

RWANDAN REPUBLIC
MINISTRY FOR JUSTICE
OFFICE OF THE STATE
PROSECUTION

REPORT n° 143 / Case n°
/CRIM/KK/KGL/95

Case n° 57/95 EM VANDERMEERSCH

PRO JUSTITIA

In the year nineteen hundred and ninety-five, on the
sixteenth of June, at 15:35

before us, Kibibi Kamanzi, Judiciary Police
Inspector with the Court of First Instance in Kigali,
based and residing in Kigali, Judiciary Police
Inspector with general competence acting in this
capacity pursuant to articles 1 and 2 of the Criminal
Procedure Code,

CHARGE:

Genocide
Crime against humanity
(Decree-law 08/75 of 12/02/1975)

within the framework of the international rogatory
commission of Mr Damien Vandermeersch,
Examining Magistrate of the Court of First Instance
of Brussels (Belgium),

ACCUSED:

Théoneste Bagosora and captains

in the presence of:

Mr Damien Vandermeersch, Examining Magistrate
with the Court of First Instance of Brussels
(Belgium)

Mr Luc Ver Elst-Reul, Substitute for the Public
Prosecutor in Brussels

Mrs Moijens, Clerk to the Examining Magistrate
Vandermeersch

Plaintiff:

Office of the Public [*illegible*]

summons

Colonel Innocent Bavugamenshi, born in 1952 in
Cyangugu, residing in Kigali, who in the capacity of
witness declares the following to us, in the language
of his choice.

OBSERVATIONS:

Bavugamenshi interview

I held the position of lieutenant colonel in the police force and I was responsible for the security of the members of the government and certain political party leaders.

The PG only dealt with the protection of the president of the republic. Following confrontations between the parties there was an idea, in 1990 I believe, to create protection for the government and the party leaders. This protection was requested of the police force. Before there was only protection for the president.

Subsequently there was an agreement between the Rwandan government, the UNAMIR and the FPR, at the end of 1993 I believe, saying that the UNAMIR would deal with security in the town of Kigali. In fact we wanted to withdraw weapons from the town. The UNAMIR therefore took over the security and replaced the police brigades. Only three or four police officers remained with the UNAMIR. The agreement said that no more than 10 Rwandan police officers per VIP were necessary and these police officers had to remain inside the enclosure. They did not travel with the authorities. The escorts and the external guard were provided by the UNAMIR.

This was the system in force in April 1994.

At Mrs Agathe Uwingiliyimana's home there were normally 10 police officers but on that night there were only four or five. I don't know how many UN people there were. In general there were 13, equipped with radios and machine gun jeeps.

In fact there was no coordination between myself and the UNAMIR.

I don't know who the police officers present in Agathe's plot were that day. Their chief was Gasamaza, first sergeant. He is apparently in Zaire currently. I don't remember the names of the others.

There is a way to find out these names. I will try.

I learned about the attack on the presidential aeroplane on the evening of the events. I did not hear the explosion of the aeroplane. I was at home. I was notified shortly after the events, in the evening. Somebody telephoned me. I had a receiver/emitter but I was not listening. One of my police officers rang me and told me to listen in. I did so and I was able to hear the police officers who were at the airport. They said that they had just seen fire in the sky and that something had fallen.

I continued to monitor the radio until I learned that it was indeed the presidential aeroplane.

I then telephoned the two prime ministers, Agathe and Faustin Twagiramungu.

In fact I telephoned the police officers who took up their guard, and for Agathe I had the first sergeant Gasamaza.

I asked them if there were sufficient UNAMIR people. They said yes.

Subsequently I telephoned the ministerial district. Almost all the ministers lived in this district next to the PG camp. There I contacted a police officer to ask if he had seen what had just happened, namely the aeroplane come down. They answered that the PGs were already firing. Furthermore, I heard them. They said that the PGs had just surrounded the ministerial district and were saying that it was the presidential aeroplane that had just been attacked. I no longer remember the name of the police officer I was talking to.

In fact there was a permanent presence of police officers in this district and permanent contact with a telephone. In this district I only protected the opposition ministers. There were soldiers who protected the other ministers of the MRND. This had been decided by the Ministry for Defence.

I had four or five ministers in the district who had four or five [illegible]. I therefore had established permanent contact with a telephone in order to be connected with the district.

The district was therefore surrounded by the soldiers of the PG. I was told that the ministers who were not from the opposition had been taken to the PG camp, and that the soldiers had told the other ministers to remain strictly where they were.

I straight away predicted what was happening because they had differentiated between the two groups of ministers.

In fact the UNAMIR covered the general overall protection of the ministers' district, but they had no people stationed in front of their homes. It was rather patrols of two or three vehicles, from what I could observe since we had no coordination.

I telephoned the QG of the UNAMIR, in the Kibat sector.

I got through to a Bangladeshi. He spoke English.

I wanted to contact Colonel Marchal, responsible for security in Kigali. I spoke to him on the telephone. I explained to him the situation of the VIPs. I told him that he absolutely had to strengthen their security. He said "OK, we will see what we can do". This must have been shortly before midnight.

My telephone was ringing all the time and I was particularly listening out for news. My radio only put me in contact with the platoon leaders but I had no contact with the police officers on duty. There was also a post at the home of the two prime ministers and at my house.

I also telephoned the EM of the police force to speak to General Ndindilyimana, who I had not been able to contact all night long. He was not there nor at home. The EM answered but he kept telling me that he was not there, and at home his wife told me that he had not come home. I didn't know where to contact him.

I then learned that he had been seen where the aeroplane came down. He did not have a radio.

I left a message with the duty officer. I asked him to send at least one unit to counteract the PG. In the meantime I had learned that the PG had already killed the cabinet leader of the ministry for foreign affairs who lived in the district. It was his wife who had telephoned me.

For me the situation was clear. The ministers of the opposition had been ordered to remain at home, the ministers of the MRND had been put under protection in the camp of the presidential guard and the district had been surrounded. I was therefore waiting to find out whether the opposition ministers had been taken away or killed.

[illegible] of the police force told me that the police force could not fight against the army and that it would be much better to contact the army EM. This officer was called Lieutenant Colonel Paul Rwarakabije.

I telephoned him several times and he told me that he had notified the army EM.

I had further contacts with the people at the UNAMIR headquarters. Each time I asked them to intervene quickly. They told me that they were going to pass on my message to the person concerned.

I believed that the UNAMIR would do whatever was necessary.

All night long I had contact with the police officers who were protecting Agathe. Nothing special happened until the morning, let's say around 04:30, 05:00. At this time I was told that things were happening. The Prime Minister Agathe lived next to the presidential residence and they told me that the PGs of this residence had put a barrier across the road. Otherwise nothing special happened with the two prime ministers.

In the ministerial district, the PG had led the presiding judge from the court of cassation to an unknown destination. I learned this at around the same time. I add that I cannot be precise as to the times.

In the morning I went myself to see Colonel Marchal in his office. In the meantime I had again asked the EM of the police force if he was doing something. The duty officer told me that he had passed on my message and that he had not yet had any response. On my side I could see that nothing was happening.

I explained the whole situation to Colonel Marchal. I told him that the PGs had already taken the presiding judge from the court of cassation and that therefore the removal of others was uncertain. I also told him what I had said to the police force EM.

He told me that during the night he had sent a reconnaissance patrol to the ministerial district, that the situation was not very serious according to what he had been told, but that if the situation worsened he was going to call for his armoured cars that were in Remera.

I told him that he had to strengthen the protection of the two prime ministers, that we never knew. I told him the situation of my unit and what I had asked of the EM.

He said that "for neutrality [*illegible*] like the reconnaissance battalion or the para-commando battalion".

We went our separate ways, Marchal having told that he was going to do something without telling me what. I was satisfied in any case because the protection of Kigali and the VIPs was the responsibility of the UNAMIR.

I returned to the camp of Kakiru and there I received a message which called all captains of the operational sectors and all captains of the units of Kigali (police force and army) to a meeting at the ESM.

This message came from the ministry for defence. It was a radio message. I went to this meeting. It was around 08:30 or 09:00.

The meeting was chaired by Colonel Bagosora, who was the cabinet leader of the Minister. General Ndindiliyimana was present at his side, but it wasn't him who chaired it. I think that the position prevailed, that of the chief of cabinet of the Ministry for Defence prevailed over that of the EM chief.

Colonel Bagosora confirmed to us that it was indeed the presidential aeroplane that had been attacked. He told us the names of those who died, including the chief of staff of the army. He asked that the army take the situation in hand. He wanted a state of emergency to be declared where the power would go back to the army.

There was then a discussion. The operation captains came from different fronts and said that given the situation it was difficult to join the fight against the FPR, which apparently had recommenced, and at the same time administer the State's affairs.

Many officers suggested that the soldiers try to create a climate encouraging the meeting of political leaders to decide what was going to be done to give the country a new president.

This stance was finally chosen. Bagosora was in the minority. There was no vote strictly speaking, but a discussion. It was particularly the people who were at the front who did not want to cumulate the military and administrative functions. In fact Bagosora wanted a coup but did not succeed. He was going to make himself president. This was not said, it is my personal analysis.

Ndindiliyimana said that we had to calm the soldiers. Indeed they were beginning to fire just about everywhere. He also said that we had to enable the political leaders to meet.

During the meeting, we could hear firing. As we were in a room, we did not know from where it came. Nobody came to explain to us what the problem was. At one time there was firing and we left the room to see what was happening. Soldiers, who were outside, notably the drivers waiting for us, said that it was the UNAMIR which had just moved and was firing. We then returned to the room.

I don't know if somebody was in contact with the UNAMIR. You asked me whether those organising the meeting should have then made contact with the UNAMIR, since it seemed that fire was being exchanged with the UNAMIR. In fact this is not what we were told. We were told that the soldiers of the UNAMIR were firing into the air.

The meeting ended at around 10 or 11 o'clock that morning.

You asked me if the problems occurring in the ministers' district were mentioned during the meeting, and notably the removal of the presiding judge of the court of cassation. This problem was known to everybody.

During the meeting we talked about the PG. Unfortunately the PG captain did not come to the meeting. Ndindiliyimana had said to everybody that we had to calm the soldiers, beginning with those of the PG who were setting fire to the town.

You asked me if orders in this direction were sent to the PG captain. I don't know. In principle, yes. In principle it was the EM of the army who had to give him the orders. You asked me, since the EM leader was dead, who had to give the orders. I don't know who had to do so, but there had to be somebody who replaced him. There was always somebody who replaced him in his absence.

You asked me if we mentioned the replacement for the EM leader during the meeting. This point was not mentioned in my presence. I don't remember it. I learned via a message that Gatsinzi would take on the post, but I don't remember at what time.

After the meeting I left.

When I got into my car, my driver informed me that Agathe had just been killed.

He told me that the firing we had heard came from the prime minister's house and that the UNAMIR soldiers who were with the prime minister were at the camp of Kigali, that he had seen them pass with the PGs and that this was why the UNAMIR had fired.

My driver was Corporal Bitorwa.

He did not specify whether the soldiers were on foot or in a car.

I rushed to return to Kacyiru because I had left the surveillance to one of my platoon leaders.

In fact, I didn't have the time to find out whether or not the others were aware of what my driver told me.

I would like to add that there was a very tense climate in general. Nobody trusted anybody. Myself, I felt I was a candidate for death. This was already the case before the events and at the time when the president died, many people said that it was their turn, that it was finished for them. This was notably my case.

When I arrived in Kacyiru, my platoon leader told me that Agathe's telephone had been cut, that the radio of the first sergeant Gasamaza was no longer responding. He told me that before the telephone of the prime minister's bodyguard had been cut, the first sergeant Gasamaza had announced that the soldiers of the PG, who were next to the residence of the Prime Minister, had been reinforced. They had brought soldiers and armoured vehicles.

This was the last message from Gasamaza.

I had confirmation that Agathe had been killed in the minutes following my return to Kacyiru.

It was a police officer who was part of her protection who apparently telephoned one of my employees.

With regard to the Blue Helmets, I only learned of their death much later, by a rumour.

I met a police officer two days later who told me that the PGs had come and disarmed the UNAMIR soldiers, that they had not offered any resistance. The police officers were not attacked because the UNAMIR, which was better armed than them, was already neutralised.

He told me that they had tried to hide the prime minister in a neighbouring house inhabited by Senegalese people. The PGs went there to find her.

He told me that afterwards the PGs had taken away the Blue Helmets, but he did not know where.

The police officers who were protecting the personalities who had died were dispersed, and I myself was transferred one week later. I was in fact sought out by the PG to tell them where to find Faustin Twagiramungu. I went underground. From this time I no longer controlled the unity.

Ntuyahaga was of the same training group as me, but he had delays in his progress and was only a major.

You told me that Stanislas Sibomana declared that I allegedly told him that Ntuyahaga had been responsible for conducting the investigation into the death of the Blue Helmets. I never said that. He is mistaken.

Ntuyahaga had to be in the Byumba sector. I don't know if he was present when the Blue Helmets were taken. I did not see him again after 7 April and therefore I was unable to talk to him.

I hid for three weeks, and then I was transferred to Cyangugu from where I came back to go to Gako, then here.

Interview terminated at 17:45
Read, confirmed and signed.

I declare that this report is true.

The Judiciary Police Inspector