



The perfect crime?

BY LINDA MELVERN

The Rwandan genocide was triggered by the killing of the country's president in April 1994. The identity of the assassins remains one of the great mysteries of the 20th century. Now a new witness has emerged, alleging French involvement

Few events in recent times have been the subject of such speculation as the assassination, on 6th April 1994, of Rwanda's president Juvénal Habyarimana. For 13 years, the identity of those who shot down the president's *Mystère Falcon* jet—triggering the genocide of up to 1m Rwandans, mainly Tutsi—has remained a mystery. All that is known with certainty is that surface-to-air missiles were fired at the jet as it came in to land at Kigali airport, causing it to crash into the garden of the presidential villa—killing all on board.

By this time Rwanda had suffered over three years of civil war, with President Habyarimana's Hutu government fighting a rebel army, the Rwandan Patriotic Front (RPF), created in neighbouring

Uganda by Rwandan Tutsi refugees. In previous decades, thousands of Rwandan Tutsi had been forced into exile refugee camps, denied the right of return. The RPF emerged to enforce their rights, and invaded Rwanda in October 1990, eventually seizing territory in the north. In 1993 an international peace agreement—known as the Arusha accords, after the Tanzanian city in which it was signed—was brokered between the Rwandan government and the RPF, providing for a power-sharing democracy in Rwanda. UN peacekeepers were sent to monitor compliance with the agreement.

After the downing of the jet, each side in the civil war blamed the other for the death of the president, and a vicious battle for the historical truth has been waged ever since. It is widely believed that whoever is eventually found guilty will carry the moral responsibility for starting the genocide—which is why we may never know for certain who the assassins were.

In the hours immediately after the plane had crashed, blame was laid squarely at the door of the RPF, with the Hutu radio station RTLM announcing that “Tutsi rebels” had assassinated the president. These news broadcasts also claimed that the rebels had been assisted by Belgian peacekeepers. The story spread rapidly, and had a decisive effect on events. The following morning, ten Belgian UN peacekeepers were murdered by Rwandan soldiers who believed they had been involved in the shooting down of the aircraft. These peacekeepers had been the escort for the pro-democracy coalition prime minister, Agathe Uwilingiyimana, who was also killed that morning. Their deaths led to the collapse of the UN mission and a hurried exodus of Rwanda's 3,000-strong expatriate community. By that time the genocide was well under way, with thousands of Tutsi being killed in churches, schools, hospitals and clinics—anywhere they had fled for safety.

In November 2006, the blame was again laid at the door of the RPF, with the publication of an investigation into the assassination of Habyarimana by Jean-Louis Bruguière, a leading French anti-terrorism judge. Bruguière claimed to have obtained proof that Paul Kagame—in 1994 the military leader of the RPF and since 2000 president of Rwanda—had ordered the attack. Bruguière took as his main witness an RPF defector called Abdul Joseph Ruzibiza, who claimed to have been a member of an RPF death squad that had carried out the assassination. But he provided few details. Bruguière's team did not visit the crash site, and did not interview the air traffic controllers on duty on the night of the attack.

Following publication of his report in 2006,

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Bruguière obtained arrest warrants for nine senior officials in the Rwandan government whom he claimed had been accomplices in the attack on the jet. These included the head of the Rwandan army, James Kabarebe. Only the immunity accorded by French law to serving heads of state is said to have prevented the authorities from issuing a warrant for Kagame himself. But Bruguière directly accused Kagame of deliberately bringing disaster to his own people in an ultimately successful bid for power.

The Kagame government saw the Bruguière report as a move against a government considered by France from its inception to be “anglophone.” There was a swift response. Rwanda severed all diplomatic ties with France, and the French ambassador was given days to leave the country. Rwanda referred the matter to the international court of justice, accusing France of violating international law and demanding that the warrants be annulled. France refused its consent to the court's jurisdiction.

An alternative version of events involves the extremist wing of the Hutu movement. At the time of his death, President Habyarimana was flying home from an international conference in the Tanzanian capital Dar-es-Salaam, where he had finally conceded power-sharing with the RPF, pledging to implement the Arusha accords. But Arusha had never been accepted by some anti-Tutsi army officers. One theory, outlined in contemporary Belgian intelligence reports, was that these officers wanted to get rid of their “moderate” president, and so drew up plans for his assassination. The Belgian agents wrote that almost everyone in Kigali—westerners and Rwandans—believed that one particular officer, Colonel Théoneste Bagosora, was behind the plot.

Bagosora fled Rwanda after the genocide. He was arrested in Cameroon in 1996, and today stands accused on 12 charges, including genocide, at the international criminal tribunal for Rwanda (ICTR) in Tanzania. During his trial, which has lasted five years so far, the prosecution has accused him of leading a coup d'état against Habyarimana. But he denies any involvement in the assassination, saying that it is “common knowledge” that Kagame ordered the shooting down of the plane.

Denial of Hutu involvement in the Habyarimana assassination is a foundation stone of Bagosora's defence case. The colonel and his fellow Hutu defendants portray the killing of Tutsi as a furious and spontaneous Hutu reaction to the murder of the president by Tutsi rebels, and claim that there is an international conspiracy to prevent any investigation of the crash, so as to protect the leadership in Rwanda. “Me, I don't believe that genocide took place,” Bagosora has told the court. “Most reason-

able people think there were excessive massacres.”

But now a second account of Hutu involvement in the assassination has arisen, courtesy of a new witness who testified in Bagosora's trial. This witness, a convicted Hutu *génocidaire*, provides a precise story with names, times and places. XXQ—the pseudonym given to the witness by the ICTR for his own protection—indicated that he wanted to talk last summer. He first gave information to a Rwandan investigation into the French role during the civil war and subsequent genocide. I recently spent time in Rwanda, researching my third book on the genocide, and was allowed to meet the witness. In 12 hours of interviews, he told me his story.

It is unclear what prompted XXQ to talk to the Rwandan inquiry, or indeed to me. He told me that if he did not speak out, then those responsible for the assassination would get away with it. He said he was concerned that the “wrong” version of events had gained currency, but more importantly he wanted to exonerate the widow of President Habyarimana, Agathe Kanziga. A member of a well-established Hutu clan from northern Rwanda—where anti-Tutsi racism was strongest—Kanziga had built up her own network of government officials, the feared “Akazu,” during her husband's dictatorship. The Akazu treated the country as a personal fiefdom, and after the president's assassination, many believed that in order to maintain her own profitable oligarchy, Kanziga had enlisted the help of the northerners in the army to rid the country of her husband.

XXQ's story will be vigorously challenged. He is after all a former spy who is serving a life sentence for his part in the genocide, having been found guilty in a Rwandan court of planning massacres, supervising a system of roadblocks, creating a militia group and distributing firearms. By telling his story he has nothing to lose and everything to gain. There will be accusations that he has been manipulated, and that he has merely used information already in the public domain. But so specific a story deserves a hearing.

XXQ, an officer in the Rwandan gendarmerie, had been a reluctant fighter during the civil war. He had avoided frontline duty, concentrating instead on mundane work at headquarters in Kigali. This allowed him to pursue his unofficial role as an undercover informer for Elie Sagatwa, the president's head of security. Sagatwa, keen to avoid total reliance on Rwanda's official security services, paid XXQ well. President Habyarimana's decision to sign the peace agreement added urgency to Sagatwa's work. Sagatwa believed that “Amasasu,” a secret grouping of extremist Hutu army officers, predominately from the north, and furious about what they considered to be a “sell-out” by the president, were

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planning a coup. One of XXQ's tasks was to monitor the planning of any such coup.

XXQ was not the first witness to tell the ICTR about Amasasu. But he also claimed that by April 1994, the group had started to radicalise the lower grades of the army. The president's power had eroded, he says, and it was the army chief of staff, Déogratias Nsabimana, who held the key to Rwanda's future. Nsabimana headed Amasasu—not Théoneste Bagosora, as had been supposed.

In the early hours of Monday 4th April 1994, two days before the attack on the president's jet, XXQ claims he was given a last assignment by Elie Sagatwa. Summoned by phone to a hotel in Kigali, he met a courier who handed him a brown envelope. In the envelope he found some money and a note from Sagatwa, telling him to go to the Hotel Kivoyu and to identify and follow a Frenchman, who had crossed into Rwanda by land from Burundi the previous evening. The note explained that the man was a mercenary registered in the hotel under a false name, and that his room had been booked for him by the French embassy.

Later that morning, XXQ saw a Peugeot jeep pull up outside the Hotel Kivoyu with two locally stationed French officers whom XXQ recognised. The mercenary got into the Peugeot, and XXQ followed them to Camp Kanombe, a military barracks on the outskirts of Kigali, near the airport. Here, the three Frenchmen spent time in the office of Major Aloys Ntabakuze, commander of Rwanda's elite para-commando unit, who would later be accused of being a member of Amasasu. When the Frenchmen left Ntabakuze's office, they went to the garage where military vehicles were repaired. A jeep belonging to Rwanda's reconnaissance battalion was later driven out of the garage's paint shop. XXQ says it was painted white with UN markings, but had no licence plate. Later that day, he saw the jeep being driven out of the camp by one of the French officers; sitting next to him was the mercenary. Both were now wearing Belgian army uniforms.

XXQ watched them drive a few kilometres to a place called Masaka, a large valley and hill which dominates the military camp. They then left the road and drove up a track, stopping at the marketplace on the top of the hill. They returned to Kanombe before

dusk. XXQ found a phone and called Sagatwa. He was curious about what was going on, but says that Sagatwa was as baffled as he was. They speculated that it may have been a reconnaissance mission for the insertion of weaponry to better defend Kanombe.

The next day the courier met XXQ with another envelope. This time he was told to go to Masaka the following day, Wednesday 6th April, where he was to observe everything that happened until 9pm. The next day he reported that nothing out of the ordinary occurred until late afternoon, when soldiers from the presidential guard arrived, forcibly shutting the market and bars and erecting a roadblock.

As XXQ drove down Masaka hill, he noticed by the side of the road the white jeep and the Peugeot that had collected the mercenary from the hotel. He also recognised Protais Mpiranya, commander of the presidential guard, together with the mercenary and three French officers, including the two he had seen two days earlier. The Frenchmen were wearing Belgian army uniforms and UN blue berets. When Mpiranya spotted XXQ, he got out of his car. XXQ told him that he had been visiting family in Masaka. Mpiranya replied that they were on general alert and that he must leave the area.

At the next junction, XXQ turned his car away from Kigali, and taking the first track, parked his car out of view, directly across the valley from Masaka. He gave a peasant 1,000 Rwandan francs and told him to watch the Masaka junction and to report anything coming or going. At 7pm he entered a local bar, intending to stay, as instructed, until 9pm.

At around 8.15pm, he heard a loud noise. Along with everyone else in the bar, he rushed outdoors to see what was going on, where he claims he saw a missile's "backfire" as it streaked across the sky. The missile hit the motor of the president's *Mystère Falcon*, readily identifiable through its distinct lights. The jet's wing had already been hit—this was the loud noise XXQ heard from inside the bar—and the plane was veering from side to side. It seemed to take an age for the plane to fall to the ground, and when it finally did there was an almighty explosion. XXQ says that the image of the crashing *Falcon* has stayed with him ever since.

According to XXQ, the trace of the missile showed it had been fired from the Masaka valley. Other witnesses—both Belgian and Rwandan—who saw the missiles in the night sky later also claimed that they had been fired from Masaka. There were 4,000 troops stationed in nearby Camp Kanombe, under the flight path. Several soldiers saw two missiles. They also heard the plane, recognising its distinctive sound as it came in to land.

"At that moment I suddenly understood everything," XXQ told me. This was the coup Sagatwa,

the head of security, had feared. With the death of Habyarimana, the peace agreement was over and the way clear for Hutu extremists to avoid power-sharing and retain their grip on the country. XXQ knew that Sagatwa himself had been on the plane with the president, and that therefore he had no more protection. He knew that plans had been drawn up to kill Tutsi, and realised that they were about to be put into action. Although a Hutu himself, he was terrified for his Tutsi wife and her family.

Shortly after 11pm, says XXQ, a telegram was sent to all army units saying that the president had been assassinated by Belgian UN peacekeepers working with the RPF. It was signed by Théoneste Bagosora. XXQ says he saw the telegram the next morning—but no copy of it has ever been found.

"The French wanted the Belgians out of it," he surmised later. "That's why they used the vehicles and the [Belgian] uniforms." The animosity between the French and the Belgians was well known. The Belgians, the former colonial power, had strong ties with Rwanda but it was France that sent troops to protect the government when the RPF invaded from Uganda in 1990. France's ties with the Hutu government stretched back to 1975, two years after Habyarimana seized power, when the two countries signed a military technical assistance accord. Throughout the civil war, France provided financial and military guarantees, military hardware and training to the Habyarimana regime. This policy seems to have been largely based on a belief that Rwanda was at a crossroads between anglophone and francophone Africa. France feared losing its influence over Rwanda and thus the Great Lakes region. The 1993 Arusha accords signed by Habyarimana with the English-speaking RPF had also been anathema to some French officials.

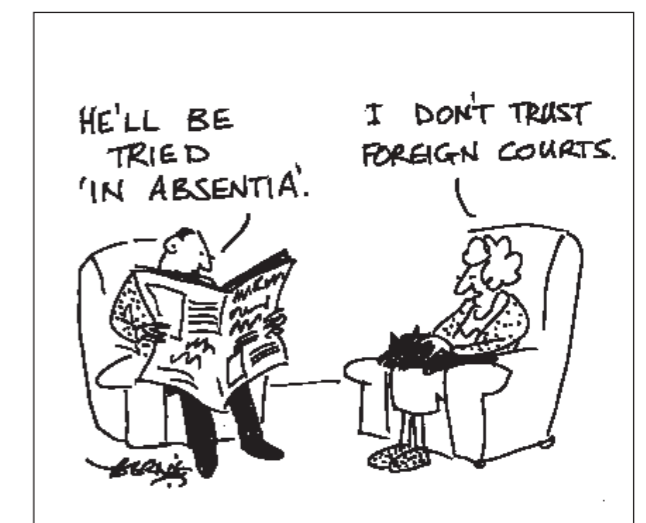
XXQ is not the first to implicate French nationals in the assassination. In June 1994, just weeks after the missiles were fired, Colette Braeckman, Africa editor of the Brussels-based newspaper *Le Soir*, published a claim about the possible participation of French soldiers. Braeckman said she had been sent a handwritten note purportedly written by "Thadée," leader of a Kigali Hutu militia, who claimed that two members of the French military co-operation unit in Kigali had launched the missiles on behalf of CDR, a racist party determined to create a "pure Hutu state" with no Tutsi at all. Thadée went on to claim that those who fired the missiles had worn Belgian army uniforms stolen from the Hotel Le Méridien, and that French nationals had been spotted leaving Masaka by the presidential guard. Braeckman had checked the story about uniforms with Belgian soldiers. Several told her that uniforms

had often been stolen from the hotel laundry. Braeckman gave the Thadée note to the Belgian security service, and her subsequent story led to a diplomatic objection from the French government.

The French government has maintained from the outset that there were no more than 25 French military assistants in Rwanda at the time of the assassination, all with defined responsibilities. But questions continue about why France gave such unquestioning support to the Habyarimana regime when its abuses against the minority Tutsi were well known.

Within France itself there continued to be persistent accusations of French complicity in the genocide; the French human rights group *Survie* conducted detailed investigations and public hearings amid claims that the French military had a hand in training and arming extremist militia in Rwanda. In 1998, in the light of a series of articles published in *Le Figaro* by Patrick de Saint Exupéry, the Senate established an unprecedented "mission of information" in order to investigate French policy in Rwanda. After a series of public and private hearings, the Senate concluded that France had "in no way incited, encouraged, helped or supported those who orchestrated the genocide." But it also acknowledged that French actions had been "regrettable," and concluded that with overall co-ordination of the policy resting solely with the then president François Mitterrand, parliament should in future have better control over military operations.

The most notable work on the military links between Rwanda and France has come from de Saint Exupéry, who believes that Rwandan officials, working directly with a "légion présidentielle," created a secret army for Rwanda. This group of elite operatives was answerable only to Mitterrand. According to other French researchers, the French developed their own secret command of the Rwandan army,



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building in a psychological warfare capability with members trained in manipulating public opinion.

Last year, in the first significant release of declassified material from the Mitterrand archive, documents revealed how prevalent in French government circles was the belief in an “anglophone plot” against France in Africa. There were particular concerns over the president of Uganda, Yoweri Museveni. Many young Rwandan Tutsi refugees in Uganda had joined the Ugandan armed forces to obtain military training and get out of the refugee camps. The RPF had been created from thousands of these recruits. Most of Museveni’s top commanders and officers were Rwandan Tutsi. The military leader of the RPF, Paul Kagame, had been Museveni’s deputy head of military intelligence, and had fought with him in his guerrilla struggle against Milton Obote. The RPF was well trained, disciplined and had a great deal of combat experience.

One of the French documents, dated 6th May 1994, shows how at the highest levels of the French military establishment there was concern that should the RPF win the civil war and take power in Rwanda, Museveni and his allies would have finally managed to create an English-speaking “Tutsiland” with the “complicity of false French intellectuals” and a “pro-Tutsi lobby.” There was a belief that losing Rwanda to anglophone influence would see France’s credibility suffer a blow on the African continent from which it would never recover.

Today these French fears are being realised. Under President Kagame, Rwanda has applied to join the Commonwealth, and there is increasing reliance on English as the language of education, commerce and the media. (President Sarkozy is, however, said to be trying to shake up France’s traditional approach to Africa, leaving behind the policies that allowed France to actively interfere in African capitals.)

The international court established by the UN security council to try those responsible for genocide is silent on the assassination of Habyarimana. The event is ruled outside the court’s mandate on the grounds that the trial judges, in all their rulings, have confirmed the existence of a planned and systematically organised conspiracy to commit genocide. The court has determined that the mass

killings could not be considered “a spontaneous reaction” to the assassination of Habyarimana.

The court has, however, provided detailed evidence for events immediately following the assassination, and prosecutors have determined with what speed the subsequent events unfolded. In the hours following the plane crash, Hutu extremists, using lists of names prepared in advance, rounded up and killed the country’s prominent political figures, and anyone else—Hutu or Tutsi—who had advocated democracy was hunted down by elite army units. Two days later, an “interim government” was established by the same extremist military officers. For the next three months, this new government would aid and abet the massacres of Tutsi. One of the prosecution lawyers has described how the killing of civilians was “the result of a strategy, a plan organised at the highest level whose objective was to exterminate the Tutsi.” The defendants had stoked the fires of ethnic hatred in order to use the militias to kill. The conspirators knew what they were doing.

There are immense difficulties in substantiating XXQ’s story. Many of his Hutu extremist colleagues are on the run from international justice, awaiting trial on genocide charges or continuing to fight the Hutu cause in neighbouring DR Congo. At the ICTR, the majority of prisoners are unrepentant and it is rare for either prosecution witnesses or defendants to open up to journalists. Any investigation into the assassination of Habyarimana faces gaps that will doubtless never be filled. Those who are able to fill these gaps are either dead or are in hiding. Protais Mpiranya, commander of the presidential guard, whom XXQ implicates in the murder of the head of state, is the subject of a detailed ICTR indictment detailing his role in the genocide and the orders to kill the prime minister, and has been a fugitive since 1994. My own sources tell me that Mpiranya died in Zimbabwe in 2006.

The failure to conduct an international inquiry into the assassination is extraordinary, given the repeated calls at the time—not least from the UN security council. Initially a formal request was made by the Belgian government to the International Civil Aviation Organisation (ICAO), but while the missile attack on the plane was discussed at a meeting at the end of April 1994, further consideration was suspended until Belgium could provide information. To this day, as far as can be ascertained, neither Belgium nor any other government has supplied any information at all. This gives what happened on 6th April 1994 the appearance of a perfect crime. ■

FROM THE PROSPECT ARCHIVE

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