivered to the FAR some of the missiles taken in Iraq.

The possession of missiles by the RPA is not a recognised fact

In 1995, Filip Reyntjens raised an important question which remained unanswered until the Parliamentary Commission of Inquiry was set up, by stating the following: “(...) *while units of the UNAMIR were prevented from accessing the site where the presidential plane crashed, the French soldiers, including Commander De Saint QUINTIN, went to the crash sites from the evening of 06 April and returned the next day. They recovered the fragments of the aeroplane and the missiles, which were sent to Paris for assessment. While certain elements would have enabled the identification of the type of weapon used, no findings have ever been made public.*⁴³⁷”

In the course of the work by the Parliamentary Commission of Inquiry, the French defence minister presented the Commission with an information sheet from its archives with the intention of “... *showing that the RPF in cooperation with the Ugandan President Museveni was responsible for the attack against President HABYARIMANA and the Burundian President NTARYAMIRA on 6 April 1994 in KIGALI*⁴³⁸”. This document from the French Ministry of Defence clearly accuses the RPF on the basis of, firstly, the analysis of missile fragments which was carried out by the French services, and these fragments were recovered at the site of the attack: “*The perpetrators of the attack used Soviet made SA 16s (according to the missile fragments found at the site of the attack)*⁴³⁹”; secondly, the accusation is based on two less convincing elements: firstly, on the conclusion that this type of weapon only belonged to the RPF because it was supplied by the Ugandan army, and secondly on the argument based on the fact that the Rwandan army did not have these missiles, for the simple reason that it would not have had any aerial threat to fear.⁴⁴⁰

It is very surprising that the report by the Parliamentary Commission of Inquiry, which falls in line with the ministry of defence document mentioned above, concludes, without giving any convincing evidence, that the type of missiles which shot down the Falcon 50 had to belong to the RPF because Uganda had them, and that the Rwandan army had no aerial threat to fear and because of this (but without evidence) attributes responsibility for the attack to the RPF. This simplistic version does not stand up to the reality of the facts established by this investigation.

Weakness of evidence from the French Parliamentary Commission of Inquiry

Published in the appendices of the French Parliamentary Commission of Inquiry (MIP) are documents which accuse the RPF of being in possession SAM 7, SAM 14 and SAM 16 missiles, without really supporting the statement or being convincing with regard to its relevance. The first is a letter from Colonel Sébastien Ntahobari, defence attaché to the Rwandan Embassy in France in 1994, written on 12 October 1998 to member of parliament Paul Quilès, who states the following:

⁴³⁷ Filip Reyntjens, *Rwanda, Trois jours qui ont fait basculer l'histoire* L'Harmattan, 1995, p.30

⁴³⁸ French Parliamentary Commission of Inquiry, Volume II, Appendices, p.278

⁴³⁹ Ibidem, p.281

⁴⁴⁰ Subpoena duces tecum from Judge Bruguière, p.40 onwards

“With SAM 7 and SAM 14 missiles, the RPF shot down: - a BN2A-21 observation aeroplane in Matimba near Kagitumba, on 07 October 1990. – a Gazelle SA342M helicopter in Nyakayaga near Gabiro, on 23 October 1990. (...) Ground troops recovered more than 7 shields of missiles which had been used by the RPF against our aircraft. These missile tubes, along with other equipment and armament recovered from the enemy were stored for a long time in a room at the military academy Kigali, where Rwandan members of parliament and foreign diplomats who wanted to do so were authorised to see them. Of course, elements of this equipment were sent to Paris for assessment by the good offices of the French Defence Attaché at the time, Colonel Galinié”.

Colonel Ntahobari does not provide any evidence for his statements, but is simply content to state that he was, until September 1992 commander of the Rwandan air force, and consequently he was *“the first person to be concerned by the threat of such arms in the conflict.”* Two documents referenced by the MIP appendices state that the French military leaders in Rwanda at that time had an SAM-16 missile which the FAR claimed to have recovered from the RPF⁴⁴¹. Firstly there are two diplomatic telegrams from 19 and 22 May 1991 written by Colonel Galinié and intended for his hierarchy, in which he states that *“the Soviet S.A. 16 surface-to-air missile (...) recovered from the rebels on 18 May 1991 during a clash in the Akagera National Park”* specifying that *“this weapon is new”* and that *“it may be of Ugandan origin”*. The telegram stresses that *“the headquarters of the Rwandan army is prepared to hand over to the defence attaché an example”* of this weapon to the defence attaché [*sic*], which means that the FAR had several missiles of this kind since they were prepared to entrust only *“an example”*⁴⁴² to the French.

There is then a note subsequent to the diplomatic telegrams from Colonel Galinié, written by General Christian Quesnot, President Mitterrand’s Special Chief of Staff, in which he announces *“a new offensive by Ugandan Tutsi rebels [which] took place on 17 and 18 May in the North-East of RWANDA”* during which *“A large amount of equipment was recovered on the ground, including a recently designed portable SAM 16 surface-to-air missile (range: 5 Km). General Quesnot adds: “This equipment, which is new and seemingly from Uganda, marks a new and dangerous direction in foreign assistance for the rebels. If Ugandan complicity is confirmed on this particular point, a special intervention will be required with regard to President MUSEVENI”*⁴⁴³.

The other document is a telegram from Colonel Bernard Cussac, who succeeded Colonel Galinié in the post of defence attaché, which gives the outcomes of cross-examinations which he carried out of RPF prisoners of war held in Rwandan prisons: *“With regard to the origin of the missiles used by the RPF, a single prisoner, Gasore John, who held the position of company commander with the Inkotanyi after completing ‘cadet’ training with the N.R.A stated that he knew about the SA 16. The RPF would have had several of them from 4 October after buying them from arms dealers in Europe”*⁴⁴⁴.

This telegram is followed by another from 13 August 1991 in which Colonel Cussac requested the procedure to follow for transporting this SA 16 missile to France, warning that

⁴⁴¹ DT N°145/AD/RWA and DT n°148/AD/RWA from Colonel René Galinié, defence attaché and head of the military assistance mission, 19 May 1991 and 22 May 1991; DT from Colonel Bernard Cussac, defence attaché, 10 August 1991 and 13 August 1991; Note from General Christian Quesnot, the President of the Republic’s Special Chief of Staff, 23 May 1991.

⁴⁴² J. Morel and G. Kapler, *“A propos d’un missile Sam-16 ‘trouvé’ par les FAR en 1991”* (*With regard to an SAM-16 missile “found” by the FAR in 1991*), unpublished and duplicated document, 04 June 2005

⁴⁴³ General Quesnot, Note for the attention of the President of the Republic, 23 May 1991.

⁴⁴⁴ Parliamentary Commission of Inquiry, Volume II, Appendices, p. 267-268

it “*may be dangerous to transport this missile by air*”⁴⁴⁵ in case it was set off. It would be desirable to have a specialist come on site and ensure the possibility of transporting it”. Colonel Cussac ends his letter by signalling that he had asked the French Ambassador in Uganda “*to seek intelligence relating to the possession of this N.R.A. device, and the supplying country. It emerges from intelligence gathered from a prisoner of war in Kigali who was interrogated by A.D., that the RPF had several examples from 4 October 1990 after buying them from arms dealers in Europe*”⁴⁴⁶.

Another document revealed by the MIP is a note from 07 July 1998 written by General Mourgeon to the minister of parliament Bernard Cazeneuve which takes up the basic information contained in the DTs from Colonels Cussac and Galinié in 1991 specifying, or rather qualifying them:

“The Rwandan army was able to recover some SA 16 missiles from the APR during the fighting. In fact, after the failure of the first offensive launched by the RPF on 1 October 1990 in MUTARA (north-east of the territory), an SA 16 cooler had been found on the ground in November; it led to the conclusion that this type of armament was present in the equipment of the (Rwandan ? Ugandan”⁴⁴⁷ ?) engaged troops. The intelligence was confirmed in April 1991 with the discovery of an apparently new SA 16 in the AKAGERA National Park (north-east). The FAR military staff had offered this intelligence to France (telegram of 18 May 1991), which did not follow up the matter. According to experts on site, the launcher cooler was defective and rendered the weapon unusable. The Rwandan army would have been able to recover other identical missiles from the RPA”⁴⁴⁸(...)”.

The content of this note from General Mourgeon, written four years after the events, clearly implies that the FAR had recovered several new SA 16 missiles from the RPF and that consequently, if this recovery is true, the FAR had them in its arsenal in April 1994. The note from General Mourgeon plants another doubt when it places the recovery of the missile in April 1991, while the diplomatic telegrams from Colonel Galinié of 19 and 22 May specify that the SA 16 was recovered from the RPF during a clash on 18 May 1991. Why this contradiction of dates for such an important file? The case made by the experts who would have examined the missile and judged it unusable is not as clear. Who are they and who were they working for? Supposing that these experts are French, one has to question whether they would have been able to leave Rwanda, during this period of war, without teaching their friends in the FAR how to handle the SA 16 which was in their possession?

Finally, it should be stated that in October 1990, the highest Rwandan authorities claimed that the RPF possessed missiles, which makes it legitimate to think, in that case, that these authorities are also concerned with buying weapons to be in a position to combat the RPF: “*the press, the international media, were able to film and verify during these days the Rwandan army taking very sophisticated weapons, including mid-range missile launchers*”⁴⁴⁹, stated President Habyarimana in his message addressed to the nation on Radio Rwanda, on 29 October 1990.

⁴⁴⁵ [translator’s note : footnote explains that the abbreviation in the ST stands for by air]

⁴⁴⁶ MIP, Volume II, Appendices, p.257

⁴⁴⁷ Our underlining of General Mourgeon’s doubt

⁴⁴⁸ MIP, Volume I, Report, p.216

⁴⁴⁹ Extract of the message to the nation delivered by the President of the Republic, transcribed by the Rwandan Foreign Affairs Minister, typewritten document

False story of the discovery of a missile in Akagera in 1991

The MIP appendices mention a discovery by French soldiers in the region of the Akagera National Park of a new SA 16 missile. It is claimed that following an offensive by the RPF army in this region a clash between the FAR and the RPF army took place on 18 and 19 May 1991. This alleged offensive by the RPF in the Akagera National Park never took place because on 29 March 1991, a ceasefire agreement had been signed between the two warring parties and was still in force in May 1991.

On the aforementioned dates, no breach of this agreement was signalled by the FAR or by other observers on the dates of 18 and 19 May 1991 in the Akagera National Park. The only reported and known instances of clashes and breaches of the cease fire took place around 30 April 1991 in the north-west in the prefecture of Ruhengeri, in the municipalities of Kidaho and Butaro⁴⁵⁰. It transpires, therefore, that this clash on 18 May 1991 is pure invention by the French soldiers and the former Rwandan authorities to make people believe that a missile had been found in the field of military operations in an attempt to attribute it to the RPF and get people to accept the Ugandan involvement in the conflict.

The MIP's suspicious omission to publish a note by General Quesnot attesting to the possession of a new missile by the FAR

On 19 May 1998, General Christian Quesnot, Special Chief of Staff to the French President, François Mitterrand from 1991 to 1995, was heard by the MIP and omitted to state that he had written a note to President Mitterrand, on 21 May 1991, to inform him of the discovery of a new or unused SAM 16 missile in Rwanda. During his hearing, General Quesnot was content to state that he reported to François Mitterrand the discovery of debris from missile fire found in Rwanda and did not mention this new SAM 16 missile which was in the hands of the FAR. The MIP summarises General Quesnot's testimony as follows:

“General Christian Quesnot then examined the other possibility that the RPF was behind the attack. He pointed out that the aeroplane, as it was landing at night, at some speed, could only have been shot down by a surface-to-air missile, in this case an SAM 16, with a range of around five kilometres. He mentioned a note that he had sent to the President of the Republic in May 1991, when shields from the firing of SAM 16 missiles had been found for the first time on Rwandan soil⁴⁵¹”.

This wilful act of omission by General Quesnot before the MIP in failing to reveal the existence of a new SAM 16 missile in the hands of the FAR, before the attack, is indicative of General Quesnot's intention to attribute responsibility for the attack to the RPF because the RPF is presumed, according to him, to be the only force which had them at that time. It is also surprising that this note from General Quesnot has not been published by the MIP in its appendices as is the case for a certain number of related documents. Although it is difficult to know the reasons why the MIP has not published this note, the fact remains that its publication would embarrass General Quesnot and all the accusers of the RPF, since it would demonstrate that the FAR was in possession of an intact new missile, three years before the attack!

⁴⁵⁰ G. Kapler and J. Morel, *A propos d'un missile Sam 16 trouvé par les FAR en 1991*, 04 June 2005

⁴⁵¹ MIP, Volume III, Hearings, Vol.1, p. 343

The contradictions or lies of Colonel Bernard Cussac

It was established by the MIP that the co-pilot of the Rwandan presidential Falcon, Jean-Pierre Minaberry, had expressed concerns about its security because he thought that the RPF had SAM 7 missiles and had requested, in a letter to his friend Captain Bruno Ducoin, who was a military technical assistant to the Rwandan air force, “*technical provisions to guard against this threat*”⁴⁵². Jean-Pierre Minaberry specified in his letter that the information on the RPF’s possession of SAM 7 missiles and not SAM 16 missiles had been given to him by Colonel Bernard CUSSAC : “ (...) *So I am writing to you : Do you remember the missiles they had in the North when they shot down the Islander and the helicopter. Give me the performance of these missiles, CUSSAC talked to me about SAM 7? **But he says that there have never been any SAM 16***”⁴⁵³. So, it is established that Col. Bernard Cussac has, in a telegram dated 13 August 1991 published by the MIP, with the subject of “ *the recovery and transportation of an SA 16*”⁴⁵⁴, proposed amongst other things, that a specialist come and ensure the possibility of its transportation.

In addition to the recovery of this SA 16 missile, Col. Bernard Cussac maintains in another telegram dated 10 August 1991 that an RPF prisoner of war by the name of Gasore John stated that the RPF had SAM 16 missiles which had been bought in Europe⁴⁵⁵. Why then would Col. Bernard Cussac, holding the important post of defence attaché of the French Embassy, on the strength of these two facts indicating that the RPF had SAM 16 missiles, have lied to the pilot of the presidential Falcon, taking the chance of risking the lives of French citizens, moreover former soldiers, and thus bearing the responsibility for their death? Or else did he tell the pilot Jean-Pierre Minaberry the truth, in which case the accusations against the RPF attributing the possession of SAM 16s to them would collapse. Why this contradiction? Therefore what was the origin of the SA 16 missile which was said to have been discovered in the Akagera National Park by the French army?

Georges Kapler and Jacques Morel confirm that the discovery of the SAM 16 missile by the French army in the Akagera National Park was in fact a decoy intended to give credence to the theory that Uganda was providing military equipment to the RPF, and that this missile was in fact amongst the lot of missiles recovered by the French army in Iraq. The two authors argue as follows:

“ (...) *The Commission* ⁴⁵⁶ *has not published the list of its missiles seized in Iraq which it had, however, been given. All of these contradictions, omissions and statements which are quickly picked apart lead to the conclusion that:*

- *The discovery of an SAM 16 missile on 18 June 1991 seems to be a set-up organised by French soldiers with one or more missiles brought back from Iraq..*
- *This set-up is without doubt intended to make people believe that Uganda was involved in the conflict.*
- *Uganda and the RPF had SAM 7 missiles and not SAM 16 missiles. The argument of the French leaders intending to prove that the RPF committed the attack on 6 April 1994 with SAM 16 missiles is not credible*”⁴⁵⁷.

⁴⁵² G. Kapler, J. Morel, *A propos.....*, idem

⁴⁵³ Extract from the letter of 28 February 1994 from co-pilot J.P. MINABERRY published by the MIP, Volume 2, p.238

⁴⁵⁴ MIP, *Enquête sur la tragédie rwandaise* (Investigation into the Rwandan Tragedy), Volume II, Appendices, p.257

⁴⁵⁵ Ibidem, page 256

⁴⁵⁶ French Parliamentary Commission of Inquiry

⁴⁵⁷ G. Kapler, J. Morel, *A propos....*, Op. cit., page 16

In fact, the FAR's possession of SAM 16 missiles recovered by France in Iraq is confirmed by different sources: firstly, Professor Reyntjens citing "concordant" sources from the British, American and Belgian military intelligence services, states that the missiles from Iraqi stocks recovered by France in February 1991, during the Gulf War, were delivered to Rwanda⁴⁵⁸. Then, Mugenzi Richard who, between 1990 and 1994, was head of an FAR radio listening centre located in Gisenyi, reported before the Committee that sub-lieutenant Bizumuremyi, with whom he was friends, and who was very close to Lt. Col. Anatole Nsengiyumva, commander of the FAR's operational sector and head of military intelligence in the Gisenyi region, told him that the Rwandan army was in possession of missiles recovered by France during the Iraq war.⁴⁵⁹

General Ndindiriyimana's doubts about missiles held by the RPF

Judge Jean-Louis Bruguière carried out a rogatory commission in Arusha which heard several detainees of the International Criminal Tribunal for Rwanda, including General Augustin Ndindiriyimana, former chief of staff of the Rwandan gendarmerie. He was heard on 19 May 2000. He gave a precise indication, stating that the RPF's possession of missiles was not evident, all the more so because there were FAR aeroplanes which had been shot down by bullets, but which were wrongly presented as having been hit by missiles:

Q : Did the Rwandan armed forces – the FAR - possess missile launchers ?

A : No, I don't think so really; I hadn't been in the Army for ten years, and I haven't been in the Army since. In any case, in the Gendarmerie, we didn't have any missiles, unless they were given by France, it was France who gave us weapons, in any case.

Q : Did the RPF have missiles?

A : It has been said. It has been said and people have given examples of the use of these missiles. Personally, I would say that cases have been mentioned which are unfair. People say about the first aeroplane which came down in Matimba, it was on the border with Uganda, that it was by missiles. No, I personally went to see this plane at the beginning, it was by bullets. But for the others it is quite possible that that was done. There are two helicopters. And then, people have talked about these missiles. But personally, I said: really, the UNAMIR cannot allow these things, for people to bring missiles to the CND. I had total confidence in the UNAMIR's senior officials.

Q : Did you have specific information on the existence of missiles in the CND ?

A : Honestly, I've heard that, but to say: it's this one who told me, it would be very difficult for me to tell you that.

Q : Yes. Have you heard information regarding the firing, firing of missiles on a Zairian plane, near... near Goma ?

A : Yes, but I don't think that was the missile. There was firing on the plane from Demba, a certain Demba. But I think it was bullet fire since, because there were no holes in the plane. There was the plane with holes in, which came back to land in Goma, wasn't there?

Q : That's possible.

A : Ah, if it was the missile, I don't think it would have been able to come back to the airport.

From the facts outlined above it emerges that:

⁴⁵⁸ MIP, Volume II, Appendices, p.239

⁴⁵⁹ Hearing by the Commission in Kigali, 24 September 2008

- The French suggested to the UNAMIR that it carry out “*alone*” an investigation into the circumstances of the attack and that the UNAMIR’s proposal to entrust the investigation to an independent body made no impression on them;
- The FAR refused the UNAMIR access to the crash sites to protect it with a view to an independent investigation;
- Only the French had access to the crash site and they removed missile debris and bits of the wreckage, as well as the black box;
- From these missile debris recovered from the sites by the French, the French Ministry of Defence services deduced that they came from a Soviet-produced SAM 16 missile;
- The alleged clash between the RPF and the FAR on 18 May 1991 during which a missile was discovered in the Akagera National Park never took place and was simply a subterfuge used by the FAR, assisted by French soldiers, to give credence to the theory that Uganda was involved in the Rwandan conflict. You will remember the setting up of an attack on the city of Kigali on 5 October 1990, falsely attributed to the RPF, and used to justify the mass arrest of Tutsis in Kigali and the call for assistance from the French and Zairian armies;
- This “*new*” SAM 16 missile supposedly discovered in the Akagera National Park was, at the time of the attack, in the hands of the FAR or French soldiers ;
- the FAR possessed French made MISTRAL missiles, also capable of shooting down an aeroplane;
- France provided the FAR with SAM 16 missiles from a lot sold to Iraq in 1988 and recovered by the French Rapid Action Force in February 1991 during the Gulf War ;
- France never revealed what happened to these missiles between February 1991 and April 1994;
- The FAR had military technicians trained particularly in France, China and Korea, in the use of surface-to-air missiles.

The site from which the missiles were fired

It emerges from an examination of the main questions relating to the shooting down of the presidential aeroplane, that determining the site where the missiles were fired was likely to identify who was responsible for this attack. In this regard we will therefore go over and analyse the different locations indicated in the testimonies gathered by the Committee.

If we refer to the authors who have written about the attack up to now, it is obvious to them that the missiles which shot down the aeroplane were fired from the Masaka hill,⁴⁶⁰ more precisely in the small valley which separates the Masaka hill and Rusororo where, in 1994, there was a project called “*CEBOL*” or dairy cattle farming centre.

⁴⁶⁰ Monique Mas, *Paris Kigali 1990-1994*. op. cit., p. 369 ; Linda Melvern, *Conspiracy to murder, the Rwandan genocide*, p.135 ; Reyntjens, Rwanda, *Trois jours qui ont fait basculer l’histoire*, pp.25-27

Masaka-CEBOL

Masaka is a hill more or less parallel to the Rusororo hill, coming from the Kanombe hill which is the site of Kigali international airport, with a single runway, which in 1994 was called Grégoire Kayibanda airport. Planes which landed there normally followed the East-West axis, or runway 28 as opposed to runway 10 in terms of degrees, in order to avoid flying over the city and especially passing over the four high mountains which border the city of Kigali to the west, that is: Mount Rebero (1701m), Mount Kigali (1855m), Mount Shyorongi (1737m), and Mount Jali (2200m).

It is therefore a total untruth spoken by those who do not know the sites, such as the French judge Jean-Louis Bruguiere [*sic*]⁴⁶¹ or the former French cooperation minister, Bernard Debré [*sic*]⁴⁶², when they state that there are two runways at Kigali airport, or that the aeroplanes were prevented from landing by the West (runway 10) following a diktat by the RPF to facilitate the attack on the presidential aeroplane. The RPF battalion which was stationed in Kigali from 28 December 1993 had the mission of protecting the RPF officials who were due to be part of transition institutions, made no demands with regard to landing at Kanombe airport. The RPF simply requested, for their own security, aeroplanes did not fly over close to the CND building⁴⁶³.

As will be shown by the maps and sketches, the approach to the airport for landing was made by flying over the lowest hills of Muyumbu and Kabuga (1608m), and the Rusororo hill to the East of Masaka (1552m), before arriving at the Kanombe hill where the airport is located. Immediately before Kanombe, between Rusororo and Masaka is a small valley crossed by a stream where a Ministry of Agriculture project was set up in the form of a model farm called CEBOL (dairy cattle farming centre) with a herd of around a hundred cows and a staff of around twenty people.

The place was planted with grass for fodder for the cattle and there were also cowsheds, and accommodation for vets and oxherds. The asphalt road from Kigali to Rwamagana goes past the foot of the Rusororo hill, 300 m from the CEBOL, and is linked with Masaka by a dirt road which crosses the valley, runs alongside the CEBOL for a few metres and then goes up to the administrative and trade centre of Masaka. It has been suggested – and this version seems to impose itself without much checking by the authors – that the missiles which shot down the presidential aeroplane were fired from the CEBOL, otherwise referred to as The Farm.

It should be pointed out that the route leading to this site, which continues to Masaka, was very well used in view of the importance of administrative, commercial and agricultural activities which took place there. Several civil and military dignitaries from the regime had first or second homes in Masaka where members of their families lived, which means that they went there regularly. In Masaka there was also the largest health centre in the region and the Sainte Agathe orphanage, which was just as busy, which was the work of President

⁴⁶¹ Jean-Louis Bruguière : Subpoena duces tecum of 17 November 2006, p.45. Also as part of the Rogatory Commission sitting at the International Criminal Tribunal for Rwanda in ARUSHA, on 18/5/2000, Jean-Louis Bruguière put the following question to Bagosora : “Do you know when the RPF made it obligatory for flights accessing Kigali airport to do so by only one runway ? And why ?”

⁴⁶² Bernard Debré wrote the following: “For some time, the journeys of aeroplanes which were due to land in Kigali had been altered at the request of the RPF: instead of taking the West runway, they had to, against all logic, go East.” (*Le retour du Mwami : La vraie histoire des génocides rwandais (The return of Mwami: the real history of the Rwandan genocides)*, Ramsay 1998, reprinted by Jean Claude Gawsewitch, 2006, Paris, p. 98).

⁴⁶³ Testimony of Colonel Andrew Kagame gathered by the Committee in Kigali, 28 November 2008

Habyarimana's wife and which mainly housed orphans of FAR soldiers killed in the fighting. The only path leading to these various establishments passed the CEBOL.

Generally, witnesses mention the existence of a roadblock set up a long time ago at a place known as Km 19, where the dirt road which goes to Masaka joins the main road from Kigali to Rwamagana⁴⁶⁴. They mention that military practice and training was regularly carried out in Masaka, given by French soldiers on ground located behind the former sector office. These soldiers belonged to the military assistance and training detachment (DAMI), which was in charge of training the FAR. They state that the air space in which the aeroplane was shot down was clear on the night of the attack and allowed good visibility. Several of them state having seen the number of projectiles fired at the aeroplane and/or heard the number of shots, and the space between them being fired. Finally, they mention general gunfire which immediately followed the attack, then the massacres of Tutsis which began that night and continued at an intensive rate in the days following the attack.

Particularly with regard to the day of 06 April 1994, the witness Paul Henrion reports that at 08:00 that day, when he was travelling along the road from Kigali to Rwamagana to go to Lake Muhazi, he saw a group of Rwandan soldiers wearing the black beret of the Presidential Guard. He was surprised to see two of them with their berets pulled to the right "*in the French style*" with their insignia clearly visible. On his return around 20:00, he found the same group of soldiers in the same place:

"On 06 April 1994 I went to Lake Muhazi between 07:30 and 9:00. On leaving Kigali at Rwandex, there was a roadblock. At the junction towards the airport, another roadblock. I arrived at the Guitanite factory which made corrugated iron with papyrus, on the outskirts of Masaka, I saw under the water pump, next to a small shrub, two jeeps with soldiers, presidential guards with black berets, and amongst these berets I saw that there were two with their berets on the wrong way round. They weren't worn in the Rwandan style or the Belgian style. They were worn the other way round, so I said "Oh, what's happening here?" In the jeep I saw a tarpaulin covering a machine gun – a four-barrelled one.

When I arrived in Kabuga, just on the way down, I saw an anti-aircraft gun and an anti-armour weapon with a magazine underneath. On my return I saw the same gun. Instead of being turned towards Km 27, it was turned towards the airport, with the barrel raised. When I arrived at the site of the machine gun, I saw the guys who were in the process of tidying up their tools. It was around 20:00-20:05.⁴⁶⁵ "

This testimony from Paul Henrion is one of the additional pieces of clear evidence that the road between Kigali, Masaka and Kabuga was well guarded and controlled by units of the Rwandan army, which is confirmed by testimonies from former FAR soldiers. The positioning of this high-calibre army on the road between Kigali and Kabuga was also mentioned by another witness, Master Warrant Officer Karambizi Philippe who reported to the Committee that on 05 April 1994 Paul Henrion saw, between Kabuga and Km 19, a gun without recoil on a trailer with tyres, positioned below the road with a team of FAR soldiers beside it. A few metres further on, at Km 19 on the road leading to Masaka, the witness saw a group of French soldiers who were under observation⁴⁶⁶.

⁴⁶⁴ Testimonies of Cpl. Njyamubiri Jean Baptiste gathered by the Committee in Ngoma (Kibungo), 09 July 2008 and Mjr. Mugiraneza Ildéphonse gathered by the Committee in Gicumbi, 26 June 2008. In April 1994, Mjr. Mugiraneza was one of the leaders of Rwandan gendarmerie's intervention and security group responsible for routine security operations in the city of Kigali.

⁴⁶⁵ Testimony given by the interested party in Brussels to the national commission of investigation into the role of France in the genocide, May 2007.

⁴⁶⁶ Testimony gathered by the Committee in Kigali, 23 September 2008

For his part, Gérard Prunier reports having gathered information which indicates that on the evening of the attack: “white men were spotted on the Masaka hill⁴⁶⁷”. It is therefore established quite certainly that during the day and the evening of 06 April, the road between Mulindi and Kabuga and the junction going to Masaka were completely controlled by the FAR. We cannot be certain that there were Whites at this location on 06 April 1994, but even if there were, they should not have been working for anyone other than the people controlling this site. General Major Paul Rwarakabije reported that in Kabuga there was a section of the gendarmerie which ensured the security of the location from Kabuga to Masaka and that it was this section which, on the evening of 06 April 1994, telephoned him to inform him of the attack which had just taken place. The army and the gendarmerie were therefore indeed present in the area around Kigali, Masaka and Kabuga⁴⁶⁸. The sketches reproduced in this report show the sites of the various places which have been mentioned and described.⁴⁶⁹

Alleged discovery of missile launch tubes in Masaka

While the missile launchers held up by the FAR as having been used to shoot down the aeroplane were recovered at the CEBOL between 07 and 08 April 1994, it was only on 25 April 1994 that Lt. Engineer Augustin Munyanzeza identified the two missile launchers which were allegedly used to shoot at the presidential aeroplane. The information relating to the discovery of these two missile launchers was written, for the first time, by Filip Reyntjens in his book “*Rwanda: Trois jours qui ont fait basculer l’histoire*” (Rwanda: three days which changed the course of history), published in November 1995. The French judge Jean-Louis Bruguiere [*sic*], as part of the international letters rogatory sent to the International Criminal Tribunal for Rwanda, posed the question on 19 May 2000 to General Augustin Ndindiriyimana, Chief of Staff of the gendarmerie in 1994, with regard to this discovery of missile launch tubes and Ndindiriyimana replied that he did not know anything about it and that he was even surprised by it. Ndindiriyimana said on this matter that in all the time he was in Kigali, he had followed the day-to-day events and had never seen these missile launchers; it was afterwards that he heard about them. This is General Ndindiriyimana’s exact response:

Q: *What do you know about the discovery of two missile launch tubes in Masaka, much later, on 25 April ?*

A: *Well, I don’t really know what to tell you there; and that, that surprises me, because the time that I was in Kigali, I followed all the events, almost, but no-one ever pointed out this business, I’ve never seen them.*

Q: *After you had had the information ?*

A: *Yes, after I had found out about it”.*

On 18 May 2000, the same judge had asked Colonel Théoneste Bagosora, also as part of the rogatory commission in Arusha, if he could speak to him “*about the discovery of the missile launch tubes in Masaka, on 25 April 1994*” and Bagosora replied that he did not know how these missiles were discovered, but that he had seen them at the end of April 1994 at the ministry of defence where they were photographed. Bagosora added: “*We wanted to build up a file which should be given to Lieutenant Colonel Rwabalinda Ephrem, who*

⁴⁶⁷ G. Prunier, *Rwanda : Histoire d’un génocide* (Rwanda : history of a genocide), op. cit., p.264

⁴⁶⁸ Testimony of General Major Paul Rwarakabije before the National independent commission of investigation into the role of France in the genocide, Kigali, 26 October 2007

⁴⁶⁹ See pages 67- 68 of this Report

was due to go to Paris". To the question: "Did you see the report by Lieutenant Engineer Munyaneza?" Bagosora gave the following answers:

"I saw it. And what's more, it was me who took it out of the archives in Goma, and it was me who gave it to Maître De Temmerman. And it was through my lawyer, Maître De Temmerman, that Filip Reyntjens had access to this document and it is from that time that Filip Reyntjens used that number in his book entitled "Les trois jours qui ont fait basculer l'histoire du Rwanda" [three days which changed the course of Rwanda's history]. (...) So we thought that France wanted to help us at that time and so a mission was required to go and explain our requirements... over there and give intelligence on this or that. So the mission of Ephrem Rwabalinda?"

(...) He went there, with photos of missiles, with sound recordings made at the airport... at the time of the attack on the aeroplane.... The missile launchers we kept at the ministry of defence for a long time... After the arrival of Turquoise in Rwanda... then ... these missile launchers were transferred from the ministry of defence to Gisenyi. And from Gisenyi, when we crossed the border, these missiles were entrusted to Colonel Anatole Nsengiyumva... So we kept these missiles in Goma because... Mobutu's army, they were actually also friends... but at a certain moment, through the intermediary of General Tembele, Colonel Aloys Ntiwiragabo... he left with a single missile launcher, with the sound recordings and they set off again as far as Gbadolite where they went back into the service of Mobutu... In any case, a missile launcher, with the sound recordings reached Mobutu. That is certain; that is a fact...

The second missile launcher, when Anatole (Nsengiyumva) was going to take refuge in Kenya, he left it with me, it was me who picked it up. I wanted to keep it, because they said you never know, it could be used for an investigation... I kept it with me in the city of Goma. Later, when they drove us out of the city because there were too many of us in the city of Goma, I went to put it into our soldiers' area at the green lake, a bit further, 20km I think, from Goma. It stayed there. In the end we thought that it should also be sent to Mobutu.

Anyway, we then thought about sending them both. So through TEMBELE that time, we handed them over to General TEMBELE himself for him to send it wherever they had sent the first one... Mobutu, in his lifetime, had asked for BARRIL's help to carry out an investigation based on these missiles – these missile launchers – in particular... Because, I can tell you, the attack on President Habyarimana's aeroplane was an international plot... That's why I wanted to speak to you and tell you.... that the UNAMIR in Kigali was complicit in the attack.... The photos of the missile launchers were accompanied by a note entitled: 'Identification of the weapon (missile launcher), Russian, used in the assassination of the Head of State on 06/04/94' drawn up and signed by Lt. Engineer MUNYANEZA- 25/04/94".

With regard to this discovery, the Committee carried out an investigation in the various people who could have had relevant information. The testimonies of people living very close to the site mentioned where the missile launchers were discovered vary greatly with regard to the date of the discovery, the exact location of this discovery, and the description of the objects discovered. None of these witnesses states or is aware of the moment that these weapons were deposited at the CEBOL, nor did they see the firing operation, nor did they even attend the discovery as such of these weapons.⁴⁷⁰ The dates of the discovery go from two days

⁴⁷⁰ Hearing of Masaka residents: Mayagwa Jean Baptiste, 20 March 2008; Uzamukunda Agnès, 25 March 2008 ; Rwajekare Augustin and Mukangamije Tatiana, 26 March 2008 ; Munyaneza Fabien, Uwimana Aloys and Muganga Jean Bosco, 14 April 2008 ; Iyamuremye Dismas, 9 June 2008

to three weeks after the attack, and some of the witnesses report having seen these objects at the CEBOL when the people were invited by the soldiers to come and see them, whereas the other witnesses say that they saw them by chance when passing by.⁴⁷¹

Other witnesses say that these objects were discovered by refugees driven out of Byumba by the war, who had been housed at the CEBOL. They point out that it was when some of these refugees went to cut the grass for their bedding that they discovered these objects and called the soldiers who were guarding the roadblock at Km 19 on the asphalt road 300 metres above. With regard to the nature and status of these missile launchers, these witnesses report having seen two long, khaki-coloured tubes of around 1m 50, hidden in the marshes and that there was also a new mattress. They confirm that these tubes were so heavy that the soldiers went to the camp at Kanombe to get a truck to transport them.⁴⁷²

Certain witnesses from Masaka named Chief Warrant Officer Bwiko Grégoire as being one of the FAR soldiers who were in position at the roadblock at KM 19 and who went to recover the missile launchers at the CEBOL⁴⁷³. When heard by the Committee, Bwiko did not confirm all the facts. He pointed out that the weapons were discovered by the people displaced from Byumba to the CEBOL and that the soldiers from the Kanombe camp were sent to recover them. He stressed that he was not part of the team that recovered them, but that he saw them when they arrived at the military camp in Kanombe⁴⁷⁴.

The displaced persons from Byumba who stayed in Masaka and whom the residents of Masaka report as having discovered the weapons used to carry out the attack, came, in the majority, from the former municipality of Kivuye. The Committee went to the scene to look for them and found a dozen witnesses who were amongst these displaced persons. The vast majority of them state that between 08 and 10 April, they heard that weapons had been discovered at the CEBOL⁴⁷⁵. None of them admitted having discovered the weapons themselves or having seen their discovery at the precise moment. Only two witnesses, Nkurunziza David and Bizimana Faustin, stated having seen them with their own eyes on the site of the discovery, but their respective stories contain significant inconsistencies on the date, placing the event between ten days and six weeks after the plane crash, which is unlikely⁴⁷⁶.

The testimonies of the former FAR members place the discovery of the weapons and their presentation to the Kanombe camp and the Kigali camp between one and three days after the attack. Firstly there are those who are very specific and assertive about the date of 07 April 1994. Habimana Etienne, a member of the Presidential Guard posted at the President Habyarimana's residence on the evening of 06 April 1994 indicates that on 07 April at 13:00, he found out from his colleagues that soldiers had recovered a missile launcher near Km 19, in the Masaka valley⁴⁷⁷. Rugengamanzi Protais, a member of the para-commando battalion, then the anti-aircraft battalion, states that on 07 April 1994 at around 9:00, a military truck full of soldiers headed by Lt. Col. Nzabanita went in to the Kajagali area in Kanombe

⁴⁷¹ Hearings by the Committee of Uwimana Aloys, Munyaneza Fabien and Muganga Jean Bosco in Kigali, 14 April 2008 ; Rwajekare Augustin in Kigali, 26 March 2008 ; Iyamuremye Dismas in Kigali, 9 June 2008 ; Uzamukunda Agnès in Kigali, 25 March 2008 ; Mukangamije Tatiana in Kigali, 26 March 2008 ; meeting with Mayagwa Jean Baptiste in Rusororo, 20 March 2008.

⁴⁷² Hearings of Mukangamije Tatiana and Rwajekare Augustin in Kigali, 26 March 2008; Uzamukunda Agnès in Kigali, 25 March 2008; Muganga Jean Bosco in Kigali, 14 April 2008.

⁴⁷³ Ndimubanzi Cassien, heard in Kigali, 24 April 2008 ; Uwizeyimana Boniface, Kigali, 15 April 2008

⁴⁷⁴ Hearing of Bwiko Grégoire by the Committee in Nyabihu, 14 May 2008

⁴⁷⁵ Mukankundiye Eulérie and Twahirwa Ephrem, heard in Gicumbi, 27 May 2008; Muganza Sebastien, Baribane Stanislas and Bugondo, heard in Burera, 29 May 2008

⁴⁷⁶ Meeting with Bizimana Faustin in Gicumbi, 27 May 2008 and Nkurunziza David in Burera, 29 May 2008.

⁴⁷⁷ Testimony gathered by the Committee in Gakenke, 25 September 2008

showing three missile launchers and saying that they had just been found in Masaka. They took them to the Kanombe camp command. These soldiers said that on the site where they were found there were also mattresses.⁴⁷⁸

Nsengimana Cyrille, a soldier in the para-commando battalion from 1984 to 1994, reports that on 07 April, he found out that units of his battalion had been sent to carry out a raid, and on their return at around midday, they said they had found two missile launchers in the Masaka valley⁴⁷⁹. 1st Sgt. Bimenyimana Apollinaire states that the weapon was recovered by soldiers from the Kanombe camp on the morning of 07 April and that it was then taken to the Kanombe camp, and then to the Kigali military camp, which was the headquarters of the FAR, where it was received by Sub-lieutenant Nsengiyumva Adrien on the orders of Colonel Laurent Nubaha, commander of the camp⁴⁸⁰.

An identical statement was made by Ngendahayo Théodore, a soldier in the field artillery battalion based at the Kigali camp, who reports that on 08 April 1994, he saw missile launchers stored in this military camp's warehouse and that Sergeant-Major Mukomeza Céléstin, the warehouse manager, told them that they had been picked up in Masaka where the gunmen were who had brought down the aeroplane⁴⁸¹. Warrant Officer Ndaruhutse Elias, a FAR soldier since 1985, assigned to the para-commando battalion in Kanombe from 1992 to 1994, reported that on 07 April 1994 soldiers positioned at KM 19 went to search the Masaka valley and there they found missile launch tubes which they then took the Kanombe camp⁴⁸².

There are witnesses who have not remembered the precise date, but do remember the period when the events were taking place. Colonel Dr. Bizumuremyi François, who was a doctor at the military hospital in Kanombe, reported having seen, two days after the crash, a missile launch tube which was taken to Kanombe, saying that it had been recovered in Masaka and that that was where the gunmen had been⁴⁸³. Karasanyi François, also a soldier at the Kanombe camp, reported that he saw the missile launchers in Kanombe around two days after the attack: *"I saw these weapons myself, around two days after the crash. One of them was a mixture of green and yellow colours and about 1m80 to 2m long. They were left outside the office of the commander of the Kanombe camp and we went to see them. After that, I didn't know where they were going"*⁴⁸⁴.

Sibomana Etienne, a soldier in the para-commando battalion in Kanombe in 1994, gave an identical account, saying that the weapons recovered in Masaka were taken to the Kanombe camp around two days after the crash⁴⁸⁵. Higiro Claude and Turatsinze Samson, also soldiers at the Kanombe camp in 1994, gave the same version of events⁴⁸⁶. Ntoranyi Protais, a soldier at the same camp in Kanombe in 1994, dates, as far as he is concerned, the presentation of these weapons in Kanombe as 11 April 1994⁴⁸⁷. 1st Sgt. Munyaneza Emmanuel of the para-commando battalion also places their discovery between 07 and 10 April. He specifies that he saw them with his own eyes, that there were two, 1.5m long missile launchers, a green colour mixed with yellow. The witness reports that there was also a mattress which served as a bed for the shooters. Munyaneza specifies that it was Ntabakuze's driver who brought them to the camp in a Land Rover jeep⁴⁸⁸.

⁴⁷⁸ Testimony gathered by the Committee in Rwamagana, 1st April 2008

⁴⁷⁹ Testimony gathered by the Committee in Kigali, 11 May 2008

⁴⁸⁰ Testimony gathered by the Committee in Nyaruguru, 13 June 2008

⁴⁸¹ Testimony gathered by the Committee in Rusizi, 07 November 2008

⁴⁸² Testimony gathered by the Committee in Rubavu, 21 November 2008

⁴⁸³ Testimony gathered by the Committee in Kigali, 10 March 2008

⁴⁸⁴ Testimony gathered by the Committee in Nyaruguru, 13 June 2008

⁴⁸⁵ Testimony gathered by the Committee in Nyaruguru, 13 June 2008

⁴⁸⁶ Testimony gathered by the Committee in Kayonza, 13 August 2008

⁴⁸⁷ Testimony gathered by the Committee in Nyanza, 24 May 2008

⁴⁸⁸ Testimony gathered by the Committee in Ngoma (Kibungo) 10 July 2008

Marihinde Juvénal, who entered the army in 1966 and who, in April 1994 was the driver of the commander of the FAR's transmission service, states that every morning he drove his boss to the headquarters. This is how, on 09 and 10 April, he saw Lt. Engineer Munyaneza in a Land Rover vehicle, bring into the headquarters weapons covered by a mattress, saying that they came from Masaka :

“I can't remember the exact date, but I'm sure it was 9 or 10 April 1994. I saw, one morning, at the Kigali military camp, a lieutenant called Munyaneza bringing in two weapons covered by a mattress, saying that they had been found in Masaka. There were two missile launchers, a parabolic antenna, and a transmitter. Munyaneza brought them in a Lange [sic] Rover vehicle. He was with his escorts. He left them with the G3 who was called Rwabarinda. He was the head of operations⁴⁸⁹”.

These eyewitness testimonies, gathered in various parts of the country, all contain precise memories of the events, apart from the odd detail, which make it legitimate to think that the weapons presented as having been used to shoot down the aeroplane were actually collected from the CEBOL between 07 and 11 April 1994, and were shown to the units of the FAR. These weapons were first displayed to the Kanombe camp, then they were moved to the Kigali military camp, and it was there that Lt. Engineer Munyaneza examined them. It should be noted that these weapons were presented to the best units of the FAR engaged, which could mean that the purpose of this presentation was to mobilise them for the demands of the war and the genocide, in order to avenge the President, in the words used by Major Ntabakuze immediately after the crash.

Questions raised by the alleged discovery of missile launch tubes

The alleged discovery of weapons at the CEBOL poses a series of questions which lead one to doubt the authenticity of the facts. Firstly, as mentioned above, the Chief of Staff of the national gendarmerie, General Ndindiriyimana, revealed that in Kigali he had never heard about the discovery of missile launchers at the CEBOL which were used in the attack against the Head of State, especially that the site of the alleged discovery was 300 metres away from the important roadblock controlled by his gendarmes.

Then, the same question arises with regard to Colonel Bagosora who represented the ministry of defence and who was recognised as having a crucial role throughout all these events, when he states that he does not know how these missile launchers were discovered and only saw them at the end of April 1994 at the ministry of defence!⁴⁹⁰ Similarly, the witnesses living close to the site of the alleged discovery, put forward different dates which are so far apart that there seems to be a manipulation and another in a long series of shows which had often been put on by the FAR. In this regard it suffices to refer to the mock attack which marked the night of 04 to 05 October 1990 in Kigali to make people believe that there were combats engaged into by the RPF which had allegedly infiltrated the capital⁴⁹¹.

The same technique was used on the night of 06 April 1994 immediately after the attack on the presidential aeroplane, where general gunfire was simultaneously released by soldiers from the Kanombe camp, units of the presidential guard posted at the residence, and those at the Kigali camp, to make people believe it was a response to individuals who had just shot

⁴⁸⁹ Testimony gathered by the Committee in Huye, 30 June 2008

⁴⁹⁰ Comments made by Colonel Bagosora as part of the international rogatory commission of judge Jean-Louis Bruguière sitting at the International Criminal Tribunal for Rwanda in Arusha, 18 May 2000

⁴⁹¹ See General Major Paul Rwarakabije, Meeting with Gabriel Périès and David Servenay, 13 April 2006, *Une guerre noire*, op. cit., pp. 181-182

down the presidential aeroplane⁴⁹². This gunfire consisted of shots fired into the air to make people believe it was a response to gunmen who were in Masaka and left no traces showing the impact of bullets. According to the KIBAT chronicle, this gunfire began only four minutes after the attack: “at around 20:34, H6 (who was in Kanombe) signalled shots from tracers and heavy weapons in the area”. The gunfire in the direction of Masaka was certainly an implementation of advice given to these FAR units in advance.

Finally, it should be noted that 300m from the CEBOL buildings, on the asphalt road leading to Rwamagana at the junction to Masaka, there was a permanent military position for gendarmes and soldiers, and it was operating on the evening of 06 April 1994 at the time of the attack. This barrier was 300m from the site where the missile launch tubes and the mattress were allegedly found, in the marsh close to the stream. It is clear that if the shots had been fired from this location, the soldiers and gendarmes guarding the position at Km 19 would have heard the shots. Also, they would have been able to see with the naked eye the position of the gunmen well before they went into action because there is a very clear view there, even at night. They would, in fact, have been in a position to catch the gunmen before they left the site the shots were fired from.

Questions which arise from the photos of the alleged missile launchers handed over to France by Lieutenant Colonel Ephrem Rwabalinda

The MIP to which the photos in question were sent writes: “that after a first assessment of these photographs, it is probable that the launchers containing the missiles have never been fired. On the photocopies of the photos, the tube is intact, the caps at its ends are in place, and the firing grip and the batteries are present⁴⁹³”. Consequently, the M.I.P. drew the conclusion that:

“From a close examination of the elements made available to the Commission of Inquiry, such as hearings carried out in order to complete this assessment, several findings emerge:

“ – there is a strong probability that the missile photographed has not been fired, this missile cannot in any way be reliably considered to be the weapon which shot down President Juvénal Habyarimana’s aeroplane. The photograph of this missile, which can be found in the appendices, shows one of the numbers which correspond to those published by Filip REYNTJENS, there is therefore little chance that the missiles

⁴⁹² See testimonies of Hitayezu Emmanuel, Nyagatare 31 July 2007; Nkeshumpatse Callixte, Kigali 4 April 2008 ; Mutabaruka Hamzak, Kayonza 10 May 2008 ; Iyamuremye Emmanuel, Kigali, 11 August 2008 ; Turatsinze Samson, Kayonza, 13 August 2008 ; Hagenimana Jean-Marie Vianney, Nyagatare, 1 August 2008 ; Ngendahimana Prosper, Musanze 11 September 2008 ; Hategekimana Jean-François, Nyamagabe 20 August 2008 ; Ntiryerinda Augustin, Huye 13 August 2008 ; Gasana Jean-Marie Vianney, Rubavu 29 February 2008 ; Mudahunga Jean-Marie Vianney, Kigali 14 March 2008 ; Sibomana Etienne, Nyaruguru 13 June 2008 ; Masengesho Innocent, Kigali 18 March 2008 ; Siborurema Silas, Nyaruguru 13 June 2008 ; Karasanyi François, Nyaruguru 13 June 2008 ; Nyirinkwaya Jean-Damascène, Kigali 6 June 2008 ; Ntoranyi Protais, Huye 24 May 2008 ; Kayitare Gaëtan, Kigali 25 June 2008 ; Marihinde Juvénal, Huye 30 June 2008 ; Nsengiyumva Tharcisse, Kigali 4 June 2008 ; Kayitare Didace, Kirehe 15 July 2007 ; Munyemana Godefroid, Huye 1 July 2007 ; Zigirumugabe Grégoire, Kigali 6 August 2008.

⁴⁹³ MIP, Appendices, Extract from the letter from General Mourgeon to Mr. Bernard Cazeneuve, 11 December 1998, Additional specifications for photographs of missiles, p.271

identified by the Belgian university are the same as those which were actually used to shoot down President Juvénal Habyarimana's aeroplane;

“ – There is a noticeable concordance between the theory circulated by the FAR members in exile (cf. documents sent by M. MUNYANEZA to M. Filip REYNTJENS) and the theory which arose from the elements sent to the Commission aiming to basically name the RPF and Uganda as possible perpetrators of the attack (cf. photographs and lists of missiles in the appendix). This hypothesis was put forward by certain leading members of the French government without much caution, as shown by the hearings of Mr. Bernard Debré, former Minister for Cooperation, and Mr. François Léotard, former Defence Minister;

“ – Since the concordant information in the possession of both the members of parliament in the Commission and certain academics – although they were circulated by different channels – appear to be of very limited reliability and as they do not manage to name the weapon used in the attack, the question arises as to why there is this confusion. Doesn't the intervention by the FAR members in exile in this attempt to misinform identify them as possible protagonists in an attempt to misinform? Unless they are genuine, the FAR members in exile have themselves been manipulated, but in which case, by whom?”

Judge Jean-Louis Bruguière found in his verdict that the numbers of these two missile launchers (04-87-04835 and 04-87-04814) which the FAR claim to have discovered on the site from which the shots were fired, reveal their origin and the path they took to arrive into the hands of the RPF⁴⁹⁴. Judge Bruguière states that he diligently carried out a rogatory commission in the former U.S.S.R. as part of an international judicial cooperation, and the prosecution in Moscow authenticated the two missile numbers and established that they were part of an order of 40 SA 16 IGLA missiles delivered to Uganda.

This trail therefore allowed Judge Bruguière to conclude that the missiles belonged to Uganda and to be convinced of their delivery to the RPF to finally be used in carrying out the attack against the Falcon 50. However, the members of parliament on the French Parliamentary Commission of Inquiry who studied this matter in depth rejected a similar reflection, quite rightly considering that “*These reports do not establish any responsibility for carrying out the attack*”. This is also the opinion of the Committee.

Conclusion on the hypothesis of Masaka as the missile firing site

Regardless of the contradictions and improbabilities in the testimonies and elements produced to name the CEBOL, otherwise known as the Farm, as the firing site for the missiles which shot down the presidential aeroplane, other objective elements exclude this site as the location of the missile fire, particularly :

- 1) Masaka is a hill located in an area which was at that time completely controlled by the government, populated mainly by people originally from regions in the north-west of the country who were very attached to the Habyarimana regime;
- 2) The road which leads to this site is patrolled during the day by the Gendarmerie, and at night by the Rwandan Army, particularly during this period of high tension;

⁴⁹⁴ See pages 35 to 45 of his Subpoena duces tecum

- 3) The CEBOL, from where the missiles were apparently fired, is located lower down from the asphalt road, 300 metres from an FAR roadblock, set up at the intersection with the dirt road leading to Masaka, passing the CEBOL. From this FAR roadblock, there is a clear view of what is happening at the CEBOL and even beyond, and the presidential plane was scheduled to land at 17:00, which means that it is unlikely that the gunmen went to this location, in broad daylight, on foot or in a vehicle, to wait for the presidential aeroplane to pass over, without being seen by FAR units on patrol or by residents going home after the big market in Mulindi, which was very well attended on the first Wednesday of every month;
- 4) Even if, by some remote chance, the gunmen had been able to access this site without being seen by the soldiers and gendarmes at Km 19, or the staff at the CEBOL, or the numerous refugees milling about this site, it is difficult to see how they could have left without any fuss after having fired the missiles. In fact, no reaction from the gendarmes present nearby, at Km 19, was reported, nor from the army, generally, to cordon off and search the sites;
- 5) As we will see later, the missile firing angle of 70 degrees, assessed by Nicolas Moreau, the UNAMIR's military observer, who gave his testimony in the trial of Major Ntuyahaga in Brussels, rules out the possibility that the missiles were fired from Masaka. In the second section we will see a more plausible hypothesis.

Different locations in Kanombe

Of all the hypotheses examined by the Committee with regard to the place the shots which shot down the presidential aeroplane were fired from, only three have proven to be worthy of any interest. The first, which places the site in the Masaka valley, on an experimental farm known as CEBOL, has just been dismissed for the compelling reasons which have already been given. The second and third hypotheses which will be analysed take Kanombe as the site from which the missiles which shot down the Falcon 50 were fired. The witnesses who indicated Kanombe as the site from which the missiles were fired can be grouped in three categories : members of the former Rwandan armed forces, technicians and employees of Kanombe airport, and soldiers from the UNAMIR and the Belgian Military Technical Cooperation.

Some of them describe having clearly seen the site the missiles were fired from, which they place either in the Kanombe military camp, explicitly or implicitly, or in the area between the airport, the camp and President Habyarimana's residence; others locate it in relation to the proximity of the noise of the shots and bangs they heard; others locate it in relation to the orientation or the direction of the shots they saw. It should be specified that the Kanombe military camp is vast, and that as a result the witnesses locate it in relation to the exact place they were in at the time of the events.

From the fence around the presidential residence, or very close to this residence

The witnesses Nsengiyumva Tharcisse (anti-aircraft battalion, Kanombe camp from 1984 to 1994)⁴⁹⁵, Cpl. Bicomumpaka Sylvestre (Kanombe camp from 1993 to 1994)⁴⁹⁶, Cpl. Turatsinze Samson (para-commando battalion, Kanombe from 1987 to 1994)⁴⁹⁷, 1st Sergeant Ntwarane Anastase (Presidential Guard assigned to the airport on 06 April 1994)⁴⁹⁸, Cpt. Bwanakweri Isidore (Secretary to the Defence Minister from 1992 to 1994)⁴⁹⁹ and Cpl. Habimana Gonzague (para-commando 1986-1994)⁵⁰⁰ state that the missile fire which shot down the Falcon 50 was carried out from the fences around the presidential residence or very close to this residence and incriminate the soldiers from the presidential guard who were positioned there. These witnesses were in the Kanombe camp or its immediate surroundings.

A team of two British experts in ballistics and aeronautical investigations into shot down aircraft, whose conclusions can be found in the appendices of this report, checked these testimonies on site by placing themselves, as far as possible, where the witnesses were at the time of the events, and concluded that they were credible. The following map shows the area determined by these experts as constituting one of the possible departure points of the missiles which shot down President Habyarimana's Falcon 50. This area includes the eastern extremity of the airport, part of the Kanombe military camp and the area immediately surrounding the presidential residence.

⁴⁹⁵ Hearing by the Committee in Kigali, 04 June 2008

⁴⁹⁶ Hearing by the Committee in Rulindo, 20 October 2008

⁴⁹⁷ Hearing by the Committee in Kayonza, 13 August 2008

⁴⁹⁸ Hearing by the Committee in Kirehe, 13 November 2008

⁴⁹⁹ Hearing by the Committee in Rilima, 08 August 2008

⁵⁰⁰ Hearing by the Committee in Muhanga, 03 October 2008

In Nyarugunga and Nyandungu

Other witnesses also name Kanombe as the site the shots were fired from, in the area located between the residence, Nyarugunga or above the Nyandungu valley. These are Sgt. Nteziryayo Sylvestre (Kanombe camp, para-commando from 1990 to 1994)⁵⁰¹, Cpl. Nsanzabera Vedaste (Anti-aircraft battalion, Kanombe from 1983 to 1994)⁵⁰², Cpl. Munyerango Félicien (para-commando, Kanombe from 1987 to 1994)⁵⁰³ and Sgt. Maj. Ngirumpatse Pascal (para-commando, Kanombe from 1988 to 1994)⁵⁰⁴. The witnesses Elisaphan Kamali⁵⁰⁵ and Innocent Twagirayezu⁵⁰⁶, members of the presidential guard who were in the airport at the time of the attack locate the shots' point of departure below Nyarugunga.

With regard to Uwingabire Bernadette, who is a resident of Kanombe living in the Kamashashi cell, Nyarugunga sector, which adjoins the Kanombe military camp and the presidential residence, where she had lived since 1986, around 700m from the presidential residence, she reports that she heard and felt the force of the shots which exploded the aeroplane. She locates the departure point of these shots below Nyarugunga⁵⁰⁷. According to the technical study by the experts mentioned above, the locations of Nyarugunga and Nyandungu are not within the missiles' possible departure zone. Moreover, if the missile's point of impact is known, to accept these testimonies would be to return to saying that the missiles were fired behind the aeroplane, which is not the case.

In the area around the Kanombe military camp

A certain number of witnesses, mainly FAR soldiers who lived at the Kanombe camp and agents from Kanombe airport, locate the firing site of the shots in the immediate surroundings of the Kanombe military camp. Silas Siborurema lived at the Kanombe camp from 1992. He reported that "***the aeroplane was shot down by shots fired from very close to the [military] camp after it had passed over the Nyarugunga valley. From what I observed, these shots were not fired up in front or behind the plane, but rather from its left side***⁵⁰⁸". Mutwarangabo Jean Bosco (Kanombe camp 1991-1994) was in the Kanombe military camp at the time of the aircraft explosion and reports that the shots were fired from between the airport and the camp:

*"On the evening of 06 April, the plane crash took place between 20:00 and 20:30. I was coming back from the mess, where I'd been watching the television, and I was going back to the dormitory. I heard the noise of the aeroplane which was heading towards the airport and I looked at it. Suddenly I noticed a flare in the sky, and the aeroplane immediately turned off its lights. In the moments that followed, the first shot was fired, then the second, which caused the plane to explode. **The origin of these two shots was located close to the military camp, towards the south side. The***

⁵⁰¹ Hearing by the Committee in Kigali, 08 October 2008

⁵⁰² Hearing by the Committee in Huye, 30 June 2008

⁵⁰³ Hearing by the Committee in Ngoma (Kibungo), 15 July 2008

⁵⁰⁴ Hearing by the Committee in Nyaruguru, 15 October 2008

⁵⁰⁵ Hearing by the Committee in Ngororero, 21 June 2008. Kamali is one of the soldiers in the Presidential Guard first to enter the control tower immediately after the attack.

⁵⁰⁶ Hearing by the Committee in Rubavu, 28 February 2008

⁵⁰⁷ Hearing by the Committee in Kigali, 03 March 2008

⁵⁰⁸ Hearing by the Committee in Nyaruguru (Munini), 18 April 2008

*shots were fired towards the aeroplane, and were fired from in front. They did not come from behind*⁵⁰⁹ ”.

Sgt. Nsengiyumva Théogène was at the airport waiting for the Chief of Staff and was positioned at the edges of the airport to the side which looks onto the Kanombe camp. He stated that the shots which brought down the aeroplane were fired very close to the place where he was: *“I heard three shots which were fired close to the place where I was. **I would locate the place where these shots were fired from in the immediate proximity of the Kanombe military camp, more specifically, between the camp and the airport, not far from the coffee tree plantations which were there at that time. These shots came from a distance very close to where I was positioned. I paid very close attention as I was a soldier ensuring the security of the airport.**”*⁵¹⁰

Iyamuremye Félicien was a gendarme in the Kacyiru group belonging to the Kanombe airport company (CAK) which was responsible for the security of passengers at the airport. He said that the shots were fired from below the airport :

*“I had worked in the airport on the night of 06 April 1994. I was outside and I saw the aeroplane arriving from far away in the Masaka sky. The soldiers from the Presidential Guard took their positions immediately. Then I heard the first shot and I thought straight away that it was the aeroplane that was being shot down. After a few moments another shot followed, but I can’t remember if there was a third. **What I do remember is that I heard these shots at a distance of around two kilometres from the airport. That was in the proximity of the military camp, a bit below the camp**”*⁵¹¹ ”.

Faustin Rwamakuba was one of President Habyarimana’s drivers who was responsible that day for the loading and transportation of the luggage from the residence to the airport, both for the departure in the morning and for the arrival in the evening. Rwamakuba was at the airport on the evening of 6 April 1994 and locates the origin of the shots in Kanombe : *“**Two successive missile shots were fired at the aeroplane. They came from below the airport and went in the direction that the aeroplane was coming from to meet it in the direction it was travelling**”*⁵¹² ”. Heri Jumapili is an air traffic controller who had worked on the night of 04 to 05 April 1994 and lived next to the airport. On the evening of 06 April he was not working and was at home. He states the following : *“**I heard two shots fired from very close to my house**”*⁵¹³ ”.

Other witnesses who were in the Kanombe camp or its surrounding area are in agreement in locating the place the shots were fired from close to the Kanombe military camp⁵¹⁴ . Due to the small distance which separates the locations indicated by the witnesses, these testimonies which locate the place the shots were fired from in the areas immediately around the Kanombe military camp can be compared to the testimonies which follow and implicate the Kanombe camp itself.

⁵⁰⁹ Hearing by the Committee in Kigali (Shyorongi), 10 October 2008

⁵¹⁰ Testimony gathered by the Committee in Kigali, 08 October 2008. This witness should not be confused with another witness with the same forename and surname, Cpt. Nsengiyumva Théogène, cited in the first part of this Report, heard in Gako on 19 June 2008

⁵¹¹ Hearing by the Committee in Nyamagabe, 17 October 2008

⁵¹² Hearing by the Committee in Rubavu, 29 February 2008

⁵¹³ Hearing by the Committee in Rusizi, 09 April 2008

⁵¹⁴ Hategekimana Jean-François, heard in Nyamagabe, 20 August 2008 ; Ntagaranda Pierre-Claver, Huye, 21 August 2008 ; Nyabagabo Félicien, Gicumbi 19 September 2008.

In the Kanombe military camp

In the opinion of Cyprien Sindano, airport commander on the evening of 06 April 1994, the shots came from the Kanombe military camp or its immediate surroundings. Sindano is, in a way, the bridge between the previous witnesses and the following witnesses, with regard to both the professional nature of his testimony as someone whose role was to be aware of everything relating to the aeroplanes using the airport, and the precision of his observation from someone who is used to the sites.

In his hearing, Sindano stated that he was the highest authority at the airport and that he was a direct witness of the events. He specified that the presidential aeroplane was announced at 20:30, and when the time approached he asked the control tower if it was in contact with the aeroplane. The tower responded that the plane was visible. Sindano then left his office to watch and follow its descent. He stated : *“Suddenly, I saw something like a flame go up and past the trajectory of the aeroplane. Immediately afterwards, a second was launched and hit the aeroplane in full flight.”*⁵¹⁵

To the question of where these shots came from, Sindano replied without batting an eyelid: *“There is no other possible place; it was definitely in the immediate surroundings of the military camp, if not in the camp itself. Anyway, it was not far from the military camp.”* Then, with regard to the trajectory of the projectiles, Cyprien Sindano specified that *“the two projectiles left the ground and were heading towards the aeroplane and their direction was from right to left.”*⁵¹⁶

With regard to the witness Mathieu Gerlache, the precision he gives is even greater, and in his opinion there can be no doubt : he saw **the shots leave the ground from the Kanombe military camp, heading towards the aeroplane.** In fact, Mathieu Gerlache was part of the Belgian contingent of the UNAMIR and was in the old control tower at the time of the attack on the presidential aeroplane. When questioned for the first time by the Belgian detachment in Rwanda on 13 April 1994, as part of the preliminary investigation into the death of the Belgian blue helmets, he stated that on 06 April 1994 at 20:30, he was on duty at the permanently manned radio office in the control tower.

He saw that the runway lighting had just come on, whereas it was always turned off, which enabled him to see what was happening. Mathieu Gerlache then left the control tower and lent on the guardrail of the platform to watch the aeroplane which was approaching. When the aeroplane was approaching the airport, Gerlache noticed a light leave the ground and before identifying it as a missile, he specifies that *“The direction this light was coming from was the KANOMBE camp”*⁵¹⁷.

This testimony is extremely precise in determining the place where the shots were fired from, and the true value of this must be appreciated. Firstly, the witness has an excellent knowledge of the configuration of the sites and distances between the various points (airport, Kanombe camp and Masaka) by virtue of the position he held and the technical knowledge inherent to his profession. Secondly, the witness Gerlache was in an elevated position in the control tower, which juts out over the Kanombe military camp located below the airport and is the ideal place to observe aeroplanes ready to land.

⁵¹⁵ Hearing by the Committee in Rusizi, 08 April 2008

⁵¹⁶ Ibidem

⁵¹⁷ Hearing of Mathieu Gerlache, Record N°759/94, 30 May 1994, Gendarmerie Brigade, Crime Detachment, Brussels. Gerlache had been heard for the first time on 13 April 1994 by the criminal section of the UNAMIR-Kigali and had given a similar testimony.

The testimony of Mathieu Gerlache is confirmed by the testimony of another UNAMIR soldier, Nicolas Moreau, who states that the two missiles were fired from left to right, and that the firing angle was more or less 70 degrees, which places the origin of these shots in the military area on the edges of the Kanombe military camp itself: *“I never saw the aeroplane because the sky was already dark; it was around 20:00. (...) However, I specify categorically that from where I was, the two shots came from the left, heading into the sky towards the right. The firing angle was more or less 70 degrees”*⁵¹⁸. A technical study carried out by the Committee revealed that the firing angle from the CEBOL is 30 degrees and established that only a shot fired from the Kanombe military camp corresponds to 70 degrees.

The testimonies of Sindano, Gerlache and Moreau are corroborated by the testimony of Dr Pasuch Massimo (Lt. Colonel), an eye and ear witness who was working as a doctor in the military hospital in Kanombe and lived on the North-Eastern edge of the Kanombe camp around 500m from the presidential residence. Dr. Pasuch stated that he heard *“the noise of a ‘blast’ and noticed an ‘orange’ light (...) followed by two detonations”*. From that moment, Dr. Pasuch *“could no longer hear the noise of an aeroplane (jet engine).”*⁵¹⁹ If the shot which brought down the aeroplane was fired from Masaka, Dr. Pasuch and his guest, Dr. Daubresse Daniel, also a Belgian military doctor (major), who was in Dr. Pasuch’s home on the evening of 06/04/1994, would not have been able to hear the blast of the missiles, as they were inside the Kanombe camp, where Pasuch lived. The shot was certainly fired from a site not far from his house.

Another person who was not a direct witness of the events, but who nevertheless carried out professional investigations into the attack on the Falcon 50, Capt. Sean Moorhouse, reached the conclusion that the missiles were fired from the Kanombe military camp. In fact, Sean Moorhouse is a former officer in the British army who worked in Rwanda from September 1994 to March 1995 in a UNAMIR II team responsible for collecting intelligence on the orders of the Canadian General Guy Toussignant, Dallaire’s successor. Sean Moorhouse told the Committee that since his arrival in Rwanda, General Toussignant had made him responsible for collecting information particularly with regard to the attack on the presidential aeroplane and the genocide.

To complete this work, a team of four intelligence specialists was set up, composed of four people: Sean Moorhouse himself, a Canadian, an Australian, and an American. Sean Moorhouse specified that in their work, they gathered information from a great many sources, which was then evaluated, filtered, and analysed so that only the most credible elements were kept. With regard to the attack, Sean Moorhouse reported that the information they gathered enabled his team to establish that *“the Rwandan president’s aeroplane had been shot down by three Whites with the help of the Presidential Guard and that the shots from weapons which brought down the aeroplane were fired from the Kanombe military camp.”*⁵²⁰

Assessment of the witnesses and their accounts

The witnesses heard by the Committee who are former members of the FAR present the disadvantage of belonging to an army many of whose elements were the main perpetrators of the genocide and massacres, in addition to the attempted coup which decapitated the country’s highest institutions. The attack on President Habyarimana’s aeroplane is one of the key acts in this attempted coup. Secondly, the FAR’s show of discovering the missile launchers in Masaka was certainly intended to give a location far from the Kanombe camp

⁵¹⁸ Ntuyahaga case, Record N° 805/94, 13 June 1994, Brussels military hearing

⁵¹⁹ Record of the hearing of 9.5.1994 of Pasuch Massimo by the Brussels military hearing.

⁵²⁰ Testimony gathered by the Committee in Cotonou, 04 December 2008

and its surrounding areas as the site where the missiles which shot down the aeroplane were fired from after suggesting sites such as the CND building where the RPF were, or even Kabuga, had been finally ruled out as impossible due to the range of the missiles.

The ex-FAR witnesses mentioned above locate the point from which the missiles were fired as the presidential residence itself, either on the immediate area around its fence, or from the perimeter of the presidential area. These testimonies reveal one certainty: they are in perfect agreement in stating that the firing site for the missiles which shot down President Habyarimana's aeroplane is located in an area very close to the presidential residence and the Kanombe military camp, completely controlled by specialised units of the former Rwandan armed forces, particularly the Presidential Guard and the para-commando battalion.

The airport technicians, particularly Commander Cyprien Sindano and Chief Controller Heri Jumapili, present the advantage of being professionals who were regulars at the airport and its surrounding areas, where the Kanombe military camp and the presidential residence area are located, and who have an understanding of the movements of aeroplanes. These testimonies show a significant degree of reliability and credibility with regard to where the missiles were fired from.

The testimonies of the UNAMIR soldiers mentioned above are also difficult to challenge. Knowing the airport and its surrounding area well, the witnesses were carrying out their observation role at the time of the attack and clearly saw the events unfold. Mathieu Gerlache was on the platform, which is about 6m high and juts out over the Kanombe camp, and was already watching the aeroplane. Gerlache reports seeing the missiles leave the ground towards their target. He followed their trajectory and their impact with the aeroplane, and states that they were fired from the Kanombe military camp. Gerlache immediately made a report to his superiors and made a statement before the criminal police officer assigned to the UNAMIR ; he then gave evidence at the Belgian military hearing in Brussels on 30 May 1994, only one month after the events, before being heard by the Court itself.

The testimony of Nicolas Moreau is also important because he immediately assessed the firing angle of the missiles, that is, 70 degrees. So, as this appears on the sketch in the appendix drawn up for this purpose⁵²¹, this fact does not only exclude Masaka-CEBOL as a firing site, but the figure given of 70 degrees indicates the Kanombe camp as being the firing site for the missiles which shot down the Falcon 50 in which President Habyarimana and his travelling companions were killed.

The perpetrators of the attack

The testimonies reported above, more specifically those from witnesses placed at the airport, enable us to identify the perpetrators of the attack against President Habyarimana's Falcon 50. In fact, Kanombe airport is located on a plateau above the Kanombe military camp, which is below, just on the extension of the centre line of the runway in an easterly direction. The Nyarugunga valley is just below this military camp, in the same easterly direction from the landing strip. The whole Masaka hill (from its valley to the summit) is further away (10 Km from the airport, 2 Km as the crow flies); it is clearly visible from the airport. The Masaka hill is even more visible to anyone in the airport's control tower; it is over 6m high and has a bird's eye view of the whole section going from the end of the runway (direction East), sweeping over the Kanombe camp and the Nyarugunga valley, up to the Masaka hill, which is upstream.

⁵²¹ See above p.68

It is therefore impossible for an observer (even at night) who is at the airport, and moreover in the control tower looking over all of this region, not to tell the difference between a shot which was fired from these three sites located at different levels and distances in relation to the observation point. In addition, these are informed observers, who are used to this exercise either by profession or by routine, and who know the region in question perfectly. If the missile which shot down the presidential aeroplane was fired from the Masaka hill, there is no doubt that these observers, direct witnesses at the scene, would without hesitation have recognised this site as the point the missiles were fired from.

In addition, it is impossible to imagine that, during this period of extreme tension resulting from four years of war between the RPF and the FAR, elements outside the Rwandan armed forces could have infiltrated and carried out the attack in the military area in Kanombe, where the main units of the army are, and a few metres from the presidential residence. What is more, that there was no combat against the aggressor! Consequently, in the opinion of the Committee, there is no possible doubt that the missiles fired at the presidential aeroplane were fired from the military area in Kanombe, where no unauthorised persons could enter. Consequently the Rwandan armed forces are responsible for the attack.

We should specify that the military area in Kanombe includes the military camp itself and the adjacent sections. It is made up of the buildings housing the barracks, hospital, and accommodation for military cooperants on its edges, and another section where there is cemetery and a fairly large forest, where shooting practice and other military exercises are carried out.

GENERAL CONCLUSION

Upon completion of its investigations, the Independent Committee of Experts in charge of investigating the April 6th, 1994 plane crash of the FALCON 50 aircraft registered as 9XR-NN notices that the Rwandan Authorities of the post genocide period, convinced their non-involvement in the attack of April 6th 1994 was self evident, did probably not measure the prejudicial impact of ideological accusations repeatedly uttered by the genocide perpetrators and their allies, tapping in the powerful negationist networks in different countries. That propaganda got new repercussions with the issue of an indictment by the French judge Jean Louis Bruguiere in November 2006, resulting from a biased investigation, behind which was as mercenary under the service of the family of former Rwandan President, late Juvenal Habyarimana and conducted without considering any crosschecking of sources, verifications, equity and credibility. Those accusations were neither based on any field investigation nor on any ballistic expertise, which are the basic rules of a worldwide recognized applied and well known methodology for carrying out investigations.

The Committee carried out a thorough investigation, search of witnesses and crosschecking of sources. After having interrogated 557 direct and contextual witnesses, the Committee is able to reconstitute the criminal scenario of the attack against the late President Habyarimana's airplane in the evening of April 6th 1994. Technical and ballistic conclusions of the investigation shall be found in two documents attached to this report, on one hand the **Ballistic Report** and on the other hand the document entitled "**Prominent Elements Contained in the Investigation Report**", which summarizes the report regarding the factual investigation.

The array of clues gathered during the investigation and examination of the actual conditions in which the attack was carried out against the Falcon 50 of the Rwandan president, Juvénal

Habyarimana, on the evening of 6 April 1994, have led to the conclusion that the FAR was responsible for the preparation of the criminal plan and for its execution. After much equivocation, President Habyarimana had in the end accepted, at the beginning of April 1994, the democratisation of the regime and the implementation of the Arusha Accords, which had to be finalised by an oath taken by the members of the broad-based transitional government and the transitional parliament. The extremists in his entourage, including Théoneste Bagosora, Anatole Nsengiyumva, Mathieu Ndirumpatse and Joseph Nzirorera, who had fought these Accords vigorously, took the decision to implement them as an unbearable attack on the monopoly of their economic and political interests, and from then on decided to eliminate President Habyarimana, who they considered as having betrayed their cause.

In fact, with the implementation of the institutions provided for by the Arusha Accords, these extremists lost many of the advantages they had, particularly unwarranted tax exemptions, fraud and profits which they enjoyed due to the fact that they had controlled power in Rwanda since 1973. The implementation of the Arusha Accords was also seen as a path open to their sworn enemy, the RPF, to enter the political and military scene in the country, and to share power, which they found unacceptable. This fear of the RPF was reinforced by the fact that a large proportion of FAR members, including several superior officers, were going to retire and leave their positions to soldiers and officers from the Rwandan Patriotic Army, (R.P.A.). The extermination of the Tutsis and the assassination of President Habyarimana were then conceived in one individual plan to keep hold of power without sharing.

In order to achieve their ends, the perpetrators of the attack against President Habyarimana's aeroplane used two methods: political and military. Firstly, the extremists from Hutu Power developed a strategy to sabotage the Belgian contingent of the UNAMIR in order to prompt them to withdraw from Rwanda, and to strip the UNAMIR of its most effective and best-equipped elements. Their motivation was based on the fact that the withdrawal of these Belgian soldiers was going to contribute to the weakening of the UNAMIR and would put the FAR in a position to confront the rest of the UNAMIR by military means, in the event that the UNAMIR decided to intervene to stop the coup and genocide conceived by the radicals of the regime, united, on a political level, in Hutu power, replaced in the army by the AMASASU association (Alliance of Soldiers Aggravated by the Underhand Secular acts of the Unarists) led by Colonel Bagosora, alias Commander Mike Tango.

From January 1994, the leaders of Hutu Power and AMASASU began a series of direct actions to publicly provoke Belgian soldiers and carefully fuelled an anti-Belgian propaganda campaign through media shock tactics, including through the Kangura newspaper and Radio Télévision Libre des Mille Collines (R.T.L.M.). As such the RTL M presenters, such as Georges Ruggiu, Valérie Bemeriki, Noël Hitimana and Gaspard Gahigi, continually launched virulent attacks against the Belgians, not hesitating to ask the people to consider Belgian soldiers in the UNAMIR and the Belgians altogether as accomplices of the RPF and enemies of the country in the same capacity as the Tutsis. On 27 January 1994, the UNAMIR intelligence services drew up a report which stated that following a meeting which had taken place that morning, at the MRND headquarters in Kimihurura, RTL M had broadcast a message in Kinyarwanda publicly and directly inciting violence against Belgians. Colonel André Vincent, head of the Belgian military technical cooperation in Rwanda, asked the Rwandan authorities to put an end to this slander campaign but was met with a flat refusal.

Several Rwandan witnesses, such as Jean-Marie Vianney Mvulirwenande, Communications Advisor to President Habyarimana until April 1994, reported that there was an anti-Belgian climate and named extremist Hutu politicians such as Ferdinand Nahimana and radical officers like Theoneste Bagosora as being the instigators of this propaganda. Individuals from the Presidential Guard and the para-commando battalion were chosen by Majors Mpiranya and Ntabakuze, and sent in civilian clothes to demonstrations by political parties, with the mission of fomenting unrest alongside Hutu militia, Interahamwe and

Impuzamugambi, in order to provoke incidents with the Belgian contingent of the UNAMIR. The assassination of ten Belgian blue helmets on 07 April 1994 was the culmination of this campaign and had the desired effect of the withdrawal of Belgian soldiers.

The implemented plan also had a military component which particularly consisted of mobilising the specialised units of the FAR on the urgency and the pressing need to combat the RPF and the Arusha Accords. The dozens of witnesses heard report that the superior FAR officers who directed the elite units, namely the Para-commando, Presidential Guard, Intelligence and Anti-aircraft battalions, vigorously disputed the negotiations and the Arusha Accords, and asked the soldiers placed under their orders to prepare for war rather than integrating elements of the RPA into the Rwandan army. These witnesses unanimously state that the commanders of these units, more specifically Major Ntabakuze, made their soldiers aware of the fact that they must not accept the Arusha Accords, especially the protocol relating to the integration of the two armies. Lieutenant Colonel Anatole Nsengiyumva clearly threatened to eliminate President Habyarimana if he ever implemented the Arusha Accords.

It should be stressed that at the end of this protocol the new integrated Rwandan army should be increased to 1,3000 soldiers and 6,000 gendarmes, that is, 40% for the RPF and 60% for the government section, or 11,400 soldiers and gendarmes for the government and 7,600 for the RPF. Since we know that mass recruitment brought the government army to 35,000 men, as a result, 23,600 of them were due to leave the government army, that is, 67% of its forces, which is why the majority of them were worried and hostile towards the Arusha Accords and the President's decision to implement them. The same observation can be made for the officers.

The witnesses also stated that Colonel Bagosora, although retired from the army, having shut the door on the Arusha negotiations in 1993, announcing that he was going back to Rwanda to prepare for the Tutsi apocalypse, often went to the Kanombe military camp and gave awareness sessions to soldiers there, during which he asked them to prepare themselves to send the RPF back to Uganda once and for all, rather than accept the integration of the two armies and power sharing. Belgian officers from the UNAMIR and the military technical cooperation, who had links with officials in the Rwandan army, also noted the radicalisation of extremist FAR officers and their determination, in the week leading up to the attack, to put an end to the existence of the Arusha Accords.

The idea of assassinating President Habyarimana fits this context and the decision to assassinate him was made after the meeting on 02 April 1994 which gathered together in Gisenyi President Habyarimana, the United Nations Special Representative to Rwanda, Jacques-Roger Booh-Booh, and other dignitaries from the MRND and the army, including its Secretary General Joseph Nzirorera and Alphonse Higaniro, at the end of which President Habyarimana had begun to remove all obstacles to the implementation of transitional institutions, contrary to the intention of opposing them demonstrated by Bagosora and Nzirorera.

Things worsened on 04 April 1994 when President Habyarimana instructed his head of cabinet, Enock Ruhigira, to write a statement announcing that an oath would be taken by members of the transitional government and parliament on 08 April 1994, the day after his return from the Dar es Salaam Summit. Thus the assassination of President Habyarimana, which had been forecast for years, was carried out by a missile fired at his aeroplane on 06 April 1994 from the Kanombe military area, for which the Rwandan Armed Forces are responsible.