

THREE DAYS THAT CHANGED THE COURSE OF HISTORY

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While a lot has been written on the extreme violence that engulfed Rwanda from April 1994, this journal centers on an unknown facet of that history, namely the short period that began on 6 April with the downing of the Presidential plane and ended on 9 April with the swearing in of the "interim" authorities.

Three days that are of crucial importance! It was during this very short lapse of time that several events occurred: the attack on the plane that provided the spark, but also the setting in motion of the killing machine and political assassinations as well as the murder of the ten peacekeepers, which to a great extent led to the disengagement of the international community. This period also witnessed the emergence of political choices that excluded any peaceful solution to the crisis and the resumption of the civil war that brought the RPF to power and created an inextricable political situation in the country.

The writer attempts to follow the itinerary of various military and political personalities, the strategies they put in place as well as the errors they committed. This he does in a down-to-earth manner, relying mainly, as a matter of course, on testimonies, making the journal an incomplete piece of work. Nevertheless, it highlights several key factors, hitherto unknown, which provide greater insight into the truth surrounding one of the darkest chapters of contemporary history.

In addition to the narrative reviewing these three days in Kigali, the journal also tells the story of three days in Bujumbura, the capital city of Rwanda's southern neighbour, from 20 to 23 October 1993. Comparing these two events is not only enlightening but it shows, once again, that what was at stake behind the violence in both instances is power, be it in the hands of a minority within a majority ethnic group in the case of Rwanda or a minority in the midst of a minority ethnic group in the case of Burundi.

The writer concludes with a warning: if a political solution is not found urgently for both Burundi and Rwanda, the events of 1993 and 1994 would be nothing else but a prelude to a violent and sustained destabilization of the Great Lakes region thereby endangering the very survival of millions of human beings.

Introduction

This journal was published more than a year and a half after the period it refers to and this is as a result of a combination of several factors. First and foremost, during the first months following the onset of the Rwandan disaster, like many others who were interested in what went on in that country, I was very much preoccupied with the aftermath of the tragedy and one of our most immediate concerns was to save human lives and our efforts were geared towards evacuating those Rwandans directly under the threat of death between April and July 1994. Soon after the terrible human rights violations perpetrated by the former regime ceased as a result of its defeat, we were faced with other crises with the installation of the new regime in Kigali: a disturbing practice of human rights violation newly emerged, and once again those under threat had to be "evacuated".

Furthermore, conducting this research work among other occupations was in itself intrinsically difficult. In effect, the main source of material was personal testimonies. However, many witnesses who were in one way or the other actors in this tragedy, had reasons to keep quiet or not to say the (whole) truth, and besides some of them changed their story as the investigations progressed. Consequently, it became necessary to crosscheck and verify the testimonies given, and the fact that witnesses' memories become blurred and that in times of serious crises people do not look at their

watches or keep diaries did not make matters any easier. The research was further hampered by the fact that the witnesses were scattered in different countries and I had neither the financial means nor the time to visit all of them. For some of them, and not the least, I therefore had to resort to communicating with them via letters, fax messages or telephone, which can never replace direct interviews. To make matters worse, in early 1995, I was declared *persona non grata* in Rwanda and traveling to Goma and Bukavu to interview new refugees carried its own risks because I had been very critical of the former regime. In such an extremely polarized political atmosphere, like a lot of others who tried to see things in an objective manner, I found myself caught between the devil and the deep blue sea; considered as an R.P.F supporter by some and as a supporter of the former regime by others.

Which means that this research is still at its intermediary stage: it is far from being finalized and most probably contains errors and certainly gaps. Nonetheless, I have decided to have it published now, while I am well aware that a lot of questions remain unanswered and that ideally one should use other sources, because I believe that this should be done while the events are still fresh, and that in any event, this work contains new evidence to be of some interest to some. Besides, even unanswered questions constitute material for research that should be proposed to researchers, journalists and legal investigators who wish to study this issue at greater length and who have the wherewithal to do so.

This study centers on a brief, albeit crucial period in contemporary Rwandan history, the period beginning in the evening of 6 April 1994 when the presidential plane was brought down, and ending on 9 April when the "interim government" was sworn in. It was during those three days that the following events occurred: the shooting down of the President's plane (setting in motion the killing machine which assumed genocidal proportions), the resumption of hostilities, the political choices that led to the *impasse* and the murder of the telephonekeepers which, without doubt, played a crucial role in the withdrawal of the international community from Rwanda, which was abandoned to genocide and massacres.

A lot of works on Rwanda have been published but as far as I know, none specifically deals with that 72-hour period even though in their work Colette Braeckman² and François-Xavier Verschave³ referred to important moments such as the attack on the plane and the death of the ten Belgian parliamentarians. It is to their credit that these works were published soon after the events and thus drawing the attention of the world to the Rwandan issue. However, the authors did not adequately inform the public. In effect, the speed with which the works were published explains in part why they contain inaccuracies on several points; a lot of events and analyses are based on a single source or single testimony, and what is more, these are sometimes second-hand testimonies. It would be an arduous task to highlight all the errors and I shall refrain from doing that unless where relevant for the study⁴.

At the end of this journal, I narrate the events of another 72-hour period, from 20 to 23 October 1993 in Burundi, the southern neighbour of Rwanda⁵. This is included for three reasons: the first is that there was need to make available a detailed description of the events of Bujumbura to serve history. The second reason is that the violent events that took place in Rwanda and Burundi tend to strengthen each other mutually in a twisted logic, and that the coup d'Etat in Burundi and the

² C. Braeckman, *Rwanda, Histoire d'un genocide*, Paris, Fayard, 1994.

³ F-X Verschave, *Complicité de genocide? La politique de la France au Rwanda*, Paris, La Découverte, 1994.

⁴ Besides, it is important to highlight the fact that Braeckman's and Verschave's publications are among the best. One of the most striking specimens of this "gutter press" of doubtful quality was produced by Krop (P. Krop, *Le genocide franco-africain*, Paris, J.C.Latteès, 1994).

⁵ Most of this information was collected during an investigation mission to Burundi from 26 January to 10 February 1994. The French examining magistrate, J.P. Getti and the Canadian professor, W. Schabas were the other members of the team I was in when I investigated on the period under review.

assassination of President Ndaye contributed to the Rwandan tragedy. Finally, the third reason, as I will show in the conclusion, is that one could detect striking analogies between the events of October 1993 in Bujumbura and the 1994 events in Kigali and that analyzing the former consequently provides useful material for comparison.

Let me say a word or two about the methodology. As indicated above, the main source of material for the journal was witness testimonies, which highlights the problem of the quality of information, all the more so since in most cases it was impossible to bring the witnesses face to face. I will only write in the affirmative if at least two reliable⁶ witnesses independently testify to the same event, otherwise (when a witness or several witnesses seem to be less reliable) I will use the conditional. Where an author assumes responsibility for a document, this is treated as testimony. A major problem an academic researcher, who is used to indicating his sources, is confronted with, is that most of the witnesses (I interviewed more than a hundred) preferred to remain anonymous. Therefore rather than quote the few informers who did not object, that, I decided not to identify any of my sources who testified orally.

I thank Alison Des Forges, Gauthier de Villers, André Ntshabaoua, René Marchand and Jean-Claude Willame, as well as two proofreaders, who shall remain anonymous, for reading through the manuscript. Since I did not always follow their suggestions and comments, I am solely responsible for the factual errors and errors of analysis contained in this journal. Edwine Simons was kind enough to correct the language and style of the text. The maps were drawn by the audiovisual center of the University of Antwerp.

This manuscript was finalized at the beginning of November 1995.

⁶ "Reliable" is obviously a relative and subjective concept and what should be taken into account here is the personal interest of the witness, the coherence of his testimony, whether other events he testified to are credible and finally whether the observation was made directly or not.

Background⁷

During the second half of 1990, Rwanda was faced with a two-pronged challenge: on the one hand within the context of the "wind of change" blowing across Africa and in the wake of the Summit of La Baule, President Habyarimana, announced on 5 July 1990 that the country will be entering into a democratization process. On the other hand, the Rwandan Patriotic Front (R.P.F) launched an invasion from Uganda on 1 October. Since the RPF was composed mainly of Tutsi refugees who went on exile in several waves since the 1959-1961 revolution, the attack was seen (or presented) as an attempt to reinstate the "feudal monarchical regime" of the past.

Whilst the initial attack was repelled, the RPF launched guerrilla warfare in the northern part of the country, which was easy to wage since it still benefited from support from Uganda. In spite of the war, the democratization process appeared to be on course like elsewhere in Africa: promulgation of a new constitution endorsing the multi-party system on 10 June 1991, recognition of opposition parties from July and the formation of the coalition government headed by a prime minister from the opposition in April 1992. The fact that this government took office on the one hand, coupled with the RPF's success in occupying some territory, though very small, in the northernmost part of the country, paved the way for a process of negotiation between the government and the RPF.

From the military sphere, things now moved to the political plane: henceforth, discussions were not centered solely on negotiating a ceasefire but also on power sharing. In this situation that witnessed a fundamental shift in the distribution of the cards, the internal opposition parties and the RPF initially became objective allies because the armed attacks launched by the latter led to concessions that the internal opposition had never dreamed of. Initiated in July 1992, the "Arusha process" lasted for approximately a year: ranging from the protocol on the rule of law (18 August 1992), on power sharing (30 October 1992 and 9 January 1993), on repatriation of refugees (9 June 1993), on the integration of the armed forces to any other matters (2 August 1993), it culminated in the signing of the peace accord on 4 August 1993. The peace accord provided, on the one hand, for the setting up of interim institutions known as *TBE* (the broad-based transition government) and *ANT* (the transitional national assembly) within 37 days after the signing, and, on the other, for a transition period that in principle should last for 22 months and end with the holding of elections.

The keystone of this arrangement was the deployment of a military force by the UN known as the "United Nations Assistance Mission in Rwanda" (UNAMIR). In this instance, the Arusha negotiations proved to be unrealistic, because, in effect, it was impossible to deploy a contingent of several thousands of peacekeepers in 37 days. In fact, it was only on 5 October 1993 that the Security Council, through Resolution 872 (1993), decided to set up UNAMIR and its deployment started in the latter part of November.

Whilst the presence of UNAMIR appeared to pave way for the implementation of the Arusha accords, the process was progressively hampered by the emergence of new obstacles. As early as mid-1993, the political scene became distorted: instead of three players, namely M.R.N.D, the internal opposition and RPF, it progressively was dominated by two alone. As we shall see later on, this explains the ever-crucial threat of the arithmetic of very small numbers. The political parties forming the internal opposition broke up into two wings, one in favour of the Arusha accords (called "pro-RPF") and the other suspicious of RPF and increasingly getting closer to the former single party, M.R.N.D (called "Power"). In turn, M.D.R, P.L, P.S.D and P.D.C experienced splits in their midst in line with this division, a phenomenon which will completely bi-polarized the political scene. The coup d'état of 20-21 October 1993 in Burundi and the assassination of the first elected

⁷ For a more detailed analysis of the evolution of the politico-military situation in Rwanda from 1990-1994, consult F.Reyntjens' publication, *L'Afrique des grands lacs en crise. Rwanda, Burundi: 1988-1994*, Paris, Karthala, 1994.

Head of State, Melchior Ndadaye, a Hutu, by Tutsi rebels strengthened the distrust towards RPF and led to a rejection of any power-sharing proposal. With hindsight, it could be said that in the minds of many the Arusha accords disappeared with President Ndadaye, all the more so since a lot of Hutus were shocked by the jubilation of some Tutsis in Kigali when the death of the Burundian President was announced and also because of their refusal to participate in the demonstration in support of the Burundian people organized on 23 October 1993.

On 28 December 1993, RPF leaders, including future ministers and parliamentarians arrived in Kigali accompanied by a 600 man strong battalion of the Rwandan Patriotic Army (R.P.A), the armed wing of R.P.F, charged with providing them security. They were quartered within the C.N.D, the *Conseil national de développement*, what the Parliament was called during the Second Republic. The fact that the symbol of the sovereignty of the people was chosen to accommodate the R.P.F caused a lot of dissent, which further discredited the Arusha accords⁸

As early as the beginning of 1994 the political stumbling blocks surfaced! There were several attempts to put in place the *GTBE* (broad-based transition government) and the *ANT* (transitional national assembly) but on each occasion, this was thwarted by one of the two politico-military alliances, the "M.R.N.D and allies" or the "R.P.F and its allies". Thus on 5 January, President Habyarimana took the oath as Head of State before the Constitutional Court but in the afternoon of the same day at the ceremony for the installation of the *GTBE* and the *ANT*, it was only M.R.N.D candidates who were present, and neither the candidates from the other alliance nor the President of the Constitutional Court attended. The ceremony was postponed *sine die* and this signaled the beginning of a long series of postponements. On 8 January demonstrators made up mainly of M.R.N.D *Interahamwe* militiamen, C.D. *Umuzamugambi* and youths from M.D.R Power disrupted the ceremony. On 23 February the R.P.F alliance and the President of the Constitutional Court once again boycotted the ceremony. On 21 March, it was the turn of the "M.R.N.D camp" and the ceremony was postponed for some days. The ceremony of 25 March did not hold as all parties attended except R.P.F and on 28 March, it was the turn of President Habyarimana to keep away from the swearing-in ceremony.

It is quite easy to understand the underlying reason for all these stumbling blocks: the Arusha accords introduced techniques that could be qualified as "consociational" as they aim at avoiding the situation where one of the parties gains the upper hand and also to exclude purely majority decisions. Therefore, initially, government decisions should be taken through consensus, afterwards they require at all times to be endorsed by a two-third's majority that is by 14 ministers out of 21. In the same vein in Parliament, certain important matters (especially indicting the President of the Republic and passing a vote of no confidence against the government) should be taken through a two-third's majority vote, that is 48 parliamentarians out of 71. Therefore in order to ensure that it remains the one-third + one vote needed to block decisions, M.R.N.D therefore needs:

- in the government: apart from its 5 ministers, 3 others (most probably 2 from M.D.R Power and 1 from P.L Power);
- in the Parliament: apart from its 11 parliamentarians, 13 others (most probably 6 from M.D.R Power, 5 from P.L Power and 2 from the small parties).

The "R.P.F camp" (R.P.F, P.S.D, M.D.R-Twagiramungu, P.L-Ndasingwa, P.D.C) would therefore attempt to obtain this two-third's majority whilst the "M.R.N.D Camp" would try to stop it from

⁸ Initially, UNAMIR proposed that the R.P.F be quartered at KAMI Camp. R.P.F refused, considering this location too far away from Kigali. After difficult negotiations, President Habyarimana finally yielded and accepted that the R.P.F battalion be stationed at C.N.D.

achieving that. Since each block was very close to achieving its objective, the stakes finally narrowed down to attributing a ministerial portfolio allotted to P.L and one or two parliamentary seats⁹. In this contest, the middle-of-the-road politicians with democratic leanings turned out to be real novices: they fell into the trap of the bi-polarized situation set by M.R.N.D and R.P.F, whilst they could have exerted considerable political influence if they had portrayed themselves as a "third force" capable of arbitrating between the two extremes and thereby tipping the scales.

This political battle and the impediments gradually led to a general deterioration of the situation with numerous cases of violence thereby compromising the search for a political solution. The assassination of the Public Works Minister, Félicien Gatabazi (P.S.D) on 21 February¹⁰ in Kigali, and, most probably the revenge killing of Martin Bucyana, President of C.D.R in Butare the following day significantly heightened tensions. The week of 21 February particularly witnessed a lot of agitation: tens of people died as a result of political violence, whilst many others were wounded. In March also tens of people were killed or wounded in fracas where firearms and grenades were used, especially at Kinihira, Byumba and Kigali.

Meanwhile, the international pressure exerted on President Habyarimana increased significantly. The Belgian Minister of Foreign Affairs, W. Claes, and the Defence Minister, Delecroix, visited Rwanda in February and March respectively. On the occasion, Mr. Claes addressed the following words to the Head of State, which in due course were perceived as negative: "It is five minutes to mid-night". The Assistant Secretary of State for African Affairs, George Moose, as well as other American officials notably Prudence Bushnell, Assistant Under-Secretary of State in charge of Africa shared the same point of view. The UN Secretary General threatened to put an end to UNAMIR's mandate, which normally expires on 3 April, if the Arusha institutions were not put in place. President Habyarimana then found himself torn between the international community and his own political base and sought support in the sub-region. On 26 February he went to Gbadolite to see President Mobutu and returned there on 4 April. On 7 March he met President Museveni in Kampala and the following day he visited Dar-es-salaam for a meeting with President Mwinyi and then Tanzania on that fateful day of 8 April.

Against the background of this *impasse*, the two parties prepared themselves to resume hostilities and strengthened their positions in blatant violation of the peace accords. We have well documented evidence of such violation committed by the Rwandan Army following an investigation launched by UNAMIR on 21 January 1994, a DC8 belonging to the East African Cargo Company, flight no. 00483, landed in Kigali from Brussels via Châteauroux, France, where it had loaded 90 cases of mortar ammunition¹¹. The militias from the parties close to the President continued to arm themselves in readiness for the confrontation and we shall see later on that a military-civilian coalition put in place a formidable "killing machine" under the very nose of the international community. As for the RPF battalion, it increased its numbers well beyond what was agreed; according to sources within UNAMIR, men, arms and ammunition infiltrated into the country during movements between its station at *CND* and the RPF occupied zone in the north of the country and moreover trucks were only superficially checked. On 6 March a Pajero jeep with Burundi number plates was involved in a road traffic accident near *CND*; it was filled with ammunition and grenades most probably destined for RPF. In addition, several armed RPF

⁹ This explains the ferocity of the fight around the representation of P.D.I and the inclusion or not of C.D.R, whilst in any event, these small parties were only entitled to one parliamentarian.

¹⁰ I will come back to this case in due course.

¹¹ Specifications: 900 pieces, 60mm; total weight, 3,240 kg; type MC-HB60; batch no. 2BT-93. The consignment was kept under seal at Kanombe camp and under UNAMIR control up to 7 April 1994.

sympathizers spread out throughout the city whilst elsewhere in the country, clandestine "brigades" were put in place.

Therefore, an atmosphere of imminent war reigned in Kigali as illustrated by the following excerpts from the diary of a Rwandan without any political affiliations: "This situation is getting worse" (23 February); "It seems that M.R.N.D is looking for war" (24 February); "The spectre of war, is at its height" (13 March); "everyone fears the renewed outbreak of civil war" (2 April). That was the atmosphere that reigned in the country when President Habyarimana left to attend the regional summit on Burundi and Rwanda held in Dar-es-salaam, never to return alive.

Map No. 1: Kanombe Air-port and Surroundings

- Towards Kigali
- Landing Strip
- Kanombe Military Camp
- Point of Impact of Plane
- RAF/*Gendarmerie* Position
- Line of Approach of Plane
- "La Ferme"
- Masaka Hill
- Towards Rwamagana/ Kibungo

The shooting down of the plane

On 6 April 1994, at 20H22 local time in Kigali, the President's plane, a *Falcon 50 Mystère*, Registration Number 9XR-RNN crashed at Kanombe, after being hit by one or two¹² surface-to-air missiles. All nine passengers on board, including Presidents Habyarimana of Rwanda and Ntaryamira of Burundi, together with the three-man French crew, died instantly. Accusations were immediately made and assumptions formulated. Since it was impossible for me to obtain conclusive evidence in one way or another, I will only present the facts I managed to gather, and then weigh the pros and cons of each scenario. While observing that up until now, it has been impossible to arrive at a conclusive result, I will be able to explain why I tend to believe that a number of indices lead me to believe that the RPF (or elements within that organization) shot down the plane. I must however admit that we are talking of pointers, and not full-proof evidence. I will also present some material which I only managed to exploit partially, which could prove to be of crucial nature: a full exploration of this possibility could perhaps enable us to reach a final conclusion. Since there is so much material of varying value that could be brought forward in this exercise, I will limit my presentation to only that material that I consider to be pertinent to this account.

**First assumption: some radical elements in the regime and in the Army;
Variant: some French soldiers acting on their behalf**

This is the assumption that was believed by most people and which, to me, appeared the most reasonable, for quite some time. The incriminating elements first:

Let us start with the motive. As I mentioned earlier, both the democratization process and the application of the Arusha accords constituted, for the extremists of the regime, an existential threat, from both the economic and political-ideological points of view. From the economic point of view, for the mafia network of the Presidential entourage, it was the end of the honeymoon: no more

¹² Two missiles were fired, but according to several eyewitnesses, only the second hit the plane.

privileges, no more "exemptions" of all types, no more fraud and no more speculation. Politically and ideologically, the Arusha accords were to open, for the "pure" and "hard-line" Hutus, the doors of an RPF political-military Trojan horse. The fears of those extremists and others were heightened by the tragic manner in which the Tutsi soldiers had terminated the democratic experience in Burundi (see above; I will return to this towards the end of the book).

One cannot rule out the fact that the radicals, already infuriated by a secret meeting held in Kampala on 9th March between the Presidents of Rwanda and Uganda, had feared that Habyarimana had "surrendered". Earlier, on 4th April, hardly two days before the plane was shot down, they had clearly expressed their refusal to implement the Arusha accords. At a party offered by the Senegalese contingent of the UNAMIR to mark their national day, Colonel Bagosora had said in front of several witnesses that the Arusha accords offered no perspective for the future and that all the Tutsis should be exterminated. According to another witness, Bagosora is even alleged to have expressed his disapproval for Habyarimana's planned flight to Dar es Salaam, adding: "something bad could happen to him". This was not unprecedented, according to Marc Rugenera: "Bagosora participated in the Arusha process. When we were nearly through with the negotiations, he told us publicly that he was returning to Kigali to prepare for the apocalypse."¹³

But did the Head of State have any intention to let go? There are two contradictory testimonies on this point. On the one hand, on 1st April, the Special Representative of the UN Secretary General, Mr. Jacques Roger Booh Booh, who had for some time been in vain to obtain an audience with President Habyarimana, was informed by Joseph Nzirorera, National Secretary of the MRND, and a very close friend of the Habyarimana family, that the Head of State was ready to meet him in Gisenyi, where he was to spend the Easter weekend. Booh Booh met him there on two occasions. He was first invited for lunch at the home of Alphonse Ndayamunda, former Minister and son-in-law to the President's personal physician. The other present at the luncheon, in addition to Higaniro and Booh Booh, were the Head of State and his wife, Joseph Nzirorera and his wife, Pasteur Musabe¹⁴ and his wife, and Alphonse Ndayamunda and his wife (a daughter of the Head of State). In the evening, the same people, with the addition of Colonel Anatole Nsengiyumva, the Area Commanding Officer in Gisenyi, were present at a dinner at the residence of the President of the Republic. Mr. Booh Booh was surrounded by the real "nobility" of the regime: all those persons were members of the *Akazu*. At the end of the session, Booh Booh informed the President that Boutros Ghali was reluctant to renew the mandate of the UNAMIR, if the political problems were not resolved. Under pressure by his guest to take a historical decision, the President of the Republic informed him that he would travel to Gbadolite on 4th April and then to Dar es Salaam on 5th April, promising that he would meet him upon his return, but without promising anything concrete. The Head of State appeared rather uncompromising on including the CDR in the new Parliament, castigated President Museveni for his military support to the RPF and criticized the international community for the intolerable pressure it was exerting on him. All the invited guests present supported with zeal the opinion of the Head of State and tried to convince Booh Booh that the RPF and its local and foreign allies were the sole cause of the country's inextricable malady. As the Special Representative left Gisenyi, he was not under the impression that things were about to get any better.

On the other hand, and in the opposite direction, Enoch Ruhigira, Director of Cabinet to President Habyarimana, insists that the President, before even leaving for Dar es Salaam, had decided to put an end to the tergiversations by going ahead with the implementation of the institutions provided

¹³ African rights, *Rwanda. Death, Despair and Defiance*, 2nd edition, revised August 1995, p. 86

¹⁴ Pasteur Musabe, Director of the *Banque Continentale Africaine Rwanda* (BACAR), is the brother of Colonel Bagosora, whose important role we shall see in the latter part of this account.

¹⁵ *Akazu* literally means "the little hut". It designated the immediate entourage, both familial and political, of President Habyarimana.

for under the Arusha accords. According to Ruhigira, he had been instructed in the morning of 6th April to draft a communiqué announcing that the transitional institutions would be put in place on 8th April¹⁶. Incidentally, Ruhigira was at the Airport at the time of the crash, where he had gone to present his draft to President Habyarimana for approval.

It should also be noted that there were some corporatist opponents to the military protocol of the Arusha accords. Since, according to the protocol, the RPF was supposed to take half of the positions in the command structure, some RAF officers were inevitably going to lose both their positions and the substantial perks they enjoyed hitherto.

That is all I can say about the motive. What about the timing and the means? First of all, we know where the missiles came from! They were fired from a location in the immediate vicinity of what is called "La Ferme", on the dirt road connecting the Masaka hill to the main Kigali-Rwamagana-Kibungo highway. "La Ferme" is located a few hundred metres from the highway as the crow flies, and hardly two kilometres from the Kanombe army camp (see map). The area was densely populated. Many civilians and soldiers close to the regime lived there. In addition, at the junction between the highway and the road to Masaka, was a position held by the *Gendarmerie* and the RAF. This last bit of information is quite vital and I will return to it in another context. On this subject, there is a testimony collected by the Belgian Military Prosecutor's Office, and I personally had the opportunity to interview the witness (P.H.) in Kigali and managed to get the gist of his statement. In the morning of 6th April, between 10 and 10:30 a.m., while P.H. was on his way to Lake Muhazi, he saw a joint RAF/*Gendarmerie* position at the point where the dirt road to Masaka joins the highway to Rwamagana and Kibungo. Having worked with the Rwandan Army as a civilian mechanic, P.H. was struck by several details: contrary to the existing regulations in the Kigali area (KWSA: Kigali Weapons Secure Area) where deployment of heavy weapons had been forbidden, he saw a four-barreled machinegun covered with a canvas, mounted on a trailer attached to a jeep. Furthermore, two of the soldiers present were each carrying a web cartridge case on his shoulder. The cartridge cases appeared to contain pipes of approximately 1.5 metres long¹⁷. By the time P.H. returned to Kigali in the evening, around 19H45, he noticed that the position was still in the same location. Although it was dark, he managed to notice that the four-barreled machinegun had now been uncovered. One can deduce from this testimony that a good half-an-hour before the plane was shot down, there was a Rwandan military position (with two surface-to-air missiles?) a few hundred metres from "La Ferme". At a later stage, I will criticize the deduction that seems to emanate from this narrative, and I will introduce another assumption that is likely to explain these observations.

Let us now look at the availability of the surface-to-air missiles and the capacity to use them. It has been argued that the Rwandan Army did not have any surface-to-air missiles, which in itself would exempt it from involvement. But, according to a report by Human Rights Watch, which inventoried the weapons imported into Zaire by the RAF after their defeat, their arsenal is said to have comprised¹⁸, among others, between 40 and 50 SAM-7 and 15 *Mistral*¹⁹ missiles, which would tend

¹⁶ On 5th April, Mr Ruhigira had already informed Mr. Mamadou Kane, political advisor to Booh Booh, that he expected the Head of State, on his return from Tanzania, to issue a statement in which he would propose a solution that would put an end to the political deadlock.

¹⁷ He was also struck by the way the two soldiers wore their berets. This was the origin of one of the "French" assumptions, which I will revisit later.

¹⁸ I use the conditional, because the information by Human Rights Watch comes from a single source, British Captain Sean Moorhouse, a G2 officer of the UNAMIR-II, who also obtained it from a third party.

¹⁹ Human Rights Watch, *Rwanda, A New Catastrophe?* December 1994, p 4. Indeed, the Belgian Battalion of the UNAMIR had received information to the effect that the RAF had 15 *Mistral* missiles. Less than a week before the plane was shot down, the Operations Centre (C-Ops) of the Belgian Army had expressed fear of missile attacks against the C-130 planes of the Belgian Airforce (meeting with some S2 officers of the 1st Paratroopers Battalion and of the 2nd Commando Battalion, Diest, 4 January 1995).

to prove that the Rwandan Army did, in reality, possess a fairly sizeable surface-to-air missile capacity. It is obviously unlikely that an army possesses some expensive arsenal without being able to use it. However, it has been argued that it could not have been the Rwandan soldiers who fired the missiles, because they had not been trained to use them. At a later stage, I will come back to this line of argument, which particularly falls within the "French assumption".

The assumption that the whole incident was a coup mounted by radical elements of the regime is based on the speed with which the RAF and the *Gendarmerie* reacted after the plane was shot down. It was pointed out that within fifteen minutes of the attack on the plane, roadblocks were erected around the Airport area and at some other points in town. As early as 20H45, some Belgian soldiers belonging to the UNAMIR and to the *coopération technique militaire belge* [CTM] had already been neutralized around and within the Airport area. According to witnesses who know the Rwandan Army very well, it was impossible for the Army to have reacted so quickly, unless it had been alerted in advance. The fact that the Presidential Guard immediately banned access to the plane wreckage and to the debris of the missiles also appears suspicious. There are some other testimonies along the same lines. One witness alleges that roadblocks were erected in Kimihurura as early as 19H30, nearly an hour before the plane was shot down; and that already by around 17H00, a soldier allegedly advised a female friend to go home early, because something was going to happen; and a third witness alleges that as early as 9 a.m. that morning, an *Interhamwe* cadre working at Rwandex allegedly told his boss that "the war is going to resume this evening". Furthermore, some elements of the RAF, particularly from the Parachute Commando Battalion stationed in Kanombe, are said to have killed several people (some sources talk of several thousands) in the Masaka area starting from the evening of 6th April. These massive killings, which started in the night of 6th to 7th April, were completed in the night of 8th to 9th April. Was it an attempt to eliminate some embarrassing witnesses?

Another incriminating factor is that the bombing of the plane could have been difficult not to say very dangerous to execute without the complicity of those in the control tower. Since it was during the night, it was impossible for the spotters to work at sight only; they must be certain that it was the targeted plane that was on its final approach because it was closely followed by two other planes (a C-130 Belgian air-craft, 15 minutes away and a Burundi registered Beech craft 30 minutes away). Whilst contrary to what several sources maintained²⁰, UNAMIR officials were never present in the tower, but instead elements of the Presidential Guard were. According to what the pilot of the Burundi registered aircraft allegedly told the newspaper *Le Citoyen*, the controller at the Kigali control tower was closely watched by some soldiers "who continuously asked him about the progress of the Falcon"²¹. But the hypothesis of an act of complicity on the ground was arrived at specifically because the lights on the landing strip were turned off during the plane's final approach. In reality, it was after the bombing that the lights were turned off by the control tower staff who became scared. They also turned off the lights inside the control tower itself. In an exchange with the C-130 Belgian aircraft, the controller maintains that "there was a power failure", to which the Belgian crew replied that it cannot understand why then the radio was operating.

The last point in support of this assumption (or its "French" variant, see below) was that 15 to 20 minutes after the crash, a light plane which could have evacuated the commando responsible for the bombing took off from the airport. Whilst according to Captain Vandriessche, the Commander of the airfield group of the UNAMIR Belgian battalion, he is positive that no aircraft took off from the

²⁰ In this regard, Colette Braeckman (*Rwanda...., op. cit.*, p.174) wrote that "since two days access [to the control tower] was denied the Belgians".

²¹ *Le Citoyen*, No. 29 of 1-15 April 1994. Nevertheless, the interpretation of *Le Citoyen* should be read with caution. For instance it claims that the Burundi registered aircraft was asked to switch from radio frequency 124.3 to 118.3 "because the first frequency was under military surveillance", whilst this was a routine swith over since frequency 124.3 was reserved for the approach and 118.3 for final landing.

airport after the crash. The sound of the aircraft engine that several witnesses claimed they heard is most probably that of the C-130 Belgian plane which arrived at the airport 15 to 20 minutes after the crash; it hovered with its lights off at about 22,000 feet (17,000 feet above Kigali) and since it was a cloudless night, its engines could be heard from the ground²².

Whereas it is indisputable that the hypothesis implicating the "hardliners" of the regime – supported by a significant number of people – could rely on certain elements in the case file, it still remains that arguments in support of this thesis are by and large weak especially when one discards all the "information" advanced by the press which turned out to be inexact. Stephen Smith, the *Libération* journalist was the first person, in a show of independence, to question the hypothesis that the responsibility lies on radical Hutus. Indeed, it took a lot of courage immediately after the genocide to counter the general belief – which I also shared for a long time – that those behind the genocide are the same ones who brought down the plane. Stephen Smith noted that at least three clues exist which counter this hypothesis. First of all, Colonel Elie Sagatwa, one of the main *Akazu* leaders was on board the aircraft and secondly neither the *Akazu* nor the MIND-CDF alliance had prepared to take over. Finally, this group, which was close to the President, did not have any course whatsoever to kill twelve persons including the President of Burundi; they could have easily killed Habyarimana in another manner²³. The fact that the political circles were not prepared for such an event is convincing enough. We shall see later on that the political class on the President's side was totally caught unawares, whereas in the evening of 6 April some soldiers and *gendarmes* evacuated ministers and politicians belonging to this grouping who were residing at Kimihurura to the camp occupied by the Presidential Guard to protect them in the event of an RPF attack. As early as the morning of 7 April, a certain number of "barons" of the regime took refuge at the French Embassy where they were seen totally helpless (cf. below). Why would they be in hiding if they had been in the forefront and planned to take over power? Besides, we will see that the hard-core elements of the regime took over control only during the course of the day of 8 April.

In actual fact, concrete evidence implicating Hutu extremists are hard to come by. Indeed, it is true that roadblocks were quickly erected at several locations in Kigali but this was normal routine as they were erected everyday at the onset of the evening²⁴. In addition we shall see later on that the political assassinations perpetrated by this group only began ten hours approximately after the attack on the plane. It is true that commandos from the para-commando battalion killed many at Masaka as early as 6 April in the evening, but was this to "eliminate embarrassing witnesses" or are we dealing here with a clean-up or revenge operation? As regards the position at the turning on the Masaka track, even though P.H.'s testimony sounds reliable, one question still remains: would the perpetrators of the attack stay in the open near *La Ferme* as early as 10.00 a.m. whilst they are aware that the aircraft would only return in the evening and that in the meantime they could be spotted. Moreover, P.H. mentions cases containing pipes, but were these ground-to-air missiles or other types of weapons (e.g. missiles for armored vehicles or bazookas), which have the same general appearance?

As regards the surface-to-air capabilities of RPF, I have already stated that the only available documentary evidence, the Human Rights Watch report mentioned above, should be treated with caution in this respect. In April 1994 UNAMIR never suspected that RPF had surface-to-air

²² Interview with the crew of flight AFB 683, Melsbroek, 24 January 1995.

²³ *Libération*, 29 July 1994.

²⁴ Alexandre Goffin's book, *Rwanda, 7 avril 1994: 10 commandos vont mourir*, contains an annexure of a map of Kigali indicating the location of roadblocks. All in all, there are eight in the city center and three elsewhere. Having lived in Kigali on several occasions since the beginning of the October 1990 war, I can confirm that there was nothing out of place with these roadblocks.

missiles simply because since the latter did not possess any planes or helicopters having such weapons was unnecessary. Sources within UNAMIR also state that the RAF took up their heavy armament as early as 7 April in the morning and that, since they had nothing to hide anymore, they set up their missiles in battery formation around the airport. On the contrary, nothing like that happened, simply because they did not possess any such missiles²⁵. In any event, we shall see later on that the missiles used were most probably of the SAM-16 "Gimlet" type, whilst Human Rights Watch only mentions SAM-7 and Mistral missiles.

There are those who, due to the lack of concrete evidence on who the direct perpetrators of the bombing are, attribute it to French soldiers. Here two testimonies should be highlighted: the first, already mentioned above, is that of P.H, who testified that what struck him was the fact that the two soldiers under whose responsibility the cases which could have contained the launchers were placed wore their berets "*à la française*"⁷⁵. According to P.H, the two soldiers, who were Black, stood a distance way from the others and the Rwandan Army uniforms they wore were newer. Under these circumstances, it is a bit too easy to deduce that they were French soldiers from the *DOM TOM* territories. The second testimony also points to a French lead, but does not support the first hypothesis, but rather contradicts it. This is in the form of a hand written letter delivered around mid-June 1994 to the journalist Colette Braeckman⁷⁶. The letter was dated 29 May and signed by "Thaddée, head of the militia in Kigali" and claims that the presidential plane was brought down by two French soldiers from DAMI (*Détachement d'assistance militaire à l'instruction*) operating for some CDR chieftains. "Thaddée" names one of the French soldiers: Etienne. On the contrary, we know "Etienne's" real name; it is Pascal Estrevada⁷⁷ who is known to have been part of operation *Noroît* (name given to the French operation in Rwanda since October 1990). Having left the country when the operation's mandate came to an end in December 1993, he allegedly returned in February 1994⁷⁸ with about ten other French soldiers, and as early as May 1994 he was in Bujumbura as part of the French operation to provide personal security to the Burundian authorities. However the testimonies of both P.H and "Thaddée" do not tally because "Etienne" was a white man and therefore could not have been one of the black soldiers wearing his beret "*à la française*"⁷⁹.

It was not possible to verify other hypothesis and rumours. At the beginning of June 1994, a C.I.A source alleges that two agents working for the *DGSE* (*Direction générale de la sécurité extérieure*) at the Cercottes camp in Loner were responsible for the attack against the plane. This allegation, which is not supported by any evidence, was denied by the French intelligence circles⁸⁰ who in turn, did not hesitate to interfere in the investigations by making unfounded accusations which were never followed afterwards. Another *DGSE* source claims that an "American company with representation in Central Africa" had used, through Belgian intermediaries, to recruit mercenaries trained in handling anti-tank and anti-aircraft missiles⁸¹.

²⁵ Let us add that for the last decade *The Military Balance*, a publication of the International Institute for Strategic Studies, did not mention of any surface-to-air missiles among the Rwandan Army stocks.

⁷⁵ Whilst the Rwandan army, like their Belgian counterparts, wears the flap on the right side, the French army wears it on the left.

⁷⁶ For additional information, see C. Braeckman, *Rwanda...*, *op. cit.*, p. 188-197.

⁷⁷ "Etienne" is a war name which starts with the first letter of his real surname.

⁷⁸ According to media reports, several witnesses testified that they saw *DAMI* elements return to Kigali disguised as civilians before the date of the bombing, but I was unable to collect any first hand testimony on that issue. According to French "official" witnesses, it is impossible for elements of operation *Noroît* to return clandestinely and that only one of them returned to Rwanda, not as part of a military operation but to see his "girl friend". General Dallaire maintains that UNAMIR does not have any report on the alleged return of *DAMI* elements to the country.

⁷⁹ Verschave attempts to reconcile the two testimonies by claiming that these were "white soldiers (assisted by two soldiers of West Indian extraction?)" (*op. cit.*, p.91). The question mark indicates that the author realizes that this version was far-fetched.

⁸⁰ *Le Monde*, 18-19 June 1994; *Libération*, 29 July 1994.

⁸¹ *Le Monde*, 28 June 1994.

That being the case, there are a lot of gray areas surrounding the French presence in Rwanda during the period of the bombing of the plane. On 8 April in the morning, two French *gendarmes*, Chief Warrant Officers René Maier and Alain Didot, as well as the latter's wife were killed in their home known as the "the home of the agent" because a *DGSE* "correspondent" had lived there before³³. The house is situated close to the Kimihurura roundabout³⁴, between *CND* and *Méridien* Hotel, which makes one believe that they were killed by the RPF which controlled this area at the time of the triple assassination. Was the RPF sending signals to France? Or did it simply eliminate embarrassing witnesses? How could one explain the discretion of the French authorities in treating this incident (it was only on 11 April that their death was made public and their death certificates, dated 6 April, mention "accidental death"³⁵)? Most importantly, what was the mission of Maier and Didot? According to a witness, a soldier, they were intercepting message communications especially those of the RPF using sophisticated equipment. Who were they working for? In the same vein, Colette Braeckman talks about a witness who alleges that a "mysterious foreigner, most probably French", equipped with radio transmission material had occupied a room at *Hôtel des Diplomates* up to the day of the bombing of the plane³⁶.

Another gray area remains: whilst UNAMIR elements were denied access to the crash site of the presidential plane, French soldiers including the commander of St. Quentin went to that location as early as 6 April in the evening and returned there the following day³⁷. At the crash site they collected debris from the plane as well as missiles, which were sent to France to be examined³⁸. With all the above indicia, it would have been possible to identify the type of weapon used, but despite that no report was ever made public. We will come back to the investigations, or rather the lack of investigations, in due course but already Paris' guarded silence is cause for concern.

Last enigma: the day after the Kigali bombing, François de Grossouvre commits suicide at the *Elysée*. Officially, Chairman of the Special Presidential Advisory Group, de Grossouvre was a friend, confidant and adviser to François Mitterrand. He was "much aware of a certain number of 'African businesses'", especially one in which Jean-Christophe Mitterrand, the President's son, was involved in when he headed an Africa unit at the *Elysée*. It was also through de Grossouvre's connections that Captain Paul Barrot (who will be mentioned again in this journal), after he was relieved of the case involving the fishermen of *Vimanges*, was able to work for several African heads of States including Juvenal Habyarimana. It is alleged that de Grossouvre knew about some drug trafficking business from Rwanda in which Jean-Christophe Mitterrand and Jean-Pierre, one of Habyarimana's son, were involved. Some sources go as far as alleging that de Grossouvre himself was also involved in this trafficking. The suicide at the *Elysée* itself of this power behind the throne with shady links with Rwandan party businesses less than twenty-four hours after the Kigali bombing, mere coincidence?

Even though all evidence points to the active involvement of France in the Rwandan quagmire, as it is a well-known fact that this is not the first time, concrete evidence implicating the French in the

³³ For details concerning this case, see *Le Monde*, 28 June 1994; *Libération*, 29 July 1994.

³⁴ And not, as stated in *Le Monde* of 28 June 1994, in the Kanombe area.

³⁵ According to *Le Monde* of 28 June 1994.

³⁶ C. Braeckman, *Rwanda...*, op. cit., p.190.

³⁷ We shall see later on that French soldiers were present at the Staff Headquarters of the Rwandan Army in the night of 6 to 7 April to discuss, among other issues, the investigations they wanted to conduct on the bombing.

³⁸ Here also another enigma emerges: according to Stephen Smith (*Libération*, 29 July 1994), a French commando returned to the site in the morning of 10 April to recover the bodies of the three crew members. It is quite surprising that they waited for more than three days before bringing the bodies whilst from the onset the crash site was very accessible to the French.

³⁹ For an in-depth analysis of a certain number of "scandals" involving the *Elysée* and the role played by de Grossouvre, see J. Montaldo, *Mitterrand et les 40 voleurs...*, Paris, Albin Michel, 1994, although this publication makes no reference to the Rwandan network.

shooting down of the plane is hard to come by. In actual fact, all we have is a letter signed by a certain "Thaddée" (who remains unknown) and the testimony of some person who saw two soldiers spotting their berets "à la française". In the first case, the letter – which in fact is anonymous – could have been written by any eccentric person or could be a red herring. In the second case, for those who know how poorly dressed Rwandan soldiers were, this argument is not very credible. These two leads – the only indicia that suggest direct and immediate French involvement in the bombing⁴⁰ – are not enough to enable a correct interpretation of the events.

Finally, among the litany of stories of foreign intervention on the side of Hutu radicals, one should mention that in September and October 1995 two Belgian newspapers reported on an *S.G.R* (Belgian military intelligence unit) document dated probably 22 April 1994⁴¹. In essence in the document the *S.G.R* informant states that the attack on the plane was the work of President Mobutu, that six missiles were purchased in France and transported to Kigali via the Zairian Embassy in Brussels, Ostende airport, Kihshasa, Goma and Gisenyi and that it was a Belgian half-caste, a French man and a Rwandan who brought down the plane. Neither the type of missiles used nor the identity of the three perpetrators have ever been disclosed. In a handwritten note at the bottom of the said document, General Bastien, Head of *S.G.R*, expressed doubts on its authenticity. It could well be a "propaganda" gimmick from the Zairian opposition. As it were, criticism from within already cast doubt on the document as well as the complex itinerary used to transport the missiles⁴². In addition, some "facts" stated in the document are obviously false⁴³. Finally, the "source" fails to mention on whose account and for what reason President Mobutu organized the assassination of the two presidents. In reality, the document and the manner it was obtained by the newspaper editorial offices is maybe more of an insight into the "war" within the Belgian institutions, than the Kigali bombing itself. However, this piece of information should not be completely neglected: we shall see later on that another source alleges that the missiles used in the bombing probably came from France.

Second assumption: the Burundian connection

Although it is a very remote possibility, I will briefly look at this assumption, because it has been made basically on a false premise. It is alleged that the attackers had targeted the Burundian President, Cyprien Ntaryamira, rather than his Rwandan counterpart.

The opposition in Burundi was obviously upset by Ntaryamira's participation in the Dar es Salaam summit. "*Le Citoyen*"⁸² newspaper, in its article titled: "The summit of betrayal and death", clearly echoed this feeling. It wrote that the summit "was, right from the start, shrouded in mystery, to the

⁴⁰ Subject to the conclusions of an investigation on the only material evidence available, see below.

⁴¹ *De Morgen*, 20 and 21 September 1995; *Le Soir*, 26 October 1995.

⁴² It is cheaper and much easier and discreet to purchase SAM-7 surface-to-air missiles ("*minimexé*" missiles) from Africa in particular. SAM-16 "Gimlet" missiles could be purchased in Angola and South Africa especially (see below).

⁴³ For instance there were no *SCIBE* flights from Ostende between 17 and 21 March and the attack against a Zairian opposition leader which should have taken place in Kinshasa on 24 April (Etienne Tshisekedi name is mentioned) did not materialize.

⁸²No. 29 of 1-15 April 1994

extent that even the late President Ntaryamira went there discretely: there was no official communiqué informing the public of the President's trip; the official media never talked about it, apart from some bits and pieces of information picked from international news agencies". A "controversial summit", because it was supposed to pave the way to the "dismantling of the Burundian Army", *Le Citoyen* added. Moreover, the communiqué issued at the end of the Dar es Salaam summit read in paragraph 5 (c) that the Heads of State and delegations "suggested the immediate setting up of a reform programme for the Army and other security organs", which confirmed the worst fears of certain civilian and military circles in the Burundian opposition.

On the other hand, and contrary to what several journalists wrote, it was not the control tower at Kigali that wanted to confirm whether the Burundian President was on board the plane. What Brigitte Minaberry, the wife of the co-pilot, managed to hear when she tried to listen to the radio messages from the aircraft, was a repeated request to that effect from the control tower in Bujumbura. Even though the crew refused to respond to those questions, they were of such a protocol nature that one cannot think of any Burundian connection.

Therefore, it is very unlikely that the attack targeted President Ntaryamira. In any case, it was at the last minute, just before take off from Dar es Salaam, that it was decided that Ntaryamira travel on the Rwandan presidential jet⁸³. It is practically out of the question that an assassination attempt could have been planned between the time the plane left Dar es Salaam and the time it reached Kigali.

Third assumption: a "democratic move" that turned sour

This third assumption has never been explored, even though it was mentioned at one point by some representatives of the former regime⁸⁴. That is why, and because the first assumption appeared more likely, this particular one was not followed up⁸⁵. A combination of factors aroused my interest in this particular assumption. Having gathered a number of factual elements that an important witness, the Chief of Staff of the *Gendarmerie*, Major General Augustin Ndindiliyimana, was supposed to know, I naturally put them to him. But he denied them outright, yet they are incontestable. This made me wonder: what was he hiding?

Let us first look at those facts. While he was officially on leave [his leave was supposed to run from 1st through 5th April], Ndindiliyimana, on 5th April, during a meeting with UNAMIR, announced that a search and disarmament operation would be carried out in Nyakabanda *secteur* in Kigali. This decision did not surprise anyone. In January, a similar operation had been carried out in Kacyiru, but it had ended in a flop. The organizers had promised to learn from that exercise and carry out similar ones. The new operation was scheduled to take place at 4.30 a.m. on 7th April. In the morning of 6th April, a coordination meeting was held at the *Gendarmerie* Headquarters to agree on the concrete measures to be put in place for the next day's operation: the support of UNAMIR in form of logistics and personnel; and assistance from the Public Prosecutor's office [which would issue search and arrest warrants]. In addition, the various companies of the *Gendarmerie* in Kigali

⁸³ It is not very clear why such a decision was taken. Contrary to what has been written, the Burundian President's plane had not broken down. One version has alleged that Ntaryamira thought that the plane, a beechcraft chartered by the Burundian Government, was too slow and too noisy. Another allegation is that the Burundian intelligence circles feared that there could be an attack on the plane. The Burundian President's plane, a Falcon 50, was actually undergoing servicing and Habyarimana had earlier given a lift to Ntaryamira during a meeting in Gbadolite two days earlier.

⁸⁴ In a statement made by Mathieu Ndirumpatse, president of the MRND, and Justin Mugenzi, Trade Minister in the Interim Government, in Nairobi on 27 April 1994, Prime Minister Agathe Uwilingiyimana was accused of having tried to organize a coup d'Etat. Referring to a meeting held at her residence on 4 April, they affirm that "the Prime Minister invited some senior officers and told them of her intention to stage a coup d'Etat against the President".

⁸⁵ Even though *La Cité* newspaper of 14 April 1994 quotes a "Tutsi intellectual" who wanted to look into movements of some officers from the South who were embittered by the assassination by a death squad in February 1994, of the former Minister of Public Works, Mr. Félicien Gatabazi, a son of their region.

were to be confined to their barracks during the night of 6th to 7th April. I would have certainly considered this matter as a coincidence, had General Ndindiliyimana, who personally decided to organize the operation and announced it, not denied that such a decision had been made.

On 1st and/or 4th April⁸⁶, some officers and civilians, natives of the South and of Butare *prefecture* in particular, met at the residence of Prime Minister Agathe Uwilingiyimana. The officers had been contacted by *Gendarmerie* Lieutenant Jean Baptiste Iradukunda, a young journalist attached to the intelligence services of the Ministry of Defence. Apart from the civilians, the following attended: Lieutenant Colonel Edouard Gasarabwe, Major Gerchom Ngayaberura and some ten junior officers. Some other senior officers, namely General Ndindiliyimana, Colonel Munyengango and Lieutenant-Colonels Nteziryayo and Nzungize, are also said to have been invited but could not attend. Although the meeting was supposed to be a friendly get-together over a glass of wine, matters of regional interest were discussed, particularly on education and the economy. The meeting took a real political turn when the Prime Minister started complaining about the "regionalism" of the "Northerners" within the Army and the *Gendarmerie*. She talked about the physical threats against the opposition and denounced the political obstacles, which she blamed on President Habyarimana. She even suggested that Habyarimana should be "overthrown" but the officers were reticent in their reaction and even rejected the whole idea. One of the officers present, or who came to know about the discussion, is alleged to have later divulged the "preparations for a coup d'Etat" to President Habyarimana⁸⁷.

As we shall see later, that was how the whole thing was perceived by the circles close to the Head of State. That is also how the RTLM presented it, while Radio Rwanda mentioned the story but made no comments. Once again, it is astonishing that General Ndindiliyimana maintained that he was not aware of the meeting, which he claimed to have had knowledge of in the evening of 4th April when, according to him, Colonel Gatsinzi telephoned him from Butare and informed him that RTLM had carried a story on the meeting. It is not easy to believe that Ndindiliyimana was in Kigali at the time of the meeting, which was attended by officers of the *Gendarmerie*, his corps; the officers were natives of the South, his own home area; Ndindiliyimana and the Prime Minister were good friends and both hailed from the same *commune* [Nyaruhengeri]; his own UNAMIR liaison officer and former G2 [Chief of Intelligence], Major Pierre-Javier Karangwa, was aware of the meeting; and lastly, Colonel Gatsinzi would not have called Ndindiliyimana to inform him of the meeting.

In a related context, one can cite the behaviour of an officer who was probably not present at the meeting but who certainly must have been aware of it. Colonel Anselme Nshizirungu was military adviser to the Prime Minister and a sympathizer of the MDR-Twagiramungu faction, and considered to be close to RPF. In a memorandum entitled "An overview of the political situation in Rwanda", which he sent to a Belgian friend resident in South Africa⁸⁹ in late February 1994, he appended the following note: "In the worst case scenario, the Rwandan evil will only be solved by the physical elimination of the killer dictator, who is about to exterminate his people's intelligentsia. And you will have to assist us; I am quite convinced about it. I would like to see you

⁸⁶ The four testimonies I have do not say the same thing on the dates: some say that the meeting took place on 1st April, while others mention the date of 4th April. Likewise, the names of the participants mentioned are not the same. I tend to think that two meetings could have been held.

⁸⁷ From the information I gathered, this officer could have been Lieutenant Colonel Alphonse Nteziryayo. According to Mrs. Agathe Habyarimana, responding to a questionnaire, her husband is alleged to have said that one of the officers who attended the meeting had informed him that the Prime Minister was plotting a coup d'Etat. However, officers close to the Head of State are alleged to have discarded the idea.

⁸⁸ He was one of the RAF officers who returned to the Rwanda after RPF victory. He is now Rwanda's Ambassador in Addis Ababa.

⁸⁹ I do know this person: he had earlier held a senior post within the Intelligence Services in Rwanda and is connected to some security circles close to the right wing whites in South Africa.

again in this beautiful country once the monster is gone". For Nshizirungu and his friends, could the "worst case scenario" have finally occurred in early April and did they swing into action?

Lastly, on 6th April, around 9 p.m., a Belgian officer residing in Belgium but with close links with the Rwandan Army, after learning that something was happening in Rwanda, telephoned General Nsabimana, the RAF Chief of Staff, on his direct line. He did not know that the General had died in the crash. It was General Ndindiliyimana who answered the call. Once again, Ndindiliyimana denied this fact, whereas the Belgian officer had no reason for lying.

Let us recall another element before formulating an assumption. The checkpoint at the Masaka road junction, which we repeatedly talked about earlier, was manned partly by some *gendarmes*. That checkpoint was, as a matter of fact, under a unit that the *Gendarmerie* had positioned in Kabuga, a short distance away.

Now the assumption: Some "democratic" officers originating from the South and belonging mainly to the *Gendarmerie*, fed up with the multiple obstacles in the setting up of the institutions agreed under the Arusha accords, exasperated by the political assassinations of the loved ones [cf. the Gatabazi case, see below] and fearing for a campaign of vengeance against the *Abenduga* [natives of other *prefectures* apart from those of the North] could have concluded that the only way to salvation was the elimination of the major cause of the obstacles and the threats, the Habyarimana regime, and by creating an institutional vacuum. In the minds of the plotters, the matter could have been relatively easy and people would have literally not talked about a coup d'Etat: it would have sufficed to fill the institutional vacuum so created by resorting to the only evident framework, the one provided for under the Arusha accords.

This scenario was evidently taken seriously by President Habyarimana's entourage. Some soldiers of the Presidential Guard later told one of my informers that the suspected Agathe Uwilingiyimana and Faustin Twagiramungu had been accomplices in the downing of the plane. They also claimed that they found the speech the Prime Minister was intending to make over the radio, in which she was to announce the installation of a Transitional National Assembly, whose composition was to conform to the wishes of RPF and "its allies". The Presidential Guard soldiers also believed that the 4 April meeting was meant to prepare for the coup d'Etat. Colonel Bagosora also exhibited the same suspicion. I shall come back to his movements later. Summoned to the Army Headquarters after the plane crash, Bagosora first went to the Ministry of Defence and telephoned the Army Headquarters to ascertain which officers were there. He also talked of a "coup plot" and, according to him, he was initially scared of falling into a trap and did not want to risk his life by going to the Army Headquarters; and that was after learning that several of his "friends" were there that he decided to go.

The sequence of events that followed the crash, which we shall describe in detail at a later stage, conforms more to this scenario than to the others. If the Prime Minister had managed to read out the radio speech she had prepared for the public in the early hours of 7 April, she would have announced that in accordance with the fundamental law, the Government was taking over the management of country and that the transitional institutions would be put in place. The reader's reaction here is that this plan was suicidal and had no chance of succeeding, because it did lack a military backing. My reply is that that is what exactly happened: the regime's hardliners did not simply sit back and watch. But the unrealistic nature of the plot does not rule out the fact that it existed. The soldiers did everything possible to prevent the Prime Minister from making a statement on the radio. Why this relentlessness, if they were not scared that she might accomplish what they expected?

One notices also that it was not until late at night, indeed starting from 6 a.m., that the political assassinations started. Could this have been because the "hardliners" were initially caught off-guard and one of their most important leaders, Colonel Bagosora, was still too busy with some other "official" matters, in the early hours of the night [see below]? We will come back to this later, but it should be noted already that among the people killed late that night and in the early hours of the morning of 7th April, were those who were vital in the implementation of the scenario we are talking about here. The initial violence therefore should have been a counter-coup effected with the Constitution in hand, the same way the coup makers in Burundi had done in 1993 [see below]. Among the first victims were:

- Agathe Uwilingiyimana, the Prime Minister, whose government was supposed to take over the affairs of the State, which is understood to mean taking the necessary steps to fill the institutional vacuum;
- Joseph Kavuruganda, the President of the Constitutional Court, who was supposed to preside over the swearing-in ceremony for the new ministers and members of Parliament⁹⁰;
- Félicien Ngango [PSD] and Landoald Ndasigwa [PL], the two prospective candidates for the post of President of the Transitional National Assembly.

In summary, officers from the South allegedly plotted to stage a coup d'Etat in complicity with the serving Prime Minister and probably with the Prime Minister-designate under the Arusha accords, Faustin Twagiramungu. The coup – the shooting down of the President's plane – would create a constitutional vacuum necessary to remove the obstacles to the implementation of the Arusha accords. In the later part of the night, those who were opposed to this scenario seem to have reacted in such a way as to render the coup impossible by, first of all, creating an institutional counter-vacuum and, following this, by starting off a political extermination campaign that had been prepared much earlier and which rapidly flared into a genocide.

I must make myself clear: everything I am narrating here is a mere assumption. It is not supported by fewer elements than the other assumption mentioned earlier, but it suffers from the same weakness: we do not possess any concrete information on the individual perpetrators of the shooting down of the plane. In any case, we shall see later that this assumption does not, in any way, reduce the responsibility of those who started the genocide and the political killings. However, in this assumption, those who were responsible for shooting down the plane are not the same people who were behind the violence that followed. I would also like to point out that this scenario and the one I am going to produce hereafter, which implicated RPF, are not mutually exclusive. As a matter of fact, we saw that there was a "technical" or objective alliance between some tendencies of the internal opposition, such as the MRND Twagiramungu faction, and RPF. Nothing rules out the possibility that those allies teamed up to get rid of President Habyarimana.

Fourth assumption: RPF;

A variant: some Belgian soldiers working on behalf of RPF

Right from the morning of 7 April, a statement by the "Crisis committee"⁹¹ of the Rwandan community in Belgium, which was close to the MRND, confirmed that the attack on the plane had been prepared by some Belgian soldiers from the UN peacekeepers contingent, relying on "military sources of the non-Belgian peacekeepers of the UNAMIR"⁹². In a diplomatic note dated 20 April, the Ambassador of Rwanda to Kinshasa, Etienne Sengegera, firmly stated: "the plane was shot

⁹⁰ By virtue of Article 9 of the protocol of 3 August 1993, he was supposed to have presided over the first session of the Transitional National Assembly in the absence of the President of the Republic.

⁹¹ The term "crisis committee" was also used by the soldiers in Kigali, when they "took control of the situation".

⁹² Statement of 7 April 1994, on the assassination of the Heads of State of Rwanda and Burundi, His Excellency Major General Juvénal Habyarimana and His Excellency Cyprien Ntaryamira respectively, and their entourage, Brussels, 7 April 1994, signed by Papias Ngaboyamahina.

down by Belgian soldiers [...] on behalf of RPF"⁹³. But, in an obvious sign of misunderstanding within the government, another diplomatic note issued the next day by the Rwandan Embassy in Bujumbura said that "it would be speculative to make a final conclusion as to who shot down the plane"⁹⁴. However, the Rwandan government made a guarded statement while accusing Belgium of involvement. In a note dated 10 April, the Minister of Foreign Affairs said that the president's plane "was shot at by some yet unidentified attackers"⁹⁵. However, the next day, the Minister talked of "some inexplicable loopholes in the conduct of the leader of the UN peacekeepers responsible for the security of Grégoire Kayibanda Airport and its surroundings"⁹⁶, which loopholes allowed the criminals to shoot down the President's plane"⁹⁷. In the meantime, RTLM continued to blame the attack on RPF and Belgium, without a word of contradiction from the Rwandan authorities. Similarly, in a France2 broadcast on 28 June 1994, Captain Barril, who was defending the interests of the Habyarimana family, echoed the family's allegations by saying that in his opinion, the plane had been shot down by RPF, in collaboration with the Belgian soldiers. He further maintained that he was in possession of satellite photographs that showed that RPF had already launched an offensive at the Ugandan border right from 6 April, suggesting that RPF was at least aware of the plot. *Jeune Afrique*⁹⁸ had already come up with a similar scenario. This *Jeune Afrique* weekly asserted: "The fact that the leaders of the Front launched their three-pronged offensive on Kigali, clearly planned right from the time the news of the explosion was announced; and the fact that their high-ranking officials had left the capital city a few days earlier, make one believe that RPF had a plan to shoot down the plane".

Before looking at RPF, let us first note that there is nothing serious to prove neither the involvement nor even the presence of Belgian soldiers at the "Farm". This assumption is simply based on the so-called "testimonies", whose authors were never heard or even identified. So, could it have been some "UN peacekeepers from other countries" and some residents of the Masaka area", who could have seen the Belgian soldiers commit the crime? Anyway, all of it is second-hand information from sources close to the regime"⁹⁹. However, unlikely these stories may sound, they raise one enigma. There is the question of the three Belgian soldiers killed after their heinous crime "by angry soldiers"¹⁰⁰. Likewise, a document issued on 15 April by the Rwandan government states: "Three suspects from the same Belgian contingent were arrested at a time when a group of 8 UNAMIR peacekeepers were attempting to remove the black box from the plane wreckage by force."¹⁰¹ Whether it was a coincidence or not, in the afternoon of 7 April 1994, a UN spokesperson, Joe Sills, announced that three Belgian military observers had been killed. The same figure was mentioned in another report, which maintained that three Belgian soldiers¹⁰² in charge of keeping the weapons consigned to the Kigali Camp were allegedly killed in the night of 6 April, for having denied some Rwandan soldiers access to the store. And, lastly, we shall see that the figure of thirteen is mentioned several times whenever there is talk of the death of the Belgian soldiers. Yet it is known that ten peacekeepers were killed in circumstances that are relatively well known and which I will

⁹³ Embassy of the Republic of Rwanda, Diplomatic Note No. 138/03.11.07/A.1h, Kinshasa, 20 April 1994.

⁹⁴ Embassy of the Republic of Rwanda, Diplomatic Note No. 49/C2, Bujumbura, 21 April 1994.

⁹⁵ Republic of Rwanda, Ministry of Foreign Affairs and Cooperation, "Explanation on the political situation in Rwanda since the death of President Juvénal Habyarimana, Kigali, 10 April 1994.

⁹⁶ Referring to the Belgian Battalion, whose 12th Company was responsible for guarding the Airport.

⁹⁷ Republic of Rwanda, Ministry of Foreign Affairs and Cooperation, Diplomatic Note, Kigali, 11 April 1994.

⁹⁸ No. 1736 of 14-20 April 1994.

⁹⁹ Such as the statement already mentioned by Papias Ngaboyamahina, Spérancie Karwera in *Jeune Afrique* No. 1736 of 14-20 April 1994, or even the Habyarimana family in *Jeune Afrique* No. 1738-1739 of 28 April-11 May 1994.

Likewise, on 7 April, the Belgians were accused over radio OZRT by "journalist" Imana Ingulu, who in reality was an employee of the SARM [*Service d'Action et de Renseignement Militaires*] [*De Standaard*, 18 April 1994].

¹⁰⁰ This reference is mainly found in the reports that have already been mentioned, by Ambassador Sengegera and Spérancie Karwera.

¹⁰¹ Republic of Rwanda, Ministry of Foreign Affairs and Cooperation, Update on the tragedy in Rwanda, Kigali, 15 April 1994, pp3.

¹⁰² In fact, all the observers at the Camp were civilians and none of them was Belgian.

talk about later. Officially no other Belgian soldier is missing on record, yet it appears difficult, if not impossible, to hide the fact that the number of Belgian peacekeepers killed was higher than the ten who are officially mentioned. Having said that, one question remains hanging: could some "unofficial" Belgians or some other white men have been involved in the incident?

As for the involvement of Belgian peacekeepers in the downing of the plane, it should be mentioned, as did the Belgian Minister for National Defence, reacting to the accusations, that UNAMIR and therefore, the Belgian peacekeepers, did not have any surface-to-air missiles. As for the "inexplicable negligence" of the Belgian peacekeepers, it should be noted that those hardly forty men, guarded only the Airport¹⁰³, yet the missiles were fired from approximately four kilometers outside the Airport perimeter and between the Airport and the "Farm" is the Kanombe military camp. Regarding the Belgians who tried to grab the black box "by force" it was the Kigali Sector Command of the UNAMIR that sent a section from the Airport detachment ["airfield group"] to the crash site. Purpose of the mission: to ensure that the crash site was not tampered with and to guard the premises until the arrival of an inspection team. The Sector commander, Colonel Luc Marchal, announced that the RAF Headquarters had been notified and that it would in turn inform the guard unit in Kanombe Camp. But at 4.15 a.m., when Sergeant Maufroid's section arrived at the quarter-guard, it was aggressively repulsed¹⁰⁴. It was therefore no longer a matter of "carefully accessing" the wreckage. Having been denied access to the scene, Maufroid's section retreated without a fight or casualties. Lastly, another revelation by Captain Barril in a France2 broadcast, he claimed being in possession of control tower recordings, in which he alleged he identified some voices with a "Belgian accent". Not only has Barril not made his recordings heard, but also his assertion sounds very unlikely because, as we saw, the UNAMIR soldiers were never allowed access to the control tower, right from the beginning of the operation¹⁰⁵.

Let us now come back to RPF and examine the arguments in favour and against them. RPF, just like its main political opponent, had an objective. Since the war began, it was trying to forge an anti-MRND political coalition that would have raised a winning majority in the Transitional National Assembly. On the other hand, it was partly responsible for the multitude of obstacles in the way to the installation of the institutions provided for under the Arusha accords [see above]. RPF was probably aware that it would be a loser in a competitive political race. It had already tasted the bitter experience during the elections organized in September 1993 in the eight *communes* of the Demilitarized Zone. While elections took place in an area which neither the Rwandan Army nor the MRND nor the militia physically controlled, and while RPF had been able to field its own candidates and to organize campaigns, the former single party had trounced RPF by winning all the posts of *bourgmestre* in the *sous-préfectures* of Kinihira [Byumba] and Kirambo [Ruhengeri]. It was clear that RPF was no match for the MRND, at least in the *prefectures* of the North.

It is also true that RPF owned some surface-to-air missiles and knew how to use them. They had used them to shoot down a reconnaissance plane in Matimba on 3 October 1990, a Gazelle helicopter in Nyakayaga on 23 October 1990 and an *Ecureuil* helicopter in Cyeru in February 1993. Furthermore, on 10 September 1991, a Fokker 27 of the Zairian company SCIBE, flying on the Kigali-Beni route¹⁰⁶, had been hit at a point where the Rwanda, Zaire and Uganda borders meet. The aircraft, which managed to make an emergency landing in Goma, had most likely been hit by RPF fire, but it is not clear whether the weapon used on that occasion was a surface-to-air missile.

¹⁰³ It should be noted that the strength of the RAF and the *Gendarmerie* based at the Airport was far superior in numbers compared the UNAMIR. There were also six anti-aircraft artillery pieces with personnel around the runway.

¹⁰⁴ Operations Diary, 2nd Commando Battalion

¹⁰⁵ Captain Barril later told me that the "Belgian accent" could have emanated from a Belgian C-130 plane that was approaching the Airport behind the presidential jet. That could be possible, but then in that case, the allegation by Barril that the recording is an alleged proof of a Belgian involvement in the attack on the plane is absolutely ridiculous.

¹⁰⁶ This was an unusual route, because there were no regular flights between Kigali and Beni!

One wonders here, whether it was not the RAF. The missiles RPF had acquired were most likely obtained from the Ugandan Army stocks, yet this Army had only SAM-7 missiles¹⁰⁷, and not SAM-16, which were most likely used in the attack.

Some other revelations, however, tend to pin down RPF. Several sources confirm that the Dar es Salaam meeting lasted much longer than scheduled, which made Habyarimana return to Kigali much later, whereas, for security reasons, he would have wished to land in Kigali before nightfall. Museveni, the Ugandan President and an RPF ally, is alleged to have made the meeting drag on for longer than expected. A report produced in 1993 by some French *gendarmes* alleged that RPF¹⁰⁸ was behind "most of" the coup attempts in Rwanda in 1991-1992. Stephen Smith reports that the strategy of the "worst case scenario" was admitted by an RPF leader who, on condition of anonymity, said that "the setting up of an autonomous cell charged with killing Habyarimana should not be ruled out". The informer revealed that in his presence, in March 1994, RPF Chairman, Alexis Kanyarengwe, envisaged the "downing" [guhanywa] of the Rwandan President¹⁰⁹.

But even if RPF had a motive and the necessary expertise, one might point out an important factor in their favour. From the RPF cantonment at the CND to the "Farm", it is a distance of about 10 kilometres as the crow flies. Furthermore, we saw that the area in question was controlled by RAF [it should also be recalled that the Kanombe Camp was located two kilometers away and there was a *Gendarmerie* position a few hundred metres from there [this argument loses its value if this position was acting in connivance with RPF - cf. third assumption]. Obviously, it was difficult and indeed dangerous for RPF to set up a firing position at this point. Anyway, nothing is impossible since, in the past, RPF had proven its incredible infiltration capacity, particularly in January 1991, during a raid on Ruhengeri.

Was RPF ready? Did it use the element of surprise? The records here are not univocal. On the one hand, apart from some sorties during the night of 6 to 7 April, RPF soldiers from their battalion did not engage the enemy until the afternoon of 7th April. And, contrary to what *Jeune Afrique* wrote, the top cadres of RPF had not left the capital city a few days earlier. As a matter of fact, civilian leaders such as Seth Sendashonga, Jacques Bihozagara and Tito Rutaremara, were in Kigali¹¹⁰ and anything could have happened to them. But, on the other hand, while it is generally believed that the major part of RPF offensive in the north started on 8 April, several witnesses on the ground maintained that the advance started in the very early hours of 7 April, particularly in the Kisaro, Rukomo, Kagitumba and Nyabwisungwezi zones. Furthermore, according to sources within RPA, the forces had been put on a state of alert since 3 April. According to the same sources, General Kagame is said to have ordered Colonel Kaka to start his assault on Kigali in the night of 6 to 7 April. In any case, what is certain is that RPF was ready to launch a large-scale operation in a record time and managed to immediately send two to three battalions to Kigali, which were able to get material supplies on the way, particularly at Rutongo, some ten kilometers from Kigali¹¹¹.

Sources from within RPA claim that RPF was responsible for the attack on the plane. Several informers within its DMI [Department of Military Intelligence] and within RPA confirmed RPF's involvement and justified it by arguing that the war would never have ended if Habyarimana had

¹⁰⁷ International Institute for Strategic Studies, *The Military Balance*, publications of the last ten years.

¹⁰⁸ Republic of Rwanda, *Gendarmerie Nationale*, Centre for Criminal Research and Documentation, Kigali, *Study on terrorism in Rwanda since 1990, June 1993, 9 pages.*

¹⁰⁹ *Libération*, 29 July 1994.

¹¹⁰ The majority of RPF officials had left Kigali in January. From that time onwards, three nominees to posts of minister and/or Member of Parliament remained in Kigali under a three-week rotation system. Therefore, the presence of the three dignitaries mentioned [who were not insignificant officials] was part of the routine.

¹¹¹ According to the operations diary of the Belgian battalion, some elements of RPF were in the vicinity of Rutongo at the latest in the morning of 8th April, in other words, at the "official" beginning of RPF offensive, forty kilometres to the North.

not been eliminated. One such source was more precise: the operation was carried out by some RPA soldiers and one or several Libyans, supported by Major Rose Kabuye [now Mayor of Kigali] and Colonel Kayumba [now Deputy Chief of Staff of the *Gendarmerie*, then DMI Chief]. The commandos allegedly left the "Farm" area using a dirt road through Ndera, Kimironko and Nyarutarama. Lastly, from a source within RAF, in the evening of 6 April, a listening post which was situated in Gisenyi and was responsible for monitoring RPF communications network, allegedly intercepted a message announcing that the "the target has been hit". This fact was confirmed by a report dated 7 April 1994, in which Captain Apedo, a Togolese military observer with UNAMIR in Kigali Camp, said: "RGF Major said they monitored RPF communication which stated 'target is hit'"¹¹².

A single piece of hard evidence: hot lead

What is missing in the above scenarios is hard evidence. Yet it would seem that such evidence does exist. On 25 April, three weeks after the attack, the FAR found the two rocket launchers used in the attack. The serial numbers of two rocket launchers were mentioned in a document written that day by Lieutenant Munyaneza. In view of the fact that I obtained the document more than one year after the recovery of the rocket launchers and that I obtained it through the ex-FAR in Goma, it may very well have been doctored, especially as it is unclear why the commando would have left the launchers behind and risk exposing the people behind the attack. Yet in October 1994, I happened to meet a witness at Masaka who not only saw the missile being fired but also told me that "about one month" after the attack, FAR soldiers found the launchers (according to him): "two army green cylinders of approximately 1.5 metres (in length)" and took them to Camp Kanombe. This information, which was obtained independently nine months before I learned of the document, corroborates Lieutenant Munyaneza's observations.

Identification of the two launchers

First launcher
9 II 322-1-01
9 M-313-1
04-87
04835
C
LOD COMP
9 II 519-
3555406

Second launcher
9 II 322-1-01
9 M-313-
04-87
04814
C
LOD COMP
9 II 519-2
5945107

All that can be said with certainty is that these were SAM 16 "Gimlet" missiles. Officially, ten countries had this type of missiles in their arsenals in the nineties; those countries were Angola, Bulgaria, North Korea, Finland, Hungary, Iraq, Nicaragua, Poland, Czechoslovakia and the former Soviet Union. That does not tell us very much, because none of those countries appears to have had particular relations with either party in the Rwandan conflict. Still it is worth noting that in Angola, both UNITA and the South African Army are believed to have captured SAM-16, and that through this route (Zaire, in the case of UNITA), they may have ended up in the hands of Hutu radicals. Moreover, assuming the missiles came from South Africa, they may very well have been used in the "democratic coup" scenario, considering Colonel Nshizurungu's connections in military circles in South Africa, —as we have seen. Another piece of information worth mentioning, but it is to be treated with utmost caution, as it was obtained from a second-hand source —British at that— and that it may have been doctored, as it concerns a highly sensitive matter that is susceptible to

¹¹² This statement is attached as an annex.

disinformation. The launchers are said to have been part of a consignment sold to Iraq in 1988. When the Gulf War ended, these missiles were reportedly seized by the French contingent of the multinational force as "war spoils", and shipped to France, and, officially, they never left France. Assuming such is the case, the Belgian military intelligence (SGR) document (*supra*) would obviously make a great deal of sense, as the information would point to radical Hutus as the guilty party. By the time this book went to press, I had not yet had the opportunity to verify this potentially crucial information. The information is easy to verify—in theory at least. Did France seize Iraqi SAM-16 missiles? If so, what were their serial numbers? Were missiles which were recovered at "La Ferme" in Masaka part of that consignment? It should also be noted that if the Iraq scenario were substantiated, it could also incriminate the RPF, because, according to some reports (still unconfirmed), the RPF acquired weapons, including some from Iraq.¹¹³

I leave it up to others to carry on with the research, as I cannot pursue it further. As long as the trajectory of the missiles is not clarified, these missiles can be said to have come from any number of locations, and that each of the suspects had reasons to use them. Various secret services, notably in France and Belgium, have that information, which raises a number of questions. Either they are unwilling or unable to verify the information, or they have the answer but are unwilling to make it public. All three scenarios raise serious issues...¹¹⁴

Smokescreen

Even assuming—as I mentioned at the beginning of this chapter—that none of these hypotheses were irrefutably true, I note that today, many accuse the RPF of having carried out the attack, perhaps in connivance with elements of the domestic opposition. I have reached this conclusion based on the scenario of the Habyarimana regime "hardliners", but it must be treated with all due caution. It will be proved or disproved once the trajectory of the missiles is established, missiles which, from all indications, were used in the attack.

In fact, it is interesting to note that one year and a half after the event, people are still speculating without any hard evidence: none of the current theories has "nine out of ten chances of proving true".¹¹⁵ According to Colette Braeckman, who is known to have taken a great deal of interest in this matter, "no theory can be ruled out".¹¹⁶ Considering that the plot is likely to have involved several persons, it is surprising to note that an efficiently reliable leak has led to the truth. Verschave makes the pertinent remark that all the parties concerned "are capable of engaging in misinformation, and form opportunistic alliances in a bid to withhold information".¹¹⁷ In other words, the lack of a credible leak would seem to suggest that the attack was carried out by a small group of people, who were highly disciplined and professional. We must be dealing with a little-known and relatively autonomous unit, rather than a large group such as the RPF, the FAR or the Habyarimana regime "hardliners".

¹¹³ Human Rights Watch, *Arming Rwanda. The Arms Trade and Human Rights Abuses in the Rwandan War*, January 1994, p.21.

¹¹⁴ If a Sabena or Air France airplane were shot down on its final approach into Brussels-National or Roissy-Charles-de-Gaulle airport and the rocket launchers used in the attack were found, there is no doubt that within one week it would be possible to determine the identity of both the manufacturers and suppliers of the weapons!

¹¹⁵ Francois-Xavier Verschave regarding the case made by Colette Braeckman: *op. cit.* p. 95.

¹¹⁶ C. Braeckman, *Rwanda...*, *op. cit.*, p. 199.

¹¹⁷ *Complicité de genocide?*, *op. cit.* p. 83

In actual fact, no one seems to want to know, and that includes the UN, Belgium,¹¹⁸ France, the former Rwandan Government, the new authorities in Kigali and Burundi, whereas each of them is concerned in one way or another. We have seen that the Presidential Guard refused a Belgian UNAMIR section access to the wreckage.¹¹⁹ Already on 8 April, the UN called for an independent international investigation, and, on 27 June, the UN Secretary General, Boutros-Ghali, was charged by the Security Council with commissioning the inquiry; however, it seems that nothing was done, and the matter was quietly struck off the agenda. On 12 April, the Belgian Cabinet decided to ask the ICAO (International Civil Aviation Organisation) to launch an inquiry. The matter was on the agenda of the ICAO Council meeting of 25 April, but no such inquiry was conducted. The sticking point involved both procedural issues (whether this was a civilian airplane falling within the jurisdiction of ICAO or a State airplane outside its jurisdiction) and lack of cooperation from the Rwandan and Burundian authorities.

At the beginning, the Belgian investigators were uneasy about the "good neighbourliness" between Paris and Brussels, and perhaps, in more concrete terms, the candidacy of Prime Minister J. L. Dehaene to the post of President of the European Commission, notably with the support of France.¹²⁰ During the investigation by the Military Prosecutor, witnesses were heard, and a ballistic analysis was conducted; Military Prosecutor Winsen managed to conduct a commission rogatory in Rwanda shortly before acquiring emeritus status, in January 1995, and after insisting for several months. All these initiatives do not seem to have led to very much, at least as concerns the attack on the airplane.

The outcome of inquiries conducted in France is surrounded by a brick wall known as "*secret défense*" [highly classified defence material]. As we have seen, there is no doubt that French military personnel, including the commander of S. Quentin, visited the crash site several times and that fragments of plane wreckage and the missiles were recovered. French secret services, including the GIGN, the DGSE and the DMI, took keen interest in Rwanda and had agents there. If they are as efficient as they claim, they must have a great deal of intelligence, but in official circles, France would not say a word. That is when, on 27 June 1994, Captain Paul Barril came onto the scene for a brief appearance in front of the cameras of France 2. He displayed a box, claiming that it was the airplane "black box" and that he had obtained it during a recent visit to Kigali; he also said that he was prepared to make it available to international jurisdictions. Very quickly, it became clear that the "revelation" was either a blaze of publicity or a means of covering up the accusations made about ten days earlier by Colonel Braeckman. Actual "black boxes"¹²¹ are orange in colour, whereas Barril displayed an Omega model navigational instrument, which cannot record data. What's more, according to the *Dassault Falcon Service*, the company which did maintenance on the airplane,¹²² the airplane had not been fitted with a black box and was still not fitted with one at its last maintenance,

¹¹⁸ With the exception of the Military Prosecutor's Office; it took some interest in the attack, which is outside its purview.

¹¹⁹ In a communiqué issued on 8 April 1994, Special Representative Booh Booh stated that: "UNAMIR also insists on being involved, as soon as practicable, in the investigations into the causes of the plane crash (...)".

¹²⁰ But was torpedoed by the "Albion" affair...

¹²¹ In actual fact, there are two black boxes: a cockpit voice recorder and a digital flight recorder.

¹²² Once again, there is haziness in the air: SATIF (*Service et Assistance en technique industrielles françaises*), which later became ASI (*Aéro-services internationaux*), is said to have close links to French secret services; it is said to have carried out maintenance work on the airplane and managed its crew. The crew comprised French military assistance staff, at least one of whom was a former member of GLAM (*Groupement de liaisons aériennes ministérielles*); GLAM was dissolved immediately after Jacques Chirac's election to the presidency.

in November 1993.¹²³ Moreover, in late June 1994, the French accident investigation bureau [*Bureau Français Enquêtes Accidents*] informed the Belgian aviation authority that they did not have the black box and that, based on the information provided by Dassault, they doubted the airplane had one. As mentioned earlier, Barril also claimed to possess recordings of control tower communications, as well as satellite photos of the Rwanda-Uganda border, but no one has ever heard the recordings or seen the photos. Finally, Barril claims to have the two rocket launchers, which he claims to have found at the scene. However, as I stated earlier, the rocket launchers are reported to have been recovered by the FAR; one is led to wonder why the Rwandan Army would have turned them over to someone with no official mandate. Of course, it is likely that Barril saw them, but as of now, they are believed to be in Goma, in the hands of the ex-FAR.

Finally, neither the former nor the new Rwandan regime has shown any interest in the matter. Although, according to the *note verbale* mentioned earlier from the Rwandan Embassy in Burundi "[T]he Government of Rwanda is determined to launch an international investigation into the attack", no such investigation has actually been commissioned or undertaken. According to a source with the ICAO, members of the new Rwandan regime stated in September 1994 that the "Government of Rwanda is committed to national reconciliation and does not intend to launch an inquiry into the attack [on the airplane] at this time, as doing so may revive tension." Also, in October 1994, when I interviewed Tito Rutaremara, Chairman of the RPF commission investigating genocide, he told me that the attack on the airplane was far from being a priority. Yet it was in the RPF's best interests to have a full-scale inquiry, if, indeed, they were not involved in the attack. However, things took a different turn. Materials relating to the incident (messages from the Ministry of Defence, the military intelligence service, as well as airport logbooks and audio materials) were reportedly recovered by General Kayumba, the officer in charge of the DMI. According to an RPF source, he destroyed those materials. As for Burundi, who had lost their President and two ministers in the crash, they did not cooperate in any investigation, contending that the matter was "politically sensitive". In other words, no one wants to know...¹²⁴

¹²³ Airplanes weighing over 5.7 tons (which is the case of the Falcon 50) are normally fitted with two black boxes, but this is not a requirement for airplanes used for scheduled transport of paying passengers.

¹²⁴ Nonetheless, it is worth noting that in early September 1995, Zaire demanded that the International Tribunal also undertake investigations into the plane crash. Not because President Mobutu believed that the plane was shot down by the Belgians, as stated by Colette Braeckman (*Le Soir*, 4 September 1994), but because he believed it was shot by the RPF. This was confirmed by the fact that Kenyan President arap Moi made a similar request in early October 1995, which was echoed by Burundian President Sylvestre Ntibantunganya (*Le Soir*, 10 October 1995).

DRAFT

Two courses of action during the night

General Staff officers

It so happened that following the downing of the airplane, the Rwandan Army was for the most part without leadership. Major-General Déo Nsabimana, the Chief of Staff, had died in the presidential airplane; the Minister of Defence and G2 officer (military intelligence), Colonel Ntiwiragabo was in Cameroon; Colonel Kabiligi, the G3 officer (operations), was on mission in Egypt.⁵² The following senior officers were in Kigali in the evening 6 April: Major General Augustin Ndindiliyimana, Chief of Staff of the Gendarmerie, which, technically speaking, is part of the Army; Colonel Théoneste Bagosora, *directeur de cabinet* of the Ministry of Defence, he would replace his Minister whenever the latter was away, but was no longer in active service; Colonel Léonidas Rusatira, commander of the *École Supérieure Militaire* (ESM), who had no operational function in the army; besides these individuals, there were only a handful of Army and Gendarmerie General Staff officers and battalion unit commanders.

Colonel Bagosora had been at the main office of the Congolese UNAMIR contingent since 6 p.m., where he had been invited for dinner. When he went home to Kimihurura, around 9 p.m., his wife informed him that the President's airplane had been shot down and that he was needed at the General Headquarters immediately. He did head there, but stopped by the Ministry of Defence to make sure that he did not fall into a trap. By the time he arrived at the General Headquarters, other officers were already in the meeting room.

While at home, around 8.30 p.m., General Ndindiliyimana received a call from his UNAMIR liaison officer, Major Karangwa, informing him that the airplane had been shot down. Ten minutes thereafter the news was confirmed by the President's Chief of Staff, Enoch Ruhigira, upon his return to the airport (see *supra*). Ndindiliyimana thus went to the General Headquarters "to find out what was happening", and arrived there around 9 p.m. Unlike Bagosora, he took no precautions and did not seem to apprehend falling in a trap.

Besides Bagosora and Ndindiliyimana, the officers present included Colonel Murasamungu (chief of personnel - G1), Lieutenant Colonel Kayumba (orderly officer at the Ministry of Defence) and Lieutenant Colonel Rwabalinda (UNAMIR liaison officer), Major Kamugabo (orderly officer at the General Headquarters) and Major Kanyandekwe (operations bureau officer).⁵³ At Rwabalinda's invitation, General Dallaire, UNAMIR commander, went to the meeting around 10 p.m. He immediately

⁵² We should mention at this juncture that these missions raise a number of questions. Egypt had supplied weapons to Rwanda in the past. As for Cameroon, Minister Bizimana and Colonel Ntiwiragabo were there attending a conference of the inter-ministerial committee on security in central Africa, but it was also the country of origin of the UN Secretary General's Special Representative, Jacques Booh Booh, a relative of Cameroonian President Paul Biya, who happened to be on very good terms with President Habyarimana; some of the "kingpins" of the Habyarimana regime later moved to Cameroon.

⁵³ See complete list in the annexes.

asked Colonel Luc Marchal, Kigali Sector commander, to join him there; Colonel Luc Marchal encountered problems on the way due to the roadblocks in the form of armoured cars; he thus did not arrive until after 11 p.m. Likewise, Colonel Rusatira was asked by General Ndindiliyimana to come to the meeting, as, most likely, Ndindiliyimana needed support from a fellow "moderate". The officers formed a "crisis committee", which was formally instituted the next day. The meeting was chaired by Colonel Bagosora, as he was deputising for the Minister of Defence. During the meeting, Colonel Laurent Serubuga, former Army Chief of Staff, telephoned to propose his services, as well those of Colonel Pierre-Célestin Rwagafilita, former Gendarmerie Chief of Staff. In June 1992, these two officers, who were said to have links to *akazu*, were forced to retire by the first Transitional Government, and were replaced by individuals with a much better reputation.

Two main issues were discussed. First, the need to find a replacement for the Army Chief of Staff, who had died in the plane crash. Colonel Rusatira would have been the natural choice, as he was the officer who served the longest at the highest rank. However, he had been on very bad terms with Colonel Bagosora for many years. As Bagosora's predecessor as *directeur de cabinet* of the Ministry of Defence, he tried to crack down on *akazu*'s abuses; he was thus in frequent conflict with Colonel Sagatwa and Colonel Bagosora, two of the Army's principal representatives within *akazu*. Rusatira's appointment at ESM was considered as a form of siding. Therefore, Bagosora opposed Rusatira's appointment and appointed Colonel Gatsinzi acting Chief of Staff. Colonel Bagosora gave several reasons to justify the choice. Gatsinzi was part of the Army high command under the Arusha Agreement; he had been G3 General Staff officer (operations); he was operations commander for the southern sector; he held credentials from the General Staff. On the other hand, Rusatira was not selected for the *Haut Conseil*, had not commanded a combat unit equal to or larger than a battalion or fought in a war. All that may sound rational, but apparently there were other equally important factors. As a matter of fact, for the men from the North, the choice of Gatsinzi was not without advantages. Although he hailed from Kigali, he was "counted" as a Southerner (*Munyandega*), and it was enticing to blame the imminent disaster on people who did not hail from the North.⁵⁴ The other "advantage" as regards Gatsinzi was he knew little about Kigali politics and was unfamiliar with the underground networks, as well as schemes and designs to engage in violence. They thus decided to kill two birds as they had room for manoeuvre and exonerated themselves of any responsibility. A message was immediately sent out to Butare, where Gatsinzi was *commandant de place*, inviting him to immediately take up his new post. As we will see later, he was wary and did not report to Kigali until the afternoon of 7 April.

The second issue [discussed] was how to fill the institutional void resulting from the death of the head of State. Some of the officers, particularly the younger ones, were favourable to the idea of the army seizing power. Lieutenant Colonel Kayumba, in particular, who was quite agitated and seemed inebriated, argued that the government was

⁵⁴ We will also see that the civilians promoted to the highest State functions hailed from the southern *préfecture* of Butare. It would have been inconceivable prior to that to have a "*Munyandega*" President, Prime Minister or Chief of Staff of the Army or the Gendarmerie.

doing nothing and that it was necessary to "take control of matters". Kayumba was the orderly officer at the Ministry of Defence, and, as mentioned earlier, Colonel Bagosora went via the Ministry of Defence on his way to the General Headquarters. It may very well be that the two consulted each other and that Kayumba, who appeared to be "pushing" Bagosora to seize power, was, in fact, expressing the latter's intentions. However, other participants did not want to give the impression that a coup d'état was in the works. When he realised that no one evoked the need to involve the government in dealing with the crisis; General Dallaire suggested contacting the Prime Minister. Colonel Bagosora's reacted immediately and firmly, by saying no categorically. His argument was that Ms. Uwilingiyimana was not credible and that the government was dysfunctional even under normal circumstances. None of the officers present challenged Bagosora's stance. Dallaire raised the matter several times, but received a negative response each time. In the end, at General Dallaire's suggestion, it was agreed to seek the opinion of Mr. Booh Booh, the Special Representative. Moreover, a number of operations were envisaged (organising patrols in the city, protecting sensitive areas and military facilities). It was decided to prepare a message to the nation⁵⁵ and to call a meeting of operations commanders, camp commanders and base commanders, at 10 a.m. For his part, General Dallaire—who had obviously sensed danger—insisted that political party militia groups remain calm and that the Presidential Guard return to their camp. He also requested to be invited to all the meetings and gave the assurance that UNAMIR would continue monitoring the activities of the RPF battalion.

Between 11 p.m. and midnight, General Dallaire, Colonel Bagosora and Rwabalinda to meet Booh Booh also present there were the deputy UNAMIR spokesperson, Moctar Gueye, and Gilbert Ngijol, Assistant to the Special Representative of the Secretary General. Bagosora announced the formation of a military committee that was to lead the country in the interim. Booh Booh asked whether it was a coup d'état; Bagosora said that it wasn't, adding that it was necessary to seek political solutions within the framework of the Arusha Accords. Booh Booh said that that being the case, members of the military were to get in contact with the Prime Minister, ask the MRND to designate a President of the Republic and contact the observers of the Peace Agreement. Colonel Bagosora accepted the proposal to meet with both the MRND leadership and the observers. However, he remarked that he would not entertain the idea of contacting the Prime Minister, arguing that "military personnel could not accept her" and that she was "rejected by both the members of her own cabinet and the Rwandan people". The Special Representative did not push the matter further, and it was agreed that Bagosora would arrange to contact the MRND and that Booh Booh would arrange a meeting at his residence between him and the United States Ambassador and a delegation of FAR members and observers of the Peace Agreement on 7 April, at 9 a.m. The meeting at Booh Booh's residence ended around 12.30 p.m. Shortly after the meeting, around 2.30 p.m., Booh Booh was escorted by Belgian peacekeepers to the Méridien hotel, where he remained for safety. That is when General Dallaire, while remaining in contact with Booh Booh, took charge of the political aspects of the UN mission, in addition to his military responsibilities as the force commander.

⁵⁵ The communiqué was aired on the radio on 7 April beginning at 6.30 a.m.; it was prepared by Lieutenant Colonel Kayumba, and signed "for the Minister of Defence" by Colonel Bagosora. See text in annex.

When Colonel Bagosora returned to the General Headquarters, around 1 a.m., he gave a briefing on Booh Booh's suggestions, which were welcomed by the participants. The officers present seemed to be satisfied with Bagosora's briefing. The briefing seemed to be in keeping with the law and the Arusha Peace Agreement. This was an odd reaction, considering that, amazingly, throughout the episode, the crisis committee never contacted the civilian authorities, in particular, the Prime Minister, whose role seemed obvious if the end goal was to reach a solution that was in keeping with constitutional continuity. We have seen that Colonel Bagosora was bitterly opposed to the idea of contacting Ms. Uwilingiyimana; later, we will see the reason for and repercussions of his refusal. On the other hand, as agreed at Booh Booh's residence, Bagosora called the MRND chairman, Mathieu Ndirumpatse, and asked him to report to the Ministry of Defence at 7 a.m. Dallaire took Bagosora back to the Ministry of Defence, where the latter met French DAMI officers who had come to find out about the prospect of launching an inquiry into the plane crash; he returned to Booh Booh's residence thereafter.

Around 2 p.m., after the meeting at the General Headquarters, the situation was as follows. Things seemed to be under control and no one was overly concerned. In fact, the city was relatively calm and the crisis committee seemed to have matters under control. In substance, they [the committee] decided as follows: (i) continue the Arusha process and take account of Mr. Booh Booh's recommendations in that regard; (ii) avoid giving the impression that the army had launched a coup d'état; (iii) hand over the politicians as soon as possible and have them manage State affairs. That is how Dallaire, Booh Booh and Marchal saw things, and their opinion was manifestly shared by Rwandan officers like Ndirindiyimana and Ntaturira. That is what caused the major misunderstanding which cost in so many human lives, perhaps including those of the ten Belgian peacekeepers (see *infra*). Indeed, the military committee which had met at the General Headquarters was only the visible structure whose assurances people believed they could bank on. However, nothing was known about the other course of action, which was hidden to the uninitiated and which circumvented the committee by doing the exact opposite of what the visible structure had decided. By their actions, they prevented senior Rwandan officers and UNAMIR with a *fait accompli* and made it impossible to have a peaceful resolution to the problem caused by the plane crash. Nonetheless, it is worth noting that as of that moment, the "realistic" officers largely contributed to the *fait accompli* by not opposing and being ambivalent. Thus—as we will see later—, although the Gendarmerie Chief of Staff tried to cast himself as a moderate officer, his men refused to cooperate with UNAMIR, saying that they had not received instructions to that effect.⁵⁶

⁵⁶ A good illustration of the "major misunderstanding" is to be found in incident which occurred at the Amahoro Stadium; I will describe it briefly later. The following is a dialogue between Lieutenant Vermeulen (second-in-command of the 12th company of the Belgian battalion) and Colonel Marchal as reported by A. Goffin (*Rwanda, 7 avril 1994...*, op. cit., p.100):

Marchal: If understand correctly, the gendarmes [Rwandan] too are uneasy?
 Vermeulen: As a matter of fact, they are very angry.
 Marchal: With the crowd (the Rwandans threatening the Belgian soldiers)?
 Vermeulen: No, with us!"

This clearly shows that Colonel Marchal still believed in the Gendarmerie, in the afternoon of 7 April, whereas they had turned against UNAMIR.

The second course of action

The other course of action started around 2 a.m. As we will see later, while the Army reacted very quickly following the plane crash and made it very difficult for certain UNAMIR units to move about, the massacres of politicians did not begin until very late in the night not to say in the morning of 7 April. In fact, it was not until around 7.15 a.m. that the commander of the gendarmerie security company informed Colonel Marchal that two Presidential Guard platoons were killing political figures. The incident which occurred near the Prime Minister's residence started around 5.30 a.m. We will return later to this incident, during which ten Belgian peacekeepers lost their lives. The house of Félicien Ngago, PSD candidate to the post of Speaker of the Transitional National Assembly, was attacked around 6.30 a.m.; Minister Ngarinzira's house was attacked around 7 a.m.; the house of the President of the Constitutional Court, Joseph Kavaruganda, was attacked around 7.30 a.m.; according to Colonel Marchal who was in contact with him by telephone, Minister Landu Ndasingwa of the PL and his family were killed late in the morning. By and large, according to the logbook of the Belgian battalion, it was not until 6.32 a.m. that "the Presidential Guard and the Gendarmerie began their systematic cleansing" of the Kimihurura neighbourhood.

Why is it that the massacres started so late, whereas—as we will see later—they had been planned a long time in advance? That is precisely why it is worth following the Colonel Bagosora scenario. In a statement,⁵⁷ he claims that when returned from the meeting with Booh Booh, he remained at the General Headquarters until approximately 5 a.m. and that he went home thereafter to take a bath and change. However, according to several witnesses, Bagosora spent only about 15 minutes at the General Headquarters before returning to Booh Booh's residence, which means that he left before 2 a.m. When asked about the inconsistency, Colonel Bagosora answered in another statement addressed to me that "there [was] a mistake in the previous version, adding that he left "around 3 o'clock in the morning". In actual fact, he left the General Headquarters much earlier than that. He was at the Ministry of Defence at 7 a.m. for the meeting with the MRND leadership. There is a big gap in Colonel Bagosora's schedule between 2 to 7 a.m. What was he doing during this five-hour period when, manifestly, the "killing machine" was turned on?

Based on his own account, Colonel Bagosora was at home until around 6.30 a.m. "in the company of his family only". However, it is worth noting that he had a radio network parallel to the Army and Gendarmerie network, and could thus communicate with both the para-commando and the reconnaissance (recce) battalions.⁵⁹ Moreover, if these were

⁵⁷ Written in Goma on 8 August 1994 and given to his lawyer, Luc de Termmerman.

⁵⁸ Letter dated 5 June 1995, at Goma.

⁵⁹ Although he denies the existence of the network, Colonel Bagosora himself affirms that with one of the Motorola [radios] he used to back-up his telephone links, he could communicate with the duty office of Camp Kimihurura, which housed the Presidential Guard battalion.

the units, particularly the Presidential Guard, which started the manhunt. We know that the Presidential Guard command was not directly linked to the regular army structures. While, officially, Major Protais Mpiranya was commander of the Presidential Guard battalion, its *de facto* commander was Colonel Elie Sagatwa, the President's private secretary and head of the presidential security detail. As Sagatwa died in the plane crash, it is quite conceivable that he was replaced by Colonel Bagosora, who, in fact, was very close to him. Lastly, it is worth noting that, according to several senior Rwandan officers, Colonel Bagosora was the official who had authority over the special units such as the Presidential Guard and the para-commando [battalion].

It is thus difficult to find hard proof of the orders Colonel Bagosora is believed to have given to military units or militia, but there are indications to that effect. Officers who attended the General Headquarters meeting earlier that the night were said to have been intrigued by the fact that on several occasions when the telephone rang for Colonel Bagosora, he told his callers that he would ring back them back, and he did ring back several times from another office, out of earshot. Colonel Tharcisse Renzaho, *préfet* of Kigali-Ville, was one of the contact men *vis-à-vis* the militia. Well before April 1994, he had established links with the *Interahamwe*. For example, he tried to block the MDR congress at Kabusunzu with the help of *Interahamwe* and *gendarmes*. Already on 7 April, Renzaho controlled militiamen, now sending them on expeditions, now calming things down. Moreover, I have personal testimony suggesting that Colonel Bagosora himself was involved. During the first week of the massacres, whenever I tried to telephone someone I knew well – he will remain anonymous (he is accused of having incited massacres) – so as to ensure that potential victims, including friends and acquaintances of mine, were spared, it was clear that the individual in question was in regular contact with Colonel Bagosora, who appeared to be the man of the situation, as he controlled and directed the work of soldiers and militiamen. Lastly, following the meeting of 7 April at the ESM (see *infra*), one of my witnesses overheard a conversation between Colonel Bagosora, Lieutenant Colonel Nkundiyé (commander of the Mutara operations sector and former commander of the Presidential Guard), Major François Xavier Nzuwonemeye (commander of the *rece* battalion) and Major Aloys Ntabakuze (commander of the para-commando battalion). Bagosora is reported to have said this: "*Mutere aruhande*", which literally means "let's begin by one side". This phrase implies a systematic cleansing operation, where nothing must be skipped over. Clearly, the plan was known as the three officers to whom Colonel Bagosora gave the order immediately went to "execute" it.

With regard to the "parallel networks", it should be recalled that January 1994 saw the emergence of the "*Alliance des militaires agacés par les séculaires actes surmoisés des Unaristes (AMASASU)*",⁶⁰ who used threatening language against opposition parties and rejected the Arusha peace process. Colonel Bagosora was strongly suspected of being one of the people behind the initiative. In a letter, dated 3 December 1993, to General Dallaire, senior officers, who wish to remain anonymous, drew attention to the support of

⁶⁰ In fact, the French name does not convey as much meaning; the idea is to make the term "*amasasu*" look like an acronym. In reality, "*amasasu*" (sing. *isasu*) is Kinyarwanda for "bullets" [or] "munitions".

"soldiers, mainly from the same region as the President" to "diabolical schemes aimed at provoking chaos and desolation among the population". They warned that "[o]ther massacres (...) are being prepared and will spread to the rest of the country". Colonel Rusatira was among those presumed to have written the letter.

It was known for a long time that there was a plan to resort to large-scale violence, that lists of people to eliminate had been drawn up, that militiamen had been trained and armed. Dress rehearsals of organised subversion were conducted on a smaller scale as early as 1991 in Murambi, Bugesera and the *préfectures* of Kinyinyi, Ruhengeri and Gisenyi.⁶¹ All that was known,⁶² but, relatively speaking, not well documented. Already in December 1993 until March 1994, Lieutenant Mark Nees, an officer (intelligence) of the Belgian UNAMIR battalion wrote numerous reports based on information provided by a small network of informants who spoke of meetings held at the highest levels of the State and the Army, the putting in place of structures and mechanisms aimed at destabilising UNAMIR, particularly the Belgian battalion, the killing of members of the opposition, the Tutsi in general and even foreign nationals, training militiamen and distribution of weapons and munitions.⁶³ They reports followed the chain of command within UNAMIR, but a copy was also sent to the Operations Centre (C-Ops) of the Belgian Army at Evere.

In the first half of January 1994, an "under-turned-informant" gave UNAMIR a lead regarding an out-and-out extermination plan. The informant, J.-P.T., is an *Interahamwe* leader in Kigali, who said that he wanted to clear his conscience and requested diplomatic protection in exchange for his information. The things he denounced were extremely serious: he spoke of weapons caches and ammunition depots, military training for militiamen, both in Rwanda and outside Rwanda, logistical support from the army and law enforcement, information on death squad cells... UNAMIR was conducting checks particularly with regard to weapons and ammunition depots; these materials were found in large quantities in locations identified by J.-P.T., including in a house used by the MRND in Kiburura. Interviews and investigations corroborated the informant's account: in Kigali only there was a network of about 30 cells, each with 20 to 30 militiamen who were armed and ready to intervene. Every evening, a central command

⁶¹ For an overview, see F. Reynders, *L'Afrique des grands lacs en crise...*, *op. cit.*, p. 183-196.

⁶² Notably thanks to meticulous research conducted in early 1993 by an international commission called *Fédération internationale des Droits de l'Homme et al., Rapport de la commission internationale d'enquête sur les violations des droits de l'homme au Rwanda depuis le 1er octobre 1990*, March 1993, 99 pages.

⁶³ The work of gathering intelligence was continued by Colonel Decuyper when the second battalion replaced the first in mid-March. One notes striking bias in the collection of data by the S2 officers, who take interest in the "dirty tricks" in the Presidential camp, but not in those of the RPF and its allies. In "Notes S2 au Cdt KIBAT", there is no mention of a network of informants on the activities of the RPF and its allies, whereas, the S2 officers themselves acknowledge that the RPF and their allies "did not play by the rules".

⁶⁴ The information referred is based on the accounts of UNAMIR officers who participated in the inquiry.

was in contact with the cells updating them on the security situation in the city. This was a real killing machine aimed at Tutsis, members of the opposition, even foreign nationals, especially Belgians. According to J.-P. T., within an hour of the initial order, they were capable of killing an estimated 1,000 persons every hour.⁶⁵

Convinced that this information was both coherent and reliable, General Dallaire alerted New York on 11 January 1994⁶⁶ by means of a coded telegram, and requested authorisation to conduct weapons search and seizure operations. The embassies of France, the United States and Belgium were also informed and asked to give political asylum to J.-P.T. The answer from New York was negative: UNAMIR "cannot move", because the operations envisaged would constitute "offensive action", which are not part of UNAMIR's mandate. Having been informed by their [respective] embassies, Paris, Washington and Brussels did not react as regards the appropriate measures to take on the ground and the request for protection for J.-P.T.⁶⁷ In February and March, Dallaire reiterated his request for clarification of the mandate, which, according to him, should permit weapons seizure operations. Once again, New York said "no"; that prompted the following response from Colonel Marchal in a statement to the Reuters news agency on 13 March 1994: "There is a problem with the mandate. New York refuses to authorise weapons searches." As a result, a system which led to genocide, and whose discovery was described by my sources within UNAMIR as "major", continued to function before the very eyes of the international community.

Already in 1992, names of officials and sponsors of the death squad were mentioned. In fact, in August 1992, journalist Janvier Afrika wrote an article in which he described in minute detail the mode of operation of groups close to President Habyarimana. Afrika stated that he himself was part of the system and that he had participated in violent acts. He listed more than 25 names, including that of President Habyarimana himself and three of his brothers-in-law and one son-in-law.⁶⁸ During the course of an inquiry in Rwanda with Belgian Senator Willy Claes, I managed to cross-check and verify this information and to seek clarification regarding the operations of these squads in the Bugesera region. Likewise, part of the report of the international commission of inquiry dealt with the death squads.⁶⁹ Nonetheless, no judicial inquiry was conducted in order to identify the people behind this campaign consisting of violent subversive activities.

⁶⁵ According to the cable sent to New York by General Dallaire, which I will discuss in a moment, 1,000 Tutsis could be killed every 20 minutes, my sources, who conducted the inquiry, speak of one hour.

⁶⁶ See text in annex.

⁶⁷ In the case of Belgium, the position of the Ministry of Foreign Affairs was: we cannot intervene (notably to conduct weapons search and seizure operations), because this type of operations would mean choosing one side, namely the RPF, and losing our neutrality.

⁶⁸ *Umurava*, No. 10, 28 August 1992, pp. 5-8.

⁶⁹ F. Reyntjens, *Données sur les escadrons de la mort au Rwanda*, Antwerp, 9 October 1992; excerpts of this document were subsequently published in *Bulletin CRIDEV*, No.110, February-March 1993.

⁷⁰ *Fédération internationale des Droits de l'Homme et al., Rapport...*, *op. cit.*, pp. 78-84.

Once again, with regard to this problem, UNAMIR made significant findings thanks to its investigation into the murder, in Kigali, on 21 February 1994, of Félicien Gatabazi, PSD chairman and Minister of Public Works. The investigation conducted by the UNAMIR civilian police revealed that the murder was perpetrated by Presidential Guard non-commissioned officers and corporals whose names were known. The investigation revealed that the following were behind the murder: Captain Pascal Simbikangwa, brother-in-law of Colonel Sagatwa; Alphonse Ntirivamunda, son-in-law of President Habyarimana; and Emile Nyungura,⁷¹ a PSD politician who was Gatabazi's challenger. It is believed that two preparatory meetings were held at the beginning of February, one at the Rebero-L'Horizon hotel, which was owned by President Habyarimana, and the other at Simbikangwa's house. From all indications, the white Pajero 4x4 used during the attack belonged to the MRND. Hence thanks to the evidence gathered by UNAMIR during the police investigation, it was possible to establish a direct link between these criminal acts and individuals mentioned since 1992 as forming the core of the death squad. The information that was known for quite some time and outside of the investigations conducted by UNAMIR clearly shows that the violence was organised. In fact, according to a witness in whom General Nsabimana is said to have confided, in February 1994, the lists of people to eliminate had 1,000 names for Kigali City only;⁷² however, this is challenged by General Nsabimana's family, who claim that such list were never discussed. In fact, Nsabimana had opposed attempts to provoke massacres. As he was travelling on the plane that was shot down, he did not get a chance to confirm that.⁷³

The killing machine, which was already known to exist, went into operation early in the morning hours of 4 April. The description of the political massacres, first the genocide and then the massacres, form the limits of this publication.⁷⁴ However, it is

⁷¹ He was suspended at the PSD Congress, on 10 and 11 December 1993, "for provoking dissent within the party" by Nyungura, who was killed by the RPF at Kicukiro, possibly on 12 April 1994.

⁷² Guichaoua (*Les crises politiques au Rwanda*, pp.662-667) publishes a list of 311 "contact persons" (RPF agents and accomplices). It includes no less than 200 persons in Kigali City. It should be noted that the list was discovered in March 1993, not March 1994, in General Nsabimana's car following a road accident.

⁷³ According to information available to me, Nsabimana did not leave the country after the start of the war in October 1990. His participation in a mission, which, in theory, did not concern him is intriguing. It would seem that President Habyarimana was suspicious of Nsabimana, as it was rumoured that he was plotting a coup d'état. That is perhaps why he was included in the delegation; the decision was not taken until the evening of 5 April during a conversation with President Habyarimana and Colonel Sagatwa, whereas the Summit had been scheduled for quite some time.

⁷⁴ See African Rights, Rwanda, *Death, Despair and Defiance*, London, September 1994, revised edition, August 1995; CLADHO-Kanyarwanda, *Rapport de l'enquête sur les violations des droits de l'homme commises au Rwanda à partir du 6 avril 1994, première phase*, Kigali, 10 December 1994. These references do not necessarily indicate that I agree with these publications, the second one, in particular, contains numerous weak points; that is underscored in a letter ADL wrote to CLADHO dissociating itself from the report. As for African Rights, their political and historical analyses reflect a pro-RPF bias, which is incompatible with the mission and ethical standards of a good human rights organisation.

important to make one thing clear in this regard. Whereas the massacres committed by elements of the Army and militiamen are relatively well documented, there is little mention of the killings carried out by the RPF beginning on 7 April. Particularly in the Remera neighbourhood, which is very close to where the RPF battalion was billeted. The battalion killed dozens of people, particularly Hutu intellectuals and their family members. The selective and targeted nature of these massacres points to a well-organised, well-prepared operation, possibly conducted using lists.⁷⁵

Other prominent figures who were close to the regime immediately took cover. Beginning on 6 April in the evening, there were intriguing movements of politicians and officials of all political leanings. Around 10.30 p.m., gendarmes went to Kimihurura to evacuate prominent figures associated with the presidential camp.⁷⁶ Prosecutor General A. Nkubito sought shelter at the residence of the Belgian ambassador at first, and from there, he was moved to the French Embassy. The Prime Minister Designate, Faustin Twagiramungu, was evacuated sector in a Bengali contingent armoured vehicle to the UNAMIR headquarters for Kigali; on 19 April he was whisked away in a Cessna airplane with Bengali soldiers who were leaving Kigali for Nairobi. The French embassy was turned into an assembly point: while the majority of those who sought shelter there had links to the regime, there were also members of the opposition whose lives were in danger.⁷⁷ It came as no surprise that most of those who sought shelter at the French embassy belonged to the President's camp. On the one hand, they spontaneously sought shelter at the French embassy, as France was friendly; on the other hand, members of the opposition, who wanted to go there, were simply unable to do so (they either went into hiding or were killed). As I mentioned earlier, the fact that politicians and prominent figures sought shelter at the French embassy would seem to suggest that they had no prior knowledge of the attack on the airplane and its repercussions, considering that they were holed up there in despair, manifestly taken unawares, not having the slightest idea of what to do politically: they were "confused". Why would they have sought shelter at the French embassy already in the morning of 7 April, even before the RPF battalion left its billet, if they were planning to seize power?

⁷⁵ In the account of the assassination of Emmanuel Bagambiki and his family members, it is explicitly stated that that the RPF soldiers used a list. The people killed with their families include retired Colonel Pontien Hakizimana, the wife of Major Nuhaha and their children, the economist Daniel Rwamaniye, the lawyer Félicien Mbarungamba, the wife of *Sous-Préfet* Faustin Sekagina and their children, the agronomist Aloys Halimana, the lawyer Paul Bizimana, Dr. Charles Mujwangeyo, Jean Gahutu, a civil servant, former justice minister, Théoneste Mujyanama, and numerous others. I have a list of 121 persons who were killed by RPF in Remera *secteur* between 7 and 9 April 1994.

⁷⁶ Logbook of the 2nd commando battalion.

⁷⁷ A highly classified [*"secret défense"*] list of 178 prominent figures, who were evacuated by the French embassy, appears in A. Guichaoua (Ed.), *Les crises politiques...*, *op. cit.*, pp. 697-701. The list does include members of the President's inner circle, who were evacuated separately on 9 April, first to Bangui and then to Paris.

A large majority of those who sought shelter there and who were evacuated on 12 April were not in any immediate danger. On the other hand, those who were in danger of being massacred received virtually no protection whatsoever. Already on 7 April, at 11.40 p.m., it was reported at the headquarters of the Kigali sector that all Rwandan refugees were supposed to have left the camps by the next morning. UNAMIR's inadequacy was highlighted on 11 April, when the 14th company of the Belgian battalion evacuated the *École Technique Officielle* (ETO) at Kicukiro, leaving behind two to three thousand Rwandan refugees, whereas the building was surrounded by soldiers and militiamen. Most of those people were killed at Nyanza-Rebero as they tried to flee to the Amahoro Stadium.⁷⁸ It is true, however, that the sudden influx of refugees posed a huge problem, which became a logistical headache for UNAMIR considering that they already to attend to other matters on the ground.⁷⁹

While I will not go into details regarding the massacres or the military operations, I would like to take some time to discuss the murder of the Prime Minister and the Belgian peacekeepers who were guarding her, before returning to the course taken by the key political figures.

The Murder of Agathe Uwilingiyimana and the Ten Peacekeepers

From the residence of the Prime Minister

It has been seen that Colonel Bagosora refused to have any contact with Prime Minister Agathe Uwilingiyimana. The reason he gave in the presence of Booh Booh was that "the soldiers would not permit that", but this attitude was, in fact, testimony to an old and deep conflict. The Prime Minister was part of the M.D.R. wing which was favourable to the Ahusha Amandi and in open opposition to President Habyarimana and the M.R.N.D. "Cohabitation" was difficult; for some months now, hostile exchanges had punctuated the relationship between the president and the head of government. The proverbial straw was undoubtedly the meeting of 4 April with the officers from the South (cf. *supra*) a meeting which the R.T.L.M. referred to as a plot for the planning of a *coup d'état*.

Agathe Uwilingiyimana was therefore seen as an opponent, and as such she therefore had to suffer the same fate as the others (cf. *supra*). But there is more to the matter. In the course of the evening of 6 April and throughout that night, she was preparing a communiqué that she intended to read on the radio when the station opened at 5.30 am. With this in mind, she made several telephone calls, particularly to Faustin

⁷⁸ See African Rights, *Rwanda...*, *op. cit.*, pp. 216-219; see also Goffin, *Rwanda, 7 avril 1994...*, *op. cit.*, pp. 123-133.

⁷⁹ Accordingly, the Belgian battalion was charged with protecting the airport, which meant that its units were to leave their camp and take tactical positions at the airport.

Twagiramungu, Roger Booh Booh, General Dallaire and the Belgian ambassador. When, at around 1 a.m., Booh Booh informed her that the soldiers had categorically refused to have any contact with her, Mrs. Uwilingiyimana was overwhelmed and asked the Special Representative to do all he could to ensure that she made her way to the radio station in order to address the Rwandan people. It was General Dallaire who contacted Radio Rwanda and R.T.L.M. in order to arrange for the broadcast. Whilst R.T.L.M. flatly refused, the very official Radio Rwanda looked for pretexts in order to avoid having to broadcast the prime minister's speech. I have been unable to establish the exact content of the message she intended to read, but for the radical elements of the regime, the danger was obvious: the prime minister would have logically announced that the institutional void must be filled, and that, clearly, was in compliance with the Arusha Accords to which the radicals were still vehemently opposed (what Colonel Bagosora said about them on the occasion of the celebration of the Senegalese national day will be recalled). Moreover, it has been seen that, whatever she intended to say, members of the presidential entourage had the prevailing conviction that she was preparing a "constitutional *coup d'état*", which, in and of itself, made her open to blame. In order to avoid such a possibility, it was imperative that she be prevented, at all costs, from speaking on the radio.

Although the prime minister was able to make several contacts by telephone, she was, in fact alone throughout the night isolated by the soldiers; she remained physically removed from other Rwandan and foreign personalities who did not dare or did not want to join her because of the insecurity that prevailed in the city. She was even unable to contact members of her government who belonged to the same end of the political spectrum as the president. According to testimony gathered by Guichaoua, friends warned the prime minister of the danger she was in on the evening of 6 April at about 9 p.m. and suggested that she seek safety. But she refused: guided by her keen sense of public interest, she believed she needed to ensure the continuity of the State and to safeguard civil peace. It could be that, like many others, she had underestimated the threat. On the night of 6 to 7 April I myself advised several politicians and civil society members who were my friends that they should seek refuge. Most did not think this necessary; some paid for it dearly with their lives. We shall see that when the prime minister realized that the noose was getting tighter around her neck, it was already too late. At about 6 a.m., Monique Mas of R.F.I. contacted her by telephone. She was very disturbed and powerless. (...) We are suffering the consequences of the death of the Head of State, I think. We, the civilians, are not responsible for the death of our Head of State".

In anticipation of the radio broadcast, two teams from the mortar squad of the Belgian battalion went to reinforce those guarding the prime minister (at the time there were only five Ghanaian soldiers and a few Rwandan *gendarmes*) and were to escort her to the radio station from her residence; two sections of the City group of the battalion were to protect the external surroundings of the broadcasting house. The two teams from

⁸⁰ On the next day, 7th April at about midday, an officer on duty at the Kacyiru *gendarmerie* informed General Ndindiliyimana that "Agathe was killed because she was going to make a speech".

⁸¹ A. GUICHAOUA, (Ed.), *Les crises politiques...*, op. cit., p. 694.

the mortar squad, respectively under the command of Lieutenant Lotin and First Sergeant Leroy, left for the prime minister's residence at around 2.30 am., the first from the airport, the second on its way back from the force's Headquarters, where it had just driven Mr. Booh Booh. The two teams were faced with considerable problems, since endless roadblocks hindered their progress, especially in the Kiyovu neighbourhood in the city centre. During the night, the entire "presidential" neighbourhood in the city centre which, under normal circumstances, was protected by several F.A.R. control posts was tightly sealed by roadblocks reinforced by armoured cars. *Gendarmes* who were supposed to clear the way were unable to do so⁸². For several hours, the teams unsuccessfully attempted to find alternative routes, to negotiate, or to have the F.A.R. liaison officer intervene. At about 5.30 a.m., the cause of all the disturbances became clear: First Sergeant Leroy signalled that a team of soldiers with armoured cars posted close by the Hotel des Mille Collines had told him that only the minister for Defence could allow the prime minister to speak on the radio, in the absence of the minister, which clearly means that it was Colonel Bagosora who was hindering the broadcasting of the speech. The organised nature of the campaign against the prime minister is evidenced by another more significant fact. When the section headed by Sergeant Rugg approached the broadcasting house and explained to the very nervous Rwandan soldiers that its mission was to protect the location in anticipation of the speech to be made by Mrs. Uwilingiyimana, the response he received was that "the prime minister is no longer in office"... Clearly, the instructions were ambiguous, and they came from above.

A little after 5.30, the two teams passed through a roadblock opened for them by the City group, and that enabled them to reach the residence of the prime minister on Paul VI Avenue. They were under fire immediately they arrived, and two of the four jeeps were right away rendered useless. It was now around 5.45 and obviously, there was no longer any question about the prime minister speaking on the radio. Moreover, in the meantime, the two sections of the City group under the command of Captain Marchal, which were to protect the external surroundings of the broadcasting house, were blocked off by armoured vehicles. Earlier, at about 5.45, Captain Marchal reported to the battalion that he was unable to carry out his mission. He then attempted to join the Lotin group but was unable to do so, either.

Between 6 and 7.30, there was a total deadlock. The ten men from the mortar squad were in the surroundings and within the residence of the prime minister. All around the compound there were troop movements and intermittent gunfire. This long period of two and a half hours raises important questions. Who was in command of the Rwandan soldiers belonging to the Presidential Guard and probably to the reconnaissance battalion surrounding the compound too? Was the military high command aware of this situation and if so (something that seemed likely), why did it do nothing? In fact, although the aggressive attitude of the Rwandan soldiers may well have been because they were subordinates, control could and should have been regained during those two and a half hours, a time during which political assassinations had begun in the city. One wonders where the high-ranking officers were. Let us recall the facts concerning the two high-

⁸² This situation was to persist throughout the night. The Rwandan *gendarmes* were reluctant and uncooperative in all the *secteurs*; they insisted that they had not received any instructions from their superiors.

ranking officers who presided over a meeting at the Army headquarters. Colonel Bagosora claimed he was at home until around 6.30 and that he was at the ministry of Defence from 7; for him to go from his house to the office, he had to pass only a few hundred metres from the scene of the tragedy. Let us also recall that it was the ministry of Defence that prohibited the prime minister from going to the radio station. As for General Ndindiliyimana, he was at home until a little before 9 o'clock; his house on Mount Juru street was also just a few hundred metres from the prime minister's residence. Clearly, it is highly unlikely that these two officers, the second of whom was, furthermore, a personal friend of Mrs. Uwilingiyimana, would have been unaware of an incident of this magnitude. In principle, military operations were directed by Colonel Felicien Muberuka, Kanombe Camp Commander and commander of the operation in the city of Kigali. One might suppose that he was in constant touch with the Army headquarters and the ministry of Defence. Finally, it is to be noted that the commander of the Presidential Guard, Major Protais Mpiranya, did not attend the meeting at the Army headquarters on the night of 6 to 7 April, nor the one which took place at the *Ecole supérieure militaire* (E.S.M.) in the morning of 7 April. His absence at the latter meeting is particularly surprising, given that all the commanders of the autonomous units were invited. It should be presumed that Mpiranya was too busy with other "tasks".

At about 8.30⁸³, Agathe Uwilingiyimana decides to flee, against the advice of her escort. The Belgian soldiers could not actually follow her on foot, because their communications equipment was in their jeep. Since there was an opening in the fence already used by the *gendarmes* guarding her, the prime minister crossed the fence and went to seek refuge with her neighbours. Her escort received orders not to follow her, and at around 8.45 Lieutenant Colonel Dewez dismissed the mortar squad responsible for the protection of the prime minister.

The prime minister had sought refuge with her husband⁸⁴ in the house of Mr. Adama Daff, a United Nations soldier of Senegalese nationality. His house was within the UN compound, adjoining the prime minister's residence. Aggressive and excited soldiers forced down the gate of the compound and began to search all the houses. When they reached the one in which the Uwilingiyimana couple was, they shot down the door to the room in which the couple had sought refuge, and they took away the prime minister and her husband. They were led back to their own house, and were immediately executed. According to some sources, their bodies were then allegedly taken away to the Kanombe camp, which gave credence to the idea that they had been killed at the camp.

...at the Kigali military camp

In the meantime, things gathered pace around the prime minister's residence. At around 8.45, the Rwandan soldiers became very menacing. They demanded that the prime minister be handed over to them. Lieutenant Lotin responded that she had left and

⁸³ Regarding the last movements of the prime minister and the transfer of the Blue Helmets to Camp Kigali, there are discrepancies in the timings in the various testimonies and accounts. Here, I have opted for the most plausible after cross-checking with my sources.

⁸⁴ Their children, taken away a little earlier by a *gendarme*, were taken in by another neighbour and managed to stay alive. They now live as refugees in Switzerland.

that he did not know where she was. The Rwandan soldiers demanded that the peacekeepers surrender their weapons ("If you don't do as we say, it means you want to die"), and they immediately made their move. Two men were rapidly immobilised on the ground and a third was disarmed. Dewez ordered Lotin not to surrender the weapons and to "negotiate the African way". When Lotin informed Dewez that three of his men were on the ground, disarmed by the Rwandan soldiers, Colonel Marchal intervened on the battalion network. He says that since Lotin was right where things were happening, he was better placed to assess the situation⁸⁵. Dewez therefore allowed his men to do as the Rwandan soldiers asked and to surrender their weapons, if Lotin thought that was necessary⁸⁶. That was the decision he was made to take. His option was no doubt influenced by three factors. Firstly, the relationship between the forces on the ground; secondly, the confidence that Lotin had in the words of a Rwandan officer, and finally, came into play a confusion which was widespread in the Rules of Engagement (ROE), which strictly limited the use of force and the right of legitimate defence. Even if the latter were not prohibited by the Rules of Engagement, the Rules clearly weakened the principle of legitimate defence in the minds of the men in the field.

The following account is based on several sources: the field diary of the 2nd commando battalion, a document from the Belgian military tribunal, excerpts of which were published in *La Dernière Heure* newspaper of 7 April 1995, information from an investigation carried out by a commission of the Rwandan Army, statements made by the Togolese Captain Apedo and by the Ghanaian Blue Helmets, the UN "Donkov Report", and finally, testimonies I was able to collect myself. Although these sources do not always tally, when they are tied up one gets a fairly clear picture of what happened.

The fifteen UNAMIR soldiers, ten Belgians and five Ghanaians, were ferried by minibus to Kigali Camp less than a kilometre from the Prime Minister's residence. The vehicle used was assigned to Major Bernard Ntuyahaga, a G4 Officer at Army Headquarters, to commute between his home and office. In a statement to the Rwandan Army Commission of Inquiry, Ntuyahaga reported meeting with the peacekeepers in the street opposite the *École Militaire Supérieure*, where they requested to be dropped at the UNAMIR Kigali Camp office. There, they were received "by a UNAMIR team under normal circumstances"⁸⁷. This account appears highly improbable for several reasons. Firstly, there is every indication that the peacekeepers were in fact "rounded up" at the Prime Minister's residence and that those who neutralized them at the same location prevented them from proceeding freely into town; in any event, had their freedom of movement not

⁸⁵ Colonel Marchal says: "(I did not) in any case give or had orders given which could be remotely or otherwise interpreted as my desire to have the men surrender their weapons. Giving an order of that nature is fundamentally against my principles as a commander. As far as I am concerned, only the officer dealing directly with a situation can correctly assess it."

⁸⁶ In a message which he sent to all the stations on 8 April at 6.25, Lieutenant-Colonel Dewez was to say: "(...) in future, you shall not allow yourselves to be disarmed under any circumstances".

⁸⁷ Rwandan Armed Forces, Minutes dd. Intelligence 6 May 1994 (attached). The members of this Commission were Colonel Murasampongo, Chairman, Major Mugaragu, member and Captain Mugarura, Secretary. Although, I shall still refer to this document in conjunction with the minutes of the same hearings, I am equally aware of the need to tread with caution. It is possible that these texts were drafted at a later stage. The very fact that they were only made available to me by Colonel Bagosora's lawyer in August 1995 is reason for caution. However, regardless of doubts as to their authenticity, it will be shown that they do contain very useful information.

been curtailed, they would have made use of the two vehicles that were in working condition or at the very least, the communication equipment provided in the vehicles⁸⁸. Further, if the peacekeepers were taken to Kigali Camp at their request, how come Lieutenant Lotin did not know – as we shall see later – where they were located? Lastly, according to the Ghanaian soldiers they were made to board Ntuyahaga's vehicle at the Prime Minister's residence. Ntuyahaga's account seems in fact designed to obscure the role he played in the unfolding drama. He does indeed appear to have played a major role. According to the Ghanaian soldiers, it is no accident that Ntuyahaga's vehicle was in the area, he was waiting for them ("waiting vehicle")⁸⁹. When the peacekeepers arrived in the camp, they informed Captain Apedo that they had just been attacked (see below) by Rwandan soldiers *under the command of a Major*. Lastly, in the final conversation between Lieutenant Lotin and Lieutenant Colonel Dewez on the battalion network, Lotin cited a Rwandan Major's offer to take the peacekeepers back to a UNAMIR post and the fact that he was flanked by a decidedly menacing group of soldiers. Obviously, the Major in question is Ntuyahaga. It would subsequently come to light that it was he who started the rumour that was to cost the ten commandos their lives.

The headquarters Ntuyahaga was heading to was also situated inside Kigali Camp. The peacekeepers⁹⁰ arrived around 9 am.. At 09.06 a.m., Lieutenant Lotin had one last contact with his battalion commander via a Motorola radio belonging to a MILOB (Military Observer) who was present, Togolese Captain Apedo; this was the only remaining means of communication given that the equipment connected on the battalion network remained in the Jeeps⁹¹. Lotin told Dewez, "We have been captured and taken somewhere"⁹². I have men outside who are being beaten up. I do not know what is happening to them, Colonel, they will lynch us". Lieutenant Colonel Dewez, who evidently did not grasp the gravity of the situation, asked him what he meant by "lynched" and added: "Aren't you exaggerating?" Lotin's response was that his remarks were self-explanatory and that soon his turn would come. Thereafter the platoon received no further communication from the battalion.

Lieutenant Colonel Dewez then contacted the sector. He informed them that his men were in trouble at the camp. He said he knew not which camp but added that there must be a way of tracking them through the Motorola they had used. He thought his men were being beaten and that "they were going to have a nasty time of it". He asked Colonel

⁸⁸ By the time the two were subsequently recovered, the two remaining vehicles were in working condition, with the keys still in the starters and communication apparatus intact.

⁸⁹ In addition Ntuyahaga's house was situated at the corner of the avenue de la Jeunesse and rue Député Kayuku. There was no reason for him to go past from the Prime Minister's residence from his house to Kigali Camp.

⁹⁰ The mystery surrounding the death toll of the Belgian peacekeepers raised earlier, which I shall revisit at a later stage, is apparent here as Captain Apedo's 7 April 1994 report mentions thirteen Belgian soldiers being taken away by Major Ntuyahaga.

⁹¹ Since the radios had fallen into the hands of FAR the Belgian battalion switched to an alternative frequency at 9 AM.

⁹² It is surprising that Lieutenant Lotin did not know where he was, considering that he was using Captain Apedo's Motorola and the latter definitely knew that they were at Kigali Camp. However it is possible that the communications officer on duty who kept the radio log book misinterpreted Lotin's hastily dictated message which was given under confusing and trying circumstances.

Marchal to intervene with FAR. Colonel Marchal informed General Dallaire and passed on the request to approach FAR. Meanwhile, he made efforts to locate the site of Lotin's transmission and to make direct contact with FAR. The Sector quickly identified the camp in question because as early as 09.10 AM it reported that Lieutenant Lotin and his men were allegedly taken to a barracks in the vicinity of the *Ecole militaire*". But, there was only one barracks in the ESM compound, Kigali Camp. The use of the conditional tense in this message is significant and the fact that neither the Sector nor the Battalion seemed positive about the location. Given that the Sector had lost radio contact with the [military] observer, the only means of communicating with Headquarters was by telephone. In fact, very conveniently, no one answered the telephone until 12.08 PM. By the time the duty officer finally picked up the 'phone, it was too late.

As Lieutenant Lotin, in a sequence corroborated by other sources, narrated to Dewez how, upon arrival at the camp, the peacekeepers were assaulted by a group of military personnel including soldiers wounded in battle also residing there. Influenced by a rumour⁹³ that the captured Belgians had taken part in the attempt on the President's airplane, they apparently instinctively pounced on the Belgian peacekeepers, after separating them from the Ghanaians.

The credibility ascribed to this rumour and the spontaneity of the assault are less improbable than may appear at first glance. The distrust bordering on loathing directed at the Belgian soldiers, was at once deep-seated and based on recent events. First of all, it is acknowledged that a large section of the Rwandan public had criticized Belgium's withdrawal of its para-commando troops as well as its failure to deliver ammunition ordered and paid for in 1990; subsequently, the neutral stance adopted by Belgium throughout the conflict was widely seen as favouring RPF, and even compared to France's "friendly" policy. In more recent times, animosity had come to the fore at the start of UNAMIR's operation. Not only was the Belgian contingent unjustly accused of having carried out operations in the Kinyinyi Corridor, which had escorted RPF battalion as it entered the country, but complaints were also voiced – and rightly so – about misconduct on the part of the Belgian battalion when it engaged in sorties and the aggressive and inappropriate behaviour displayed during patrols and road checks. Several incidents convinced many Rwandans of Belgium's political and military partiality⁹⁴. On several occasions, Colonel Marchal was compelled to issue warnings to the battalion commander and ban all sorties by the staff. The situation degenerated to the extent that at the

⁹³ According to one witness testifying before the Rwandan Army commission, "those Belgian soldiers were brought in by a Rwandan officer who claimed to have caught them at Masaka and suspected them of having fired at the President's airplane based on military intelligence provided by Bangladesh (sic) soldiers" (transcript of hearing, of Chief Warrant Officer Léonard Sebutiyongera). If this is true, two important deductions could follow; firstly, that Major Ntuyahaga levelled the initial accusation; secondly, that the Bangladeshi soldiers, known to be unreliable in field operations, were the source of the fatal rumour. In this regard, one recalls that the "Comité de crise de la Communauté rwandaise en Belgique" [Crisis Committee of the Rwandan Community in Belgium] lashed out at the Belgians based on "non-Belgian military sources in UNAMIR".

⁹⁴ For instance, Belgian soldiers hurled a stone through a window of a house belonging to a senior CDR cadre, Jean-Bosco Barayagwiza; punctured the tyres of Colonel Serubuga (rtd), tore off the medals from an effigy of President Habyarimana as it was borne by his supporters etc.

beginning of February 1994, General Dallaire expressed his intention to request for the Belgian contingent to be relieved early, as he considered their presence to be detrimental to UNAMIR's operations. Even if it is patently clear that a number of incidents were intended as provocation as part of a full-scale campaign to destabilize⁹⁵ UNAMIR, that they were deliberately blown out of proportion and exploited, especially by RTLM, there is also no question that the conduct of the first Belgian contingent was not always highly professional which brings one to ponder the possibility that perhaps they were partly responsible for an atmosphere conducive to the loss of ten lives in the 2nd commando battalion⁹⁶.

Even so, there is clearly a need to apply some perspective to the notion of a purely spontaneous reaction by Rwandan soldiers. Even if the men who attacked the peacekeepers did so on their own initiative, they were conditioned and one cannot rule out the possibility of deliberate incitement. There is the fact that Major Ntuyahaga allegedly started the fatal rumour, which according to A. Goffin was repeated by Chief Warrant Officer Léonard Sebutiyongera⁹⁷. Although, I did not personally take this witness' testimony, it is significant that he was Director of the presidency secretariat and that several informants considered him a member of the *akazu*. In line with the policy of destabilizing UNAMIR and the Belgian battalion in particular, it is possible that the murder of the Belgian commando was perceived as likely to influence a Belgian withdrawal and paralyze UNAMIR. This was the objective, it was achieved, thereby allowing a genocide and political massacres to proceed undisturbed.

When the peacekeepers arrived at the camp, they were made to sit in front of the office building of the UNAMIR Military Observer, Togolese Captain Apedo. Earlier on, we saw that Lotin used Captain Apedo's radio to make one last contact with Lieutenant Colonel Dewez. During that brief conversation, he witnessed his men being attacked by Rwandan soldiers using bayonets, sticks, metal bars, even stones. A few Rwandan officers wanted to intervene but desisted for fear of being battered by the frenzied soldiers. At 09.15, five or six Belgian soldiers had already been killed or seriously wounded while the others managed to join Lotin in Apedo's office. Apedo and the Ghanaian peacekeepers were removed from the office and escorted to ESM, where they would later meet General Dallaire. Three or four other Belgians were then gunned down in the office. Yet, in an attempted counter attack, the last Belgian to resist, probably 1st Sergeant Yannick Leseby, managed to disarm a Rwandan soldier and take him hostage. It was only after the latter's death, at the hands of his own compatriots, that the fate of the

⁹⁵ Thus, for example, one of Lieutenant Nees' reports (c.f. above) narrates a meeting held on 26 January 1994 by the MRND leadership and Interahamwes to devise ways of inciting the militias and population against the Belgian soldiers and strategise on sabotaging their activities. The telegram that General Dallaire dispatched to New York on 11 January (c.f. above) indicates that during a demonstration staged on 8 January "Belgian troops were to be provoked and if the Belgian soldiers used force, some of them were to be killed, leading to Belgian withdrawal from Rwanda".

⁹⁶ In this regard I can only confirm Colonel Marchal's remarks as reported in the Belgian media on 14-15 October 1995. Even if these statements caused a defensive reaction from the *Syndicat libre de la fonction publique* [Public Service Union], other privileged witnesses in substance provided me with the same information.

⁹⁷ A. GOFFIN, *Rwanda, 7 April 1994...., op.cit.*, p.73

Belgian soldier was sealed. Pelted by grenades and gunshots, he finally died at approximately 12.30 PM⁹⁸. This incident was therefore drawn out over several hours. Similarly to the events leading to the death of the Prime Minister, this raises questions as to how both the top command of the Rwandan Army and UNAMIR could have failed to take the necessary steps to regain control of the situation. On the other hand, the report that the last Belgian peacekeeper died around 12.30 PM reinforces suspicions that military authorities in UNAMIR and FAR could be held responsible for failure to assist persons in danger.

The attitude of UNAMIR and the Belgian battalion calls for scrutiny. It is only an examination of the general context that sheds light on the reasons that shaped their assessment of the situation. Firstly it is to be observed that as the drama unfolded at the Prime Minister's residence and later at Kigali Camp, the UNAMIR Kigali Sector was confronted with numerous incidents of varying importance. A lot of FAR members were blocked at the airport and other parts of town; there was no news filtering about certain isolated personnel and the scattering of the Belgian troops throughout the city was having a telling effect. Political killings had just flared up and the Force had to field a flurry of distress calls from all corners, both from Rwandans and expatriates. FAR troops began to recover their heavy artillery, openly violating the Kigali rules. Hence, the incident involving the Prime Minister and the mortar platoon was just one of many. The situation was further complicated by the fact that the Bangladeshi battalion turned out to be neither professional nor reliable⁹⁹. Conversely, the Force's Rules of Engagement (ROE) remained unchanged even though they were completely inappropriate to tackle the changing situation¹⁰⁰. Lastly, as noted above, the UNAMIR command was still operating under the assumption that the Crisis Committee was an acceptable Rwandan interlocutor, convinced that the Committee had implemented adequate measures; whereas, unbeknown to UNAMIR, the worst-case scenario was playing out on the morning of 7 April. It must be said that in any event, even if the mission had been willing to adapt to the new scenario, it would have been hampered by lack of weapons and ammunition. General Dallaire repeated calls for reinforcements to boost UNAMIR strength and equipment, and for a more proactive revision of the mission's mandate by New York, whose glaring underestimation of the problem combined with the crippling effect of the "Somali syndrome". The Americans, in particular, were loath to cross the "Mogadishu line" again and did not want the UN dragged into yet another internal conflict. Meanwhile, Colonel Marchal requested large-calibre ammunition from the Belgian Army Operations Centre (C-Ops). He repeated this request on several occasions, the last time being 14 March, but there was no feedback.

⁹⁸ For a more detailed account of the killing of the ten commandos, see A. GOFFIN, *Rwanda, 7 April 1994...*, op.cit, p.73-77.

⁹⁹ An incident that took place on 7 April is a good illustration. That afternoon, Rutbat (Bangladeshi battalion) troops, intimidated by Rwandan soldiers and a civilian mob, refused a Belgian battalion convoy access to the Amahoro stadium. The Belgians manoeuvred their way by retreating and firing, eventually scaling the railings to safety within the stadium. In regard to this incident see A. GOFFIN, *Rwanda, 7 April 1994...*, op.cit, p.91-104.

¹⁰⁰ Around 09.30 AM, General Dallaire told Colonel Marchal that the ROE were still effective. However, the ROE did not prohibit the use of force as a legitimate defence.

A little after 9 a.m., after learning of a problem at Kigali Camp, Marchal asked Dallaire to approach FAR command. As a matter of fact, Dallaire has just learnt that a "few [UN] observers" had been killed at the camp. On his way to a meeting at the École supérieure militaire (ESM), which shall be discussed below, General Dallaire, accompanied by Belgian Major Peter Maggen, senior duty officer at staff headquarters, was passing by Kigali Camp between 10.45 and 11 a.m. He noticed bodies of peacekeepers in the inner yard. When he insisted on seeing them, his escort, Gendarme Major Nteraraho, strongly advised against such a course of action, arguing that the General could not be safe¹⁰¹. Thus Dallaire proceeded to ESM, reaching the meeting between 11 and 11.15 a.m. and finding that it had started at 10 a.m. Surprisingly, he made no mention of the incident nor did he express his concern. It was only at the close of the meeting that he spoke to General Ndindiliyimana about the issue¹⁰², only to be reassured that "Bagosora will sort things out". Indeed, after the meeting ended, around 12.15 p.m., Bagosora did head to the camp.

The sequence of events is of interest. By 10 a.m. the participants at the ESM meeting were aware of the killing of peacekeepers at the camp and that others faced the same fate. According to their testimony before the Rwandan Army Commission of Inquiry, Lieutenant Colonels Jean-Marie Ndayizeye and Emmanuel Kanyendekwe witnessed the events between 9 and 10 a.m. before proceeding to the ESM meeting. At the same time Major Nubaha went to ESM around 10.30 a.m. to notify Bagosora and Ndindiliyimana of the incident. When Major Ndayizeye telephoned ESM at about the same time in order to alert the same officers, the ESM telephone operator told him that the participants were already aware of the situation¹⁰³. Yet the top army and gendarmerie officers, gathered at ESM, did nothing to remedy a situation that clearly fell within their mandate. Colonel Bagosora later said that he replaced the Kigali Camp Commandant, Major Nubaha, with Lieutenant Colonel Ndayizeye, "because he felt that Major Nubaha should have been able to contain the soldiers". But what did he and the rest of the senior military officers do?

All these pieces of information lead to one simple conclusion: the highest-ranking officers in the Rwandan Army and the UNAMIR Commander knew - by no later than 10 a.m. and 11 a.m. respectively - of an incident that would ultimately result in the deaths of ten peacekeepers. Although lives could still have been saved at that point, no one seemed to be responding with the alacrity that such a situation would command. It must be said in their defence that both the Force and the Sector had to contend with several incidents; nevertheless this passive response, in the face of the loss of lives and the threat of further loss of lives, raises questions.

¹⁰¹ According to the "Donkov report" Dallaire actually attempted to go to the camp three times, but the military command refused him access ("...he was refused access even by the leadership of the "comité de crise") [sic]

¹⁰² In fact, like all the other officers who attended the meeting, this officer was already aware of the problem. In addition, Gendarme Major Nteraraho confirmed that "things were not right" at the camp and announced that the Prime Minister had been killed.

¹⁰³ Hearing transcript, 26 April 1995.

Colonel Bagosora went to the camp a little after midday. In a statement to the press¹⁰⁴, he declared that "Belgian UNAMIR soldier[s] attacked Kigali Camp with automatic firearms and soldiers in the camp returned fire thereby impeding access to the camp". However, Bagosora altered this account, in a letter he wrote me, to the effect that he did not see Belgian soldiers attack the camp, that it was therefore "by deduction" that he held them responsible for the friction¹⁰⁵. In fact, he probably heard the exchange of fire between the Rwandan soldiers and the last Belgian soldier to resist inside the camp premises, which would confirm that the latter was only killed around 12.30 p.m. at the earliest. In any event, shortly after 12 p.m. Major Beardsley, Military Assistant to General Dallaire, made radio contact to relay the Kigali Camp Military Observer's report that two or three peacekeepers had definitely been killed and ~~seven~~ others had in all likelihood been dealt the same fate.

Could these men have been rescued from the camp as Colette Bræckman asserts? Firstly one should take into account the fact that confusion reigned in Kigali, the result of many incidents, both minor and major, which placed a considerable strain on UNAMIR troop mobility and clouded the commanders' overall assessment of the situation. It should also be noted that C. Bræckman's account of this episode contains major flaws. Hence there is no truth in the contention that the battalion "monitored the whole affair"¹⁰⁶; in fact the opposite is true, as the last contact on the Motorola network was recorded at 09.06 a.m. The author then points to the proximity of Belgian units who could have freed their comrades had they stormed the premises. Granted that 36 members of the City (16th Company) group's platoon B and the 16th Company (140 men) were located in town, but they were not "a few metres from their comrades in distress"¹⁰⁷; they were about a kilometre away from Kigali Camp and obstructed by several road blocks. The other members of the battalion were not "near by"¹⁰⁸, but kilometres away and very restricted in their movements. It also became apparent that in spite of repeated appeals for reinforcements, UNAMIR remained ill-equipped for a face-off with the Rwandan Army whose firepower was far superior. Lastly, it should also be recalled that there was no contact with the ~~16th Company~~¹⁰⁹ and the battalion had no information on their exact position. Even if their whereabouts had been clear, could the 16th Company personnel available, numbering fifty or so, have succeeded in clearing the road blocks and prevailing in Kigali Camp? It is certainly difficult to answer this question. On the other hand, it is clear that Lieutenant Colonel Dewez did not have the necessary elements to take a decision. He should in fact have been made aware of his personnel's position in the camp, the camp's defence status and the conditions prevailing along the route between the 16th Company elements and the camp. Given the circumstances, Dewez instructed platoon B to remain in its quarters.

¹⁰⁴ *La Dernière Heure*, 6 April 1995.

¹⁰⁵ Colonel Bagosora's letter, Goma 5 June 1995.

¹⁰⁶ C. BRAECKMAN, *Rwanda...op. cit.*, p. 184.

¹⁰⁷ *Idem*, *ibid.*

¹⁰⁸ *Idem*, *ibid.*

¹⁰⁹ It is technically impossible for "[the] platoon so close to the scene of the ordeal to have monitored by radio, powerless, every stage of the murder of their comrades" (*Idem*, p.185).

Even so, unanswered questions persist. By 9.06 a.m., Lieutenant Colonel Dewez received a Motorola transmission alleging that his men feared they would "get lynched"; a few minutes later, the Kigali Sector HQ tentatively indicated they might be in Kigali Camp; shortly after General Dallaire passed by the camp and saw some of his men on the ground. Once he arrived at ESM, he waited for the meeting to end before raising the issue. Similarly Major Maggen did nothing, although he was in a position to make direct radio contact with Colonel Marchal. On the Rwandan side, Nubaha fled the camp and briefed the ESM officers. Other soldiers either hid or simply headed to the meeting. When Bagosora went to the camp, he dared not enter, claiming that he had heard exchanges of fire. In short, apparently all shirked their duties.

In the end, was there any attempt to find out what happened? The Rwandan inquiry is very cursory and – as noted above - suspect. The UNAMIR "Donko" report, barely two pages long, is based on the testimonies of Captain Apedo and the Ghanaian soldiers and contains a short narration of the events, steering away from issues of culpability. The report of the inquiry by the "Uytterhoeven Commission" (65 pages with appendices) set up by Belgium as the principal concerned party was not rendered public. The text distributed by Lieutenant General Berhin during a press conference on 30 November 1994 was inadequate and very superficial. One is particularly surprised by the fact that neither the five Ghanaian peacekeepers, nor the Togolese Captain Apedo, nor General Dallaire, nor any other factual witness appeared to testify. The investigation could also have covered the Bangladesh contingent which allegedly started the rumour that the Belgians had shot down the President's aircraft. Finally, no lessons seem to have been retained for the future arising from the incident that caused the death of the ten peacekeepers.

DRAFT

Towards the "Interim Government"

The Crisis Committee at work

On the morning of 7 April, Colonel Bagosora turned up at the Ministry of Defence where he had made an appointment with the MRND steering committee. It will be recalled that Mr. Booh Booh had suggested the previous night that MRND be asked to nominate a candidate for the succession of the President. But the steering committee was reluctant, unwilling to nominate a candidate in such confused circumstances, especially as it was obviously impossible to convene the national congress, the only organ under the law authorized to take such a decision. Bagosora was compelled to shorten the meeting without arriving at a solution. He had to proceed to the United States Ambassador's residence for the meeting scheduled for 9 a.m.; it was organized by Booh Booh.

Bagosora met in Ambassador Rawson's residence only General Ndindiliyimana and Lieutenant Colonel Rwabalinda. No other heads of diplomatic mission were there: the ambassadors could not move around because of insecurity and roadblocks. For instance, the Belgian Ambassador was holed up in his residence until the morning of Monday 11 April, until the arrival of the Belgian para-commandos who had been dispatched to evacuate foreign nationals. It was strange that Rwandan officers and politicians in the presidential camp were able to move around freely while UNAMIR soldiers, diplomats and other foreigners were seriously hindered in their movement. It was also strange, as observed the previous night, that the Rwandans convened to the United States Ambassador's residence were senior officers: once again no attempt was made to co-opt the constitutional institutions, especially the government, into the management of the crisis.

The meeting that had been decided the previous night at the Staff Headquarters started around 10.15 a.m. at the *Cole Supérieure Militaire* (ESM). In attendance, apart from General Ndindiliyimana and Colonel Bagosora, were departmental heads from the Ministry of Defence, the Army and Gendarmerie Staff Headquarters, operational sector commanders, the ESM Commander and Liaison Officers with UNAMIR. The constitution of the "Crisis Committee" was formally adopted but choosing a chairman for it was rather difficult: according to Bagosora, it was General Ndindiliyimana who should head it as the longest-serving, most senior officer. But in General Ndindiliyimana's opinion, Colonel Bagosora should occupy that position in replacement of the Minister of Defence. At any rate, it was observed that Colonel Bagosora no longer played any role within the committee, it was actually led by General Ndindiliyimana.

Participants agreed on a number of principles: firstly that politics should be left to the civilians while soldiers should only be concerned with security and defence; secondly, the meeting urged the crisis committee to call upon the "politicians" to fill the institutional vacuum. Very few participants knew at that time that the prime minister and several ministers had just been assassinated. Furthermore, unit commanders were asked to control their troops and avoid excesses. And lastly, the crisis committee was asked to draft a communiqué; we shall come back to that later. It was actually broadcast in the

afternoon. It is recalled that General Dallaire arrived in the middle of the meeting; he had passed in front of Kigali Camp. He hardly took part in the discussions, only listening as an observer.

Bagosora turned up at the Ministry of Defence around 2 p.m., after passing briefly through Kigali camp at the end of the meeting. General Dallaire was waiting for him there. In the midst of telephone calls, Colonel Bagosora drafted the aforementioned communiqué. The crisis committee did not seem to have been co-opted in drafting the communiqué even though it had been assigned the task. The communiqué, signed by Colonel Bagosora and broadcast on the radio as from 5.20 p.m., was astonishing. It "urged political leaders to discharge their duties more diligently, particularly at this moment of crisis. The Government in place is also urged to discharge its own duties; political authorities are equally urged to speed up the establishment of the transitional organs provided for in the Arusha Accord."¹⁴⁵

That advice was given to the "government in place" when the author of the communiqué knew that the Prime Minister and several ministers had been murdered by soldiers, in other words, when there was no government in place. Moreover, it was observed that the "crisis committee" did not make any effort to remain in touch with the civilian authorities.¹⁴⁶ The reference to the Arusha Accord is particularly cynical as the army's action has rendered the application of the accord impossible. It was indeed observed that the murders were carried out within a "constitutional" logic that resulted in a deadlock.

Shortly before 3 p.m., General Ndindiliyimana joined Bagosora and Dallaire. Dallaire called Tito Rutaremara of the RPF; he was at GND with the RPF battalion. He said that his men "would come out" if the rate of killings by the Presidential guard was not stopped. But no one in the Ministry of Defence seemed to be able or willing to do anything. When General Ndindiliyimana resumed conversation, he said he would do all he could and handed the phone to Colonel Bagosora. Bagosora maintained that he was only a *directeur de cabinet* and could not control the Presidential guard. He referred Rutaremara to Colonel Balthazar Ndengeyinka; one wonders what he, a technical advisor at the Ministry of Defence, could have been able to do. Both Bagosora and Ndindiliyimana maintained that they did not control all the units, "maddened by the President's death". However, after that conversation, Bagosora asked Major Mpiranya, the Presidential guard commander, to "assemble his guys and bring them to the camp", referring to the battalion soldiers who were sowing terror. On the whole, everyone was passing the buck without assuming the least responsibility. General Dallaire was, moreover, awed by the "unusual calm" he observed at the Ministry of Defence: while the situation needed to be seriously addressed, nothing was actually done.

That afternoon, Dallaire repeatedly requested to go to Kigali camp to check the status of the Belgian peace keepers. Bagosora and Ndindiliyimana prevented him from doing so, arguing that there was a unit rioting there and that security was not guaranteed. Dallaire also offered his good offices to organize a meeting between RAF and RPF in a bid to put

¹⁴⁵ The full text of the communiqué may be found in annex.

¹⁴⁶ Except with MRND leaders, who, however, had no constitutional role.

an end to the acts of violence, but RPF showed no interest in the proposal. Its battalion actually came out of its camp at 4.11 p.m. and started fighting the Presidential guard soldiers whose camp was near the parliament. That was the beginning of the fighting that enabled RPF increasingly gain grounds in Kigali. Its main target when it initially set out was Remera neighbourhood, where the Gendarmerie camp was practically located. It was observed that it was in that area that RPF caused numerous civilian casualties right from the beginning of the hostilities.

Colonel Gatsinzi did not arrive in Kigali until around 4.15 p.m. It could be recalled that Colonel Bagosora had summoned him the previous night and asked him to be in Kigali by 6 a.m. in order to take the office of acting Chief of Staff. Gatsinzi had an instinctive suspicious reaction. He knew very well that he was in the good books of the Northern officers and civilians but he sensed a trap. And since Colonel Bagosora had refused to let him make the journey by helicopter, he had to travel by road. In order to have a better assessment of the situation in Kigali, and preferring to travel in the day, Gatsinzi did not leave Butare until around 2 p.m. He traveled together with Dr. Théodore Sinduhwabo, the Speaker of the Parliament who became the interim President of the Republic (see below), Dr. Séraphim Bararengana, President Habyarimana's brother and Alphonse Higaniro, son-in-law to the Head of State's personal doctor. As the convoy arrived in Kigali, it came under the fire of unidentified soldiers near a big roundabout, but no one was hurt. Colonel Gatsinzi immediately went to the Staff headquarters to assess the operational situation as fighting had just started.

The crisis committee met again around 7 p.m. in ESM. Among those in attendance were Ndindiliyimana, Rusizi and Gatsinzi. General Dallaire also attended the meeting but Colonel Bagosora was not there.¹⁴⁷ Dallaire was asked to establish contacts with RPF in a bid to arrange a ceasefire, which, by the way, was a constant worry for the Rwandan army high command bogged down by its own inability to put an end to the massacres; RPF indeed refused to negotiate anything as long as the violence continued.

At the end of the meeting, General Dallaire insisted again on seeing the bodies of the ten Belgian peacekeepers. Colonel Muraampongo said they were in the mortuary, opposite Kigali camp. A few officers including Ndindiliyimana and Dallaire went there and found the bodies piled up in the courtyard. Even though it was difficult to count them (it was dark and the bodies were piled up), according to eye witnesses, there were certainly eleven or twelve or perhaps thirteen bodies.¹⁴⁸ It was not until 9.30 p.m. that Dallaire confirmed to Marshal that he had seen the dead soldiers. The Belgian contingent was

¹⁴⁷ He maintained that when he learnt that RPF had gone out, he went to Kimihurura to evacuate his family to Kanombe camp and stayed there until the morning of Friday 8 April. In the evening of 7 April, he had gone to present his condolences to the Habyarimana family and to pay homage to the remains of the victims of the plane crash. As a matter of fact, apart from his personal statement, Colonel Bagosora's timetable between 5 p.m. on 7 April and 8 a.m. on 8 April is unknown.

¹⁴⁸ Reference was made earlier to this enigma, which was not resolved. It was seen that the military observer in Kigali camp also referred to eleven victims before Major Beardsley. We should recall that Captain Apedo reported that Major Ntuyahaga took away five Ghanaian and thirteen Belgian soldiers. Furthermore, the 2nd commando battalion's logbook stated that General Dallaire saw twelve bodies at the mortuary. He himself said he counted eleven.

then faced with a reality it had denied. Faced with the uncertainty in the actual number of deaths, Lieutenant-Colonel Dewez had a roll call of the battalion in the evening: only ten men were missing.

Chocked by the condition in which he found the casualties, General Ndindiliyimana went to the camp to ask someone to take charge. As the soldiers dragged their feet, Colonel Murasampongo had to take 10,000 RWF from the cash box of the camp bar in order to pay someone to wash the bodies and wrap them in blankets. It was in that state that a patrol sent to fetch them found them around 3.30 p.m. on 8 April.¹⁴⁹ We should point out that though the bodies of the Belgian soldiers bore several wounds from bayonets, gun butts, machetes, bullets or grenades, there were no signs of mutilation like eyes removed, noses or other organs cut, as it was reported in some newspapers.

After visiting the mortuary, Dallaire, who went there without an escort, asked for Ndindiliyimana's men to escort him back to his office. As the escort did not return from that assignment, Ndindiliyimana dared not return home alone, so he decided to spend the night at the *Hotel des Diplomates*, a few metres away from the mortuary and Kigali camp. In the evening, he had a long phone conversation with the Belgian Ambassador, whose assistance he sought for the constitution of a group of moderates so as to give the peace process a chance.

The crisis committee met again at ESM at 11 a.m. on 8 April. Several decisions were taken. The Chief of Staff, on behalf of the army, rendered its apology to Belgium, the UN and UNAMIR for the death of the peacekeepers, offering to carry out an inquiry into the incident.¹⁵¹ As regards Colonel Bagosora, he was asked to keep in touch with the politicians. Lastly, the Gendarmerie units which were not involved in combat would work with the administrative authorities and the Red Cross in order to identify and bury the bodies.

When the issue of the status of the crisis committee was raised, an open conflict emerged between Colonel Bagosora and serving senior officers, in particular Ndindiliyimana, Rutatira and Gatsinzi. Bagosora laid claim to the committee's chairmanship, which was challenged by the others: they believed that since the committee was military, it required a serving officer to head it; moreover, as a *directeur de cabinet*, Bagosora was considered a "politician". Irritated, Bagosora said: "I created an organization and you want to exclude me from it". He left the meeting and subsequently showed no interest in the committee. He went to the Ministry of Defence where a meeting was to be held with the political formations that were party to the government. Even though Bagosora addressed the political aspects of the situation as instructed by the crisis committee, other officers were of the opinion that the solution should be found in the advice given the previous night by Mr. Booh Booh.

¹⁴⁹ The 2nd commando battalion's logbook referred to ten bodies only.

¹⁵⁰ And also in C. BRAECKMAN, *Rwanda...*, *op. cit.*, p. 185.

¹⁵¹ It was in response to this decision that Colonel Gatsinzi instituted the inquiry commission referred to earlier.

But things did not proceed in this manner as one could see a gulf emerging between army top officers and the budding government. It was indeed observed that Colonel Bagosora was making some political moves without involving the crisis committee. Officers, at least the two Chiefs of Staff and Colonel Rusatira, observed that the government that swore the oath of office on 9 April was not capable of resolving the problems and so they kept their distance. This was clearly demonstrated on 12 April, when the "interim government" left Kigali for Gitarama, ten senior officers issued a communiqué in which they tried to sidetrack the government by proposing a direct meeting with RPF command "in order to consider how to pacify the country without further delay and to help put the broad-based transitional institutions in place."¹⁵² The communiqué, broadcast without prior consultation with or advice of the government, wanted to put the government before the *fait accompli*.

Up until Colonel Augustin Bizimungu's appointment on 17 April as the new chief of staff, relations between the army high command and the interim government remained tense and contacts were very restrictive, even with the Ministry of Defence. Negotiations carried out between the army and RPF with the help of Booh Booh and Dallaire in a bid to broker a ceasefire took place without the approval of the government and even against its will. Those negotiations did not succeed.

Putting the "interim institutions" in place

The army was thus not involved as such in forming the government. When Colonel Bagosora stormed out of the crisis committee meeting, he went to the Ministry of Defence to start the negotiations that were going to lead to the formation of the "interim government". While the communiqué from Bagosora broadcast the previous day referred to the Arusha Accord, the reality on the ground was completely different. In fact, the negotiators were representatives of only the "power" wings of the political parties. In attendance at the meetings that took place during the day were Mathieu Ndirumpatse, Edouard Ndirakobuca and Joseph Nzirorere for MRND., Froduald Karamira and Donat Murego for MDR., Nyacintwa Rafiki Nsengiyumva and François Ndungutse for PSD., Jean Mugenzi and Jeanès Ntambuyiro for PL., and Jean-Marie-Vianney Sibomana, Gaspar Ruhumiliza and Célestin Kabanda for PDC. The leaders of the opposing wings of the parties are now either dead or in hiding. In the same vein, no Tutsi was co-opted in the negotiations; RPF was certainly not involved. One was obviously very far from Arusha.

On the morning of 12 April, some escorts sent by the Ministry of Defence went in search of the steering committees (or what was left of them) of the political formations that were party to the government. Apart from the vice-chairman, Ferdinand Kabagema, who was ill, the MRND committee was complete. Those of other parties had been affected in

¹⁵² Communiqué by the Rwandan Armed Forces Command, Kigali, 12 April 1994. The signatories were Colonel Rusatira, Gatsinzi, Muberuka, Ntiwiragabo, Kanyamanza, Murasampongo, Hakizimana, Lieutenant-Colonels Rwabalinda, Rwamanywa and Kanyendeke. General Ndindiliyimana was in Gitarama when the communiqué was drafted, but he gave his approval by telephone. The communiqué may be found in annex.

varying degrees by the events. MDR Chairman, Faustin Twagiramungu took refuge in UNAMIR while the first vice-chairman Dismas Nsengiyaremye was in Gitarama, inaccessible. As regards PL, its first Vice-Chairman Landold Ndasigwa was killed on 7 April. PDC Chairman Jean Népomuscène Nayinzira went into hiding and the only steering committee member available was Jean-Marie-Vianney Sibomana. But the biggest problem was encountered in PSD where no steering committee member survived the massacres.¹⁵³

That was why the first working session that started around 1 p.m.¹⁵⁴ was held without PSD. Participants first addressed the general problems they were facing: the constitutional and political considerations in the succession of the President of the Republic and the formation of a new government. Considering that the Arusha Accord could only come into effect after the swearing-in of the broad-based transitional government, they decided to apply the 1991 constitution. That interpretation was obviously faulty since Article 11 of the Accord stipulated that the Accord would come into effect on the day it was signed, i.e. 4 August 1993. So applying the obsolete Article 42 of the 1991 constitution, participants decided that the Speaker of the Parliament (CND), Dr. Théodore Sindikubwabo should become the young President. It is true that even if one had wanted to do so, it was not possible to apply the relevant provision of the Arusha Accord. Article 48 of the protocol on power sharing states that: ["In the event of resignation, death, incapacity or inability to act as President of the Republic, (1) the Supreme Court shall be notified of such vacancy by the broad-based transitional government; (2) the Speaker of the National Assembly shall act as the President of the Republic." But none of the three organs required for this process was in place: impediments in previous months had made it impossible to install a supreme court, a broad-based transitional government and a transitional national assembly. And even though the negotiators were faced with an incontestable legal vacuum, they have filled it in a manner completely out of line with the spirit and letter of the Arusha Accord. Then, the new government had to be put in place. And since, for the sake of continuity and rule of law, the new government should include the same parties as in the previous regime, participants were confronted with the problem of PSD representation. They then decided to invite two members of the political bureau, François Ndungutse and Hyacinthe Rafiki Nseovumva, who arrived under escort around 3 p.m. Forming the government was easy as there was willingness to reduce the number of changes to the minimum. For MRND and PDC, it meant that the team remained unchanged. For PL, the murdered minister, Landold Ndasigwa, was replaced by Jean de Dieu Habineza. The problem was more difficult with PSD and MDR. All the PSD ministers have been murdered or have fled: for the sake of continuity, the Finance and Works ministries were assigned to their respective *directeurs de cabinet*, while the Ministry of Agriculture was entrusted to

¹⁵³ The Executive Secretary Félicien Gatabazi, murdered on 21 February, has not yet been replaced; the Chairman, Frédéric Nzamurambo, and the two Vice-Chairmen Ngango and Gafaranga, were killed on 7 April.

¹⁵⁴ Actually, several politicians in the presidential camp already met with Bagosora as from about 9 a.m. Around 9.30 a.m., when General Dallaire arrived at the Ministry looking for information, he saw Bagosora there chairing a meeting of politicians. Bagosora felt uncomfortable for being caught and asked Dallaire not to stay there. The other politicians arrived later in the morning; the MDR representatives arrived at the Ministry around 11 a.m..

Dr. Straton Nsabumukunzi. MDR had lost four ministers including the prime minister,¹⁵⁵ all members of the Twagiramungu wing. Karamira and Murego seized the opportunity to revive the line the party had adopted at its congress in Kabusunzu in July 1993.¹⁵⁶ MDR had then nominated Jean Kambanda as the prime minister in keeping with the Arusha Accord. Jean Kambanda had been found "too radical" and it was finally Faustin Twagiramungu who succeeded in approving his own candidacy.

In a complete departure from its long-standing policy, the government, it was observed, did not have any Tutsi ministers within it. That was not surprising for it was under the Kambanda government that the genocide of the Tutsis was carried out. The government, presented as a coalition government, was in fact only so in appearance, considering the political landscape that had reemerged for several months. Although the team comprised the same parties as in the previous government, in reality, it belonged completely to the "presidential camp": ministers from "opposition parties" were members of the wings of their respective parties affiliated to MRND in ever-changing alliances, their common denominator was the increasingly adamant rejection of the Arusha Accord and increasingly deep distrust of RPF and those who were willing to live together with it. The meeting at the Ministry of Defence ended around 2 p.m.

It is not true that the government was formed at the French Embassy, as some commentators maintained. The entire talks took place at the Ministry of Defence; moreover, only one of the negotiators, Justin Mugenzi, took his residence at the French Embassy. But there were contacts between the political figures taking refuge at the French Embassy and the parties' negotiators (the distance between the embassy and the ministry was less than one kilometre). Similarly, it seemed that the French Ambassador, Jean-Michel Marlaud, was not informed of the status of the negotiations and he was probably consulted. That was not surprising. The relationship between France and the wing that took power was manifest. Moreover, Colonel Bagosora was the first Rwandan officer to attend the conference in France. Such a close relationship was further demonstrated by the fact that, in the course of the afternoon, Marlaud called his Belgian counterpart Johan Swinnen and read a list of appointed ministers to him. Swinnen reacted coolly as he believed that the wing was too "Power". He pointed out that such a government did not seem to reflect political reality. But Marlaud said he was quite satisfied, especially as he believed that forming a government would help prevent a coup d'Etat, which he dreaded. Of course, he did not think it was an ideal government (he insisted on having Faustin Twagiramungu installed as prime minister but his suggestion was rejected outright). But he approved of the choice of the Speaker of the Parliament as Acting President, since the government was only provisional ("interim"), he hoped that negotiations would be resumed after the massacres must have been stopped. If that was his real conviction, then Marlaud was a victim of the serious misunderstanding referred to earlier. Under that hypothesis, indeed, he did not understand that the operational logic

¹⁵⁵ The Prime Minister and the Minister of Information Faustin Rucogoza were killed while the Minister of Foreign Affairs, Anastase Gasana, and the Minister of Primary and Secondary Education, Jean-Marie-Vianney Mbonimpa, were on the run.

¹⁵⁶ See F. REYNJENS, *L'Afrique des grands lacs en crise* [Great Lakes Africa in Crisis] ... op. cit., pp. 122-124.

was confrontation. But was it really a misunderstanding? When the scope of the massacres and the new government's refusal to end them became obvious, France remained the only country to recognize the "interim government": whereas he has been denied access to Belgium and the United States, the Minister of Foreign Affairs Jérôme Bicomumpaka, accompanied by the CDR ideologue Jean-Bosco Barayagwiza, was received in Paris, where he met with Bruno Delaye, Head of the African Department at the *Elysée*.

The protocol signed by the five parties with a view to forming a government was a surprising document.¹⁵⁷ The preamble referred to the "sudden death" of the prime minister and certain members of government, even though these people had been killed in cold blood by the Presidential Guard. The protocol also referred to a "a wish expressed by PSD party representatives with regard to the peculiar situation prevailing within the party leadership"; this opaque expression was meant to explain why PSD was represented by only two members of its political bureau, which was understandable, considering that its Chairman and two vice-chairmen had been murdered. The protocol was also surprising in the manner it portrayed everything as "normal", as a mere extension and amendment of the protocol of understanding signed on 7 April 1992 for the formation of the Nsengiyaremye government, which protocol had already been amended twice in 1993. Article 4 of the additional protocol of 8 April 1994 assigned, in addition to those already laid down in the 1992 protocol, the following tasks to the government:

- To ensure an effective management of State affairs, with special emphasis on the rapid restoration of law and order, and security of goods and persons;
- To continue discussions with RPF for the establishment of the broad-based transitional institution within six weeks;
- To seriously address the issue of food shortage, and seeking ways and means of rescuing the distressed inhabitants of certain préfectures and the war-displaced persons".

In other words, "business as usual". All of that seems quite surreal, considering that at the time the protocol was being finalized, genocide and massacres were being perpetrated to the fullest, that the RPF battalion from Kigali had been in action for 24 hours and the bulk of RPF troops were in full offensive in the North.¹⁵⁸

At the end of the meeting at the Ministry of Defence, it was agreed that a joint official session with the crisis committee would formalize the decisions taken. Throughout the day, some members of the committee were attending the meeting at ESM, going to the

¹⁵⁷ This protocol may be found in annex.

¹⁵⁸ This air of normality in spite of the on-going events was choking in many respects. A few examples: in the evening of 7 April, after visiting the Kigali hospital mortuary, General Ndingiyimana, not seeing his escort return, decided to go and have a drink at Impala bar before going to the Hotel des Diplomates (to his great surprise, Impala was not open!); the Army were writing memos and records of interviews and hearings; government and administration continued to issue mission, appointment and dismissal orders in due form; the préfectures and communes issued order forms, especially for petrol, which in some cases was used to burn the Tutsis; as late as 24 May, the Office of the President sent its report on the President's plane crash to SONARWA [Insurance] Company. In the good old Rwandan tradition, the administration continued to function on automatic piloting.

Staff headquarters from time to time to check the status of military operations on the ground. Contacts with the Ministry of Defence were increasingly restrictive, reduced to occasional phone calls to check the status of the political talks. The crisis committee had not been co-opted; it would be put before the *fait accompli*. In view of the session at ESM, the negotiators took it upon themselves, each for his party, to contact the "lucky appointees"¹⁵⁹ and invite them to the meeting. It was around 5.30 p.m. that the new government was presented to the crisis committee, which took formal note of their appointment. Participants finalized and signed the additional protocol; thereafter, the Acting President signed Jean Kambanda's appointment letter; Kambanda introduced his team, whose appointment letters were also signed.¹⁶⁰ That session ended around 10 p.m. and it was agreed that swearing-in would take place the following day at 10 a.m. at the *Hotel des Diplomates*.

In view of the danger of moving around at night and the need to react rapidly to new and unforeseeable events, they all spent the night at the *Hotel des Diplomates*. The 9 April ceremony was performed before the Deputy Speaker and Secretary of the Parliament. It was brief and attendance was low: the members of the new executive, a few Members of Parliament, a few political party leaders, a few officers and a few civil servants, no foreigners. That was when the political role played by Colonel Bagosora ended, at least officially. The crisis committee, for its part, did not meet again. It was observed that its role was, by the way, very restrictive. The committee was overwhelmed by the political events even though it certainly could have done more in finding ways and means of breaking the deadlock. Several of its members managed to get into dialogue with RPF; they kept their distance from the interim authorities through the 12 April communiqué; some even issued "the same Declaration" in July with a similar content; others, including Rusatira and Gatsinzi, returned to Rwanda after the change of regime to join the new army.

Early on that same morning of 9 April (at 3.45 a.m.), the first French soldiers landed in Kigali¹⁶¹ to start evacuating foreigners and a few Rwandans. That operation and generally the manner in which the outside world abandoned the Rwandan people may not be addressed in this study.

Three other fateful days in Bujumbura

¹⁵⁹ Certain ministers were not expecting this honour while some were compelled to accept it. Two of the appointed ministers were abroad. The Minister of Defence, Augustin Bizimana actually returned to take his post while the Minister of Interior, Faustin Munyaseza, expressed his gratitude for the honour and stayed back in Dar-Es-Salaam, where he had accompanied President Habyarimana. Similarly, Enoch Ruhigira, confirmed as *directeur de cabinet* for Office of the President, left the country a few days after his appointment.

¹⁶⁰ Both letters may be found in annex.

¹⁶¹ One of the first French planes brought a full load of ammunition for FAR (UNAMIR source).

In Bujumbura, a rumour-mongering city, the grapevine has been announcing for a long time that a coup d'Etat was imminent. It is true that there have been some warning signs since 1 June 1993, when contender Melchior Ndadaye was elected President of the Republic over Pierre Buyoya. Immediately after the election, some Tutsi students and civil servants vented their discontent and anxiety on the streets of the capital city; a coup attempt on the night of 16 to 17 June did not last long. Another one took place on the night of 2 to 3 July; it was more consistent, for several senior officers, including Lieutenant-Colonel Sylvestre Ningaba, President Buyoya's *directeur de cabinet*, were involved. But people felt reassured as they observed that the coup had aborted and that, on the whole, the army had reacted loyally.

People were used to persistent rumours of coups, but the threats were not taken seriously. That was the prevailing atmosphere on Monday 18 October when President Ndadaye returned home from the Francophone summit that had just taken place in Mauritius. The whole city was talking about an imminent coup d'Etat. Several meetings at the Army Headquarters were held over the issue. By Wednesday 20 October, there was more specific news. Around 4 p.m., while the Council of Ministers was holding a meeting, the *directeur de cabinet* at the Office of the President, Frédéric Ndayegamiye, received a phone call from Isaïe Nibizi, commander of the commando 2nd battalion, the unit in charge of the Presidential guard. He announced that his informants had told him that some soldiers from the 1st para battalion were planning to stage a coup that night. Ndayegamiye took the news very seriously, for in the previous 2-3 July attempt, Major Nibizi had proven loyal and well informed, and had played a key role in foiling the coup attempt. But that was not everyone's reaction.

Conclusion

The preceding account covers an extremely restricted scope of the 1994 events in Rwanda. Not only the period under consideration very short, but even within it only certain aspects have caught my attention. The other aspects do deserve consideration. Thus, the military aspects have not been considered. Nevertheless, it would be interesting to establish accurately how the war between the Rwandan army and the RPF was fought in Kigali and elsewhere in Rwanda; the background to this war is still to be written and I hope that someone will address it. Similarly, very little is known about the horrible crimes committed from the beginning to the end of April 1994: genocide, political assassinations, crimes against humanity, war crimes. While crimes committed by the former regime are fairly well known, even though not well documented, those attributed to the RPF are under-estimated or denied. When they will be revealed, the world will be stunned by their scale¹¹⁰. Blindness to this consideration by world opinion falls into the realm of a "well-thought-out" political conformism. The reality of genocide does not allow the RPF to exploit it to the full and make political gain out of it.

Here, I have equally not considered in detail the role played by the international community. Yet, that role was disastrous and has discredited the UN for a long time in the Great Lakes region in Central Africa. The ill-adapted character of the UNAMIR

¹¹⁰ On this subject, see S. Desouter and F. Reyntjens, *Rwanda, les violations des droits de l'homme par le FPR/APR. Plaidoyer pour une enquête approfondie*, Antwerp, University of Antwerp, June 1995.

mandate, inability to adjust it when it became necessary and intervene when it was not too late (both before and after 6 April), are just a reflection of the impotence of the international community even when it is derided by insignificant forces. It is true that the "policing" role of the UN began only at the end of the cold war, that is, hardly five years ago. It can therefore be said that we are undergoing a period of apprenticeship, but then such apprenticeship is done at the expense of Rwandans, Bosnians and Sudanese. What can be said about two members of this ghostly international community, France and Belgium? Though, besides the UNAMIR Belgian battalion, France had elite troops on the ground as from 9 April and Belgium as from 10 April, these two countries, with their 1,500 men, would have stopped an escalation of violence which culminated in genocide¹¹¹. Instead of intervening in a country where they both had historical responsibilities, these two "friends of Rwanda" evacuated expatriates and a handful of Rwandans, withdrew their troops and closed the door behind them as a people dragged into total horror. According to Rwandan and foreign officers questioned on this subject, combined action by the French and Belgian contingents and UNAMIR would have restored peace and curbed the bloody fury before it became too late¹¹².

Whoever may be responsible for the spark which lit the fire, hence the attack on the Presidential plane, the ensuing events, both the massacres and the political choices, are very clearly part of an act planned well before 6-7 April 1994. The two forces at war, the former and new regimes of Rwanda, have been using violence since 1990: the one to maintain power and the other to conquer it. Those whose course has been particularly followed here, that is, the radicals of the regime, the rejection of democratization and the Arusha Peace Accords, was very clear several years ago. Their resistance strategy included a manipulation of violence, and the massacres which began early on the morning of 7 April are only the most extreme expression of that policy. If it turns out that the RPF organized the attack, then that would be a particularly cynical act: perpetrators of the attack could not be unaware of the dramatic consequences that it would entail, and primarily for those that RPF was particularly called upon to protect. In this hypothesis, RPF would be guilty of having heeded to power politics.

Here, it is necessary to recall what others and I, myself, have said and reiterated to those people, journalists and also representatives of the academic world, who like simple history, conflicts and violence in Rwanda (and in Burundi) have been essentially political, and not ethnic. This does not mean that I deny the fact that ethnicity is of political relevance in these two countries, where the stakes are often viewed through an ethnic prism, particularly in a crisis situation. Even if the ethnic bipolarity which

¹¹¹ An Italian company was also on the spot and one battalion of American marines was on stand-by in Bujumbura. I add that my assessment was not easily made afterwards. In an interview granted on 9 April and published in *Le Soir* of 11 April 1994, I stated: "If they (French, Belgians, Americans) are just evacuating their nationals, then we are heading straight for a disaster. (...) It would be necessary (...) to think of neutralizing the Rwandan army in Kigali". On the morning the interview was published, a member of the Belgian Government called me to request that I make no more statements which "put our fellow countrymen, civilians and soldiers in danger"

¹¹² It should be added that the RPF has contributed to reducing the chances of this option when it announced that if foreign troops did not leave Rwanda within 48 hours, "they would be considered as enemy forces".

characterizes them and makes them so different from the other African countries lends itself, easily than elsewhere, to ethnic manipulation, this does not in any way change the established fact. Contrary to the way things have often been portrayed by the media, which immediately go for the easy stereotype of "inter-ethnic struggles", the political character of violence is clear. These are Hutu and Tutsi "opponents" who were eliminated in a selective but yet massive manner: politicians opposed to the former regime and/or supporting the Arusha Peace Accords, people active in human rights associations, executives in the civil society, journalists and, more generally, the Tutsi who were all suspected to be RPF supporters. In this regard, even the Tutsi who have not been victims of ethnic violence have had to pay the price for their alleged political sympathies¹¹³. The media have been so blinded by their ethnic interpretation of the situation that the news agency, Reuters, for instance, called Prime Minister Agathe Uwilingiyimana Tutsi whereas she was Hutu.

Those who cling to power are making things worse in order to further their own ends. By proceeding as they are doing, they make impossible any negotiated and respectful solution to the issue of power-sharing with the democratic opposition and RPF refusal to associate the civilian government with the crisis management; assassination of all those who, pursuant to the Constitution, are called upon to ensure continuity and, more generally, those people, politicians and executives of the civil society, who are at the centre of politics; installation by the person who controls the situation, Colonel Bagosora, of a government composed of "Hutu Power" forces and refusal to associate the other political forces and RPF with it; exclusion of forces within the army that are respectful of constitutionality. The putsch would have succeeded if RPF had not subsequently imposed itself militarily in a victory which in turn created an inextricable situation.

Politically the role of the army as such has been negligible. On the morning of 8 April, when Colonel Bagosora realized that the crisis committee was not prepared to follow his agenda, the said committee no longer played any veritable role. Political negotiations took place in the Ministry of Defence under the auspices of Colonel Bagosora; it was he, with the "Hutu Power" wings at the helm of political parties, who acted as President of the Republic and head of government. At the last crisis committee meeting on the evening of 8 April, Colonel Bagosora informed the committee of the formation of the government and requested the new Prime Minister to form his team. Bagosora's leverage during that period was the control of key units of the army (Presidential Guard, Recce Battalion and Para-Commando Battalion) which he could contact without passing through the normal military structures. The use of civilian structures (militias) made it possible to broaden the scope of the violence, indeed, even to portray the massacres as the result of a "spontaneous reaction by the masses".

Analogies with events which occurred in Bujumbura from 20 to 23 October 1993 are numerous and striking. Whereas in Rwanda, the objective was to safeguard power under threat, in Burundi the coup d'état was an attempt to recapture power lost at the

¹¹³ To avoid any misunderstanding, it should be specified that this fact does not at all affect the definition of "genocide" as crimes committed against the Tutsi. As provided for by the genocide convention, the Tutsi have, in fact, been the subject of a plan to destroy an ethnic group, "as such".

June 1993 elections. As in Kigali, an institutional vacuum was created by eliminating constitutionally elected personalities. In both cases, the "official" structure put in place, the "crisis committee" in Kigali and the "*Conseil National de salut public*" [National Council for Public Salvation] in Bujumbura, played no veritable role. It was short-circuited by intangible structures, Colonel Bagosora and a few party leaders in Rwanda, and by the "crisis management committee" in Burundi. Again in both cases, the soldiers refused to associate the constitutional institutions with the crisis management. Those initially contacted were representatives of the former one party (MRND and UPRONA), and not the government in place: in Kigali, the Prime Minister, Yash Uwilingiyimana, was first rejected and later assassinated; in Bujumbura, François Nzeze "summoned" the Prime Minister almost three days after the events began. Another striking analogy: it was impossible to establish responsibilities in these types of "disasters without perpetrators". The idea was to make people believe that it was anonymous junior soldiers who killed the Prime Minister in Kigali, other politicians and executives of the civil society and six peacekeepers and who in Bujumbura assassinated the President of the Republic and some of his close collaborators. But of course, behind those anonymous executions lurked important personalities who executed a specific plan. In the two countries, the military leadership said it was powerless but, in fact, did nothing to stop the diabolical machine. The least that can be blamed on these officers is that they had been cowards and had failed to honour their oath of office. But their crime is more serious: the complacent reference to their impotence obscures a form of passive complicity, which allowed "blunders" and "spontaneous actions" to develop into a real disaster. Finally, in both cases, they pretended, after a few days, to favour a return to constitutional legality; on 9 April, the "interim" institutions were put in place in Kigali pursuant to an invalid provision of the 1991 Constitution; on 13 October 1993, the army decreed the "restoration of democratic institutions" in Bujumbura, whereas the lingering coup d'état that it sanctioned and supported, suspended the 1992 Constitution and annulled the results of the 1993 elections. Analogies between the two countries also make it possible to insist once again on the political stakes behind the violence. In Rwanda, a tiny minority of the Hutu ethnic majority and, in Burundi, a tiny minority of the Tutsi ethnic minority wanted to safeguard (Rwanda) or regain (Burundi) control of the State, a vital instrument for amassing resources and replicating a social class.

However, the outcome is very different in the two countries, at least provisionally. In Rwanda, those who chose violence in order to cling to power lost it to RPF, which today controls the country alone. The Burundian rebels, on the other hand, succeeded in recapturing the power they had lost for a few months at the polls. In both cases, this is, undoubtedly, only a provisional outcome. In any case, this has plunged these countries into an endemic instability. The new regime in Kigali is autocratic and violent. In the absence of a political solution, it will sooner or later be confronted with an armed attempt by those who are today in exile to return to the country. Concerning Burundi, it has been engaged, since the end of June 1993, on an increasingly clear course of war, a civil war that would finally break out, if a negotiated solution were not found.

Annexes

(Order of presentation is chronological)

- Telegram of 11 January 1994, from Dallaire to Baril (UNDPKO).
- Report of the meeting at the Staff Headquarters, night of 6 to 7 April 1994
- Officers present at the meeting of the night of 6 to 7 April 1994
- Members of the "Crisis Committee"
- Press release from the Ministry of Defence (broadcast for the first time at 6.30 am on 7 April 1994)
- Report of Captain Apedo, 7 April 1994.
- Press release from the Rwandan Armed Forces (broadcast at 5.20 pm on 7 April 1994)
- Additional Protocol on the formation of the "interim" Government (finalized on the evening of 7 April 1994)
- Presidential decree of 8 April to appoint the Prime Minister
- Presidential decree of 8 April to designate members of the Government
- Press release from the high command of the Rwandan Armed Forces, 12 April 1994
- Statement by Sergeant George Aboagye, 17 April 1994
- Rwandan Armed Forces, intelligence report, 6 May 1994

**Telegram sent on 11 January 1994 by General Dallaire to General Baril
in New York (UNDPKO)**

(Original in English)

OUTGOING CODE CABLE

DATE: 11 JANUARY 1994

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Report of the meeting of the *Directeur de cabinet* [Principal Private Secretary] with *Gd.N* Chief-of-Staff-MINADEF Officers – Army and *Gd.N* Chiefs-of-Staff. Night of 6 to 7 April 1994

1. The Principal Private Secretary conducted a meeting on the night of 6 to 7 April 1994, which brought together the *Gd.N.* Chief-of-Staff, MINADEF Officers, Senior Officers of the Army and *Gd. N.* The Commanding Officers of UNAMIR and E.S.M. (Officers Academy) attended the meeting.
This meeting was held as a result of the disaster that occurred on 6 April 1994, at 8.30 p.m. Belgian time, when the Presidential plane was shot down by yet unidentified elements as the President was returning from a meeting in Dar-Es-Salaam.
Aboard the plane, besides our Head of State, were the President of Burundi, his Minister of Communication and the Secretary of State for Planning, the Chief-of-Staff of the Army, Colonel Sagatwa, Ambassador Renzaho, Dr Akingoro and Major Bagaragaza.
All the passengers and crew perished in that disaster.
2. The objective of the meeting was to adopt urgent security measures to prevent possible excesses, reassure the population and maintain peace during this period of power vacuum.
Accordingly, the following measures have been taken:
 - Joint UNAMIR-*Gd.N* patrols in Kigali town
 - Defence of sensitive areas (RADIO-RWANDATEL-ELECTROGAZ GIKORODO-GAZSATA fuel depots).
 - Kigali units to defend the respective camps
 - Lt.Colonel *BEMUC* Gasizi to act as interim Army Chief-of-Staff
 - Make a statement to the Nation.
3. UNAMIR Commanding Officer made the following recommendations and wishes:
 - Militia of political parties should remain calm.
 - PG battalion should return to the camp.
 - UNAMIR Commanding Officer should be associated with all meetings relating to military operations in the country.

The Directeur de cabinet provided full collaboration as required by the current situation. He was also requested to enable UNAMIR to monitor the National Documentation Centre (NDC), which was accepted.

4. A decision has been taken to hold a meeting of operational commanders, Army-Gd.N camps and units, on this 7 April 1994, at 10 a.m. Belgian time, to:
 - Inform them of the situation.
 - Introduce the new Commanding Officer to them.
 - Inform them of action to be taken.
 - Exchange ideas.
5. The Directeur de cabinet, UNAMIR Commanding Officer and UNAMIR I/O held a discussion with the Special Representative of the UN Secretary-General who told them how he saw the problem. According to him, the Arusha Peace Accords should never be discarded for that may compromise the mission entrusted to UNAMIR and /or alienate the international community. That is why he proposes that a meeting should be held with the ruling organs of RWAND on this 7 April 1994, at 7.30 a.m. Belgian time, to study the possibility of designating a successor to the President of the Republic. After this meeting, another should be held with diplomatic representatives at 9 a.m. Belgian time, to officially inform them about the situation.

Rapporteur

Ruhoroza J.B.
Lt. Col. Ir

Officers present at the meeting of the night of 6 to 7 April 1994¹¹⁴

Major General Ndindiliyimana Augustin, Chief-of-Staff of *Gendarmerie Nationale*
 General Roméo Dallaire, UNAMIR Commanding Officer
 Colonel Bagosora Théoneste, MINADEF Principal Private Secretary
 Colonel Rusatira Léonidas, Commander of the E.S.M (Officers Academy)
 Colonel Marchal Luc, Commander of the Kigali Sector, UNAMIR
 Colonel Murasampongo Joseph, G1 Army Headquarters
 Colonel Ndengeyinka Balthazar, MINADEF Technical Adviser
 Colonel Muberuka Félicien, Commander of the Kigali camp and Operational Commander
 for Kigali town
 Lt. Colonel Rwabalinda Ephrem, UNAMIR Liaison Officer
 Lt. Colonel Kayumba Cyprien, Chief of Logistics at MINADEF and Officer on duty at
 MINADEF for the week
 Lt. Colonel Rwamanywa Augustin G4 Army Headquarters
 Lt. Colonel (Gendarmerie) Rwarakabije, G3 *Gendarmerie Nationale* Headquarters
 Lt. Colonel Kanyandekwe Emmanuel, officer at Army Headquarters
 Lt. Colonel Ndahimana J.M. Vianney, Commander of Army base
 Lt. Colonel Ruhorahoza Jean Basco, Officer at Army Headquarters
 Major Gakara Théophile, G1 *Gendarmerie Nationale* Headquarters
 Major Nzuwonemeye François Xavier, Commander of reconnaissance battalion
 Major Ntamagezo Gérard, duty Office at Army Headquarters for the week

Members of the "Crisis Committee"

Major General Ndindiliyimana Augustin
 Colonel Bagosora Théoneste
 Colonel Gatsinzi Marcel
 Colonel Rusatira Léonidas
 Colonel Ndengeyinka Balthazar
 Colonel Muberuka Félicien
 Colonel Renzaho Théophile
 Colonel Murasampongo Joseph
 Lt. Colonel Rwabalinda Ephrem
 Lt. Colonel Kayumba Cyprien
 Lt. Colonel (Gendarmerie) Rwarakabije Paul
 Major (Gendarmerie) Gakara Théophile

¹¹⁴ Compiled on the basis of various testimonies, it is not certain that this list is exhaustive.

Press release from the Ministry of Defence ⁽¹¹⁵⁾

It is with great sorrow that the Ministry of Defence announces to the People of Rwanda the sudden death of the Head of State, His Excellency Major General Juvénal Habyarimana, which occurred on this 6 April 1994 at Kanombe, as the plane in which he was returning from Dar-Es-Salaam was shot down by unidentified elements, in circumstances yet to be clarified.

On board the same plane was His Excellency Ntaryamira Cyprien, President of the Republic of Burundi who perished along with two of his Ministers accompanying him.

The Chief-of-Staff of the Rwandan Army, General Nsabimana Déogratias, Ambassador Renzaho Juvénal, Colonel Sagatwa Elie, Dr Akingengye Emmanuel and Major Bagaragaza Thaddée and the entire crew also perished in this accident.

The Minister of Defence requests the people of Rwanda to remain steadfast in the face of this sad event and avoid any act likely to cause a breakdown of law and order.

It requests the Armed Forces, in particular, to be vigilant, protect the population and maintain the courage and clear-sightedness that they have always shown in difficult moments.

It also recommends that the population stay at home and wait for further instructions.

(Signed by order)

Colonel ~~EM~~S Bagesora Théoneste
Principal Private-Secretary at MINADEF

¹¹⁵ This press release was written in the night of 6-7 April by Lieutenant Colonel Kayumba and read on the radio at 6.30 am

Report of Captain Apedo

(Original in English)

DRAFT

Press Release from the Rwandan Armed Forces ⁽¹¹⁶⁾

Following the sudden death of the Chiefs-of-Staff of Rwanda and Burundi and their retinue, Senior Officers of the Armed Forces held a meeting on this day, 7 April 1994, at the *Ecole Supérieure Militaire* [Officers Academy] to examine the security situation in the country, in general, and in the Kigali town *préfecture*, in particular, as well as steps to be taken in order to rapidly restore law and order and enable the institutions of the country to resume their normal activities.

All members of the Armed Forces have been shocked by this tragic event and extend their condolences to the families of the two Heads of State and to the other bereaved families.

After an overview of the current situation in the country, in general, and in Kigali town, in particular, participants in the meeting adopted the following decisions and recommendations:

1. Do everything, in collaboration with the other departments concerned, to return the country rapidly to normality.
To this end, members of the Armed Forces are urged to surpass themselves and exercise restraint and discipline in order to reassure the population and restore peace to the country.
2. Create conditions propitious for the country's governing organs to work in serenity. Thus, on behalf of the Rwandan Armed Forces, participants urge political leaders to step up efforts to discharge their duty, particularly, during this crisis period.
It is within this context that the Government in place is requested to perform its functions; similarly, political authorities concerned are called upon to expedite the setting in place of the transitional organs provided for in the Arusha Accords.
3. Participants in the meeting have set up a Crisis Committee to closely monitor the security situation in the country and lend support to political leaders. These leaders were thus requested to take advantage of such contribution to take the country out of the crisis.
4. Senior officers of the Rwandan Armed Forces request the population to stay calm and refuse any requests likely to arouse all sorts of hatred and violence.
The population, in particular, the youth must refrain from acts of vandalism under pain of severe punishment.
5. Due to security problems, participants in the meeting request *préfecture* authorities to examine the security situation in their jurisdictions including the possibility of a curfew.

¹¹⁶ This press release was written by Colonel Bagosora at the beginning of the afternoon, on 7 April 1994, and broadcast over the radio 5.20 pm

They again call upon the population to brave the hard times we are going through so that peace can return without delay.

Done in Kigali, on 7 April 1994

(Signed)

Lt. Col. *BEMS* Bagosora Théoneste
Directeur de cabinet at MINADEF

DRAFT

**Additional Protocol to the Memorandum of Understanding
between the political parties due to participate in the
Transitional Government signed on 7 April 1992 between the
MRND, MDR, PSD, PDC and PL political parties**

The MRND, MDR, PSD, PDC and PL political parties;

Considering the critical situation of institutional vacuum created by the tragic death of His Excellency the President of the Republic of Rwanda;

Considering the untimely death of Her Excellency the Prime Minister and of some of her Cabinet ministers;

Duly taking into account the wish of the representatives of the PSD party, in view of the peculiar situation prevailing within the party leadership;

Pursuant to Article 3 of the Peace Agreement signed in Arusha on 04/8/1993 and Article 22 of the Protocol Agreement on miscellaneous issues and final provisions signed on 03/8/1993;

Pursuant to the Constitution of the Republic of Rwanda of 18 June 1991, particularly Articles 42 and 43 thereof;

Considering the Memorandum of Understanding of 7 April 1992 as amended to date;

DO HEREBY AGREE AS FOLLOWS:

Article 1:
The Memorandum of Understanding of 7 April 1992 between the MRND, MDR, PSD, PDC and PL political parties, as amended on this day, has been modified and completed by the provisions of this Additional Protocol.

Article 2:
The parties to this Protocol agree to take immediate steps to replace the fallen Prime Minister.
The nominee for the post of Prime Minister shall be presented to the Interim President of the Republic for appointment.

Article 3:
Upon appointment, the Prime Minister shall consult with the political parties which are signatories to this Additional Protocol, in order to draw up the list of cabinet ministers allocated to each political party, in accordance with Article 6 of the Memorandum of Understanding of 07/4/1992.

Within a period not exceeding two days, the Prime Minister shall submit the list of the cabinet ministers to the Interim President of the Republic for approval and appointment.

Article 4:

The parties to this Additional Protocol agree to assign to the Government the following mission:

- a) To ensure the effective running of State duties with particular emphasis on quickly re-establishing law and order and the security of persons and their property.
- b) To continue negotiating with the Rwandan Patriotic Front with a view to putting in place the organs of the Broad-Based Transitional Institutions, within a period not exceeding six weeks.
- c) To make all possible efforts to solve the problem of food shortages by finding ways and means of assisting the populations in danger in some *provinces* and assisting the war-displaced people.

Article 5:

The provisions of the Memorandum of Understanding of April 1992 that have not been amended or replaced by the provisions of this Protocol, shall remain in force.

Done in Kigali, on 8 April 1994

For the MRND

- Matthieu NGIRUMPATSE
President
- Edouard KAREMERA
First Vice President
- Joseph NZIRORERA
National Secretary

For PSD

- Hyacinthe NSENGIRUMVA RAFIKI

**Member of the Political Bureau
Committee**

- François NDUNGUTSE
Member of the Political Bureau

For the MDR

- Froduald KARAMIRA
Second Vice President
- Dr. Donat MUREGO
Executive Secretary

For PDC

- JMV SIBOMANA

Member of the Steering

- and Alternate Legal Representative
- Gaspard RUHUMULIZA
Member of the Political Bureau
- Célestin KABANDA
Member of the Political Bureau

For PL

- Justin MUGENZI
President
- Agnès NTAMABYALIRO
First Vice President

DRAFT

Presidential Decree of 8 April 1994 on the Appointment of the Prime Minister

I, Doctor Théodore SINDIKUBWABO,
Interim President of the Republic,

Pursuant to the Arusha Peace Accord signed on 04 August 1993, between the Government of the Republic of Rwanda and the Rwandan Patriotic Front, particularly Article 3 thereof, as well as Article 22 of the Protocol Agreement on miscellaneous issues and final provisions;

Pursuant to the Constitution of the Republic of Rwanda of 10 June 1991, particularly articles 42 and 44 (1) thereof;

DO HEREBY:

Article 1:

Appoint Mr. Jean KAMBANDA as Prime Minister of the Republic of Rwanda.

Article 2:

This Decree comes into force on the day of signature.

Kigali, 8/04/1994

Dr. Théodore SINDIKUBWABO

President of the Republic

Presidential Decree of 8 April 1994 on the appointment of Cabinet Ministers

**I, Dr. Théodore SINDIKUBWABO,
Interim President of the Republic,**

Pursuant to the Arusha Peace Accord signed on 04 August 1993, between the Government of the Republic of Rwanda and the Rwandan Patriotic Front, particularly Article 3 thereof, as well as Article 22 of the Protocol Agreement on miscellaneous issues and final provisions;

Pursuant to the Constitution of the Republic of Rwanda of June 1991, particularly articles 35, 42, 44(1) and 49 thereof;

HAVE ORDERED AS FOLLOWS:

Article 1:

The following have been appointed Cabinet Ministers of the Government of the Republic of Rwanda:

1. Mr. Jérôme BICAMUMPAKA, Minister of Foreign Affairs and Cooperation;
2. Mr. Faustin MUNYAZESA, Minister of Interior and Communal Development;
3. Mrs. Agnès NTAMABYALIRO, Minister of Justice;
4. Mr. Augustin BIZIMANA, Minister of Defence;
5. Dr. Straton NSABU MUKUNZI, Minister of Agriculture and Animal Husbandry;
6. Mr. André WAMANA MBA, Minister of Primary and Secondary Education;
7. Dr. Daniel MBANGURA, Minister of Higher Education, Scientific Research and Culture;
8. Mr. Emmanuel SINDABAKUNZI, Minister of Finance;
9. Mr. Roger MUGISHANEZA, Minister of Public Service;
10. Mr. Eliezer NYITEGISHA, Minister of Information;
11. Mr. Justin MUGENZI, Minister of Commerce, Industry and Crafts;
12. Mr. Augustin NDIRABATWARE, Minister of Planning;
13. Dr. Casimir BIZIMUNGU, Minister of Health;
14. Mr. André NTAGURURA, Minister of Transport and Communications;
15. Mr. Jean de Dieu LABINEZA, Minister of Labour and Social Affairs;
16. Mr. Raphaël Hyacinthe NSENGIYUMVA, Minister of Public Works and Energy;
17. Mr. Gaspard KUHUMULIZA, Minister of Environment and Tourism;
18. Mrs. Pauline NYIRAMASUHUKO, Minister for Family Affairs and Gender Promotion;
19. Mr. Callixte NZABONIMANA, Minister for Youth Affairs.

Article 2:

This Decree comes into force on the day of signature.

Kigali, 8/04/1994

Dr. Théodore SINDIKUBWABO

President of the Republic

DRAFT

A communiqué issued by the High Command of the Rwandan Armed Forces

Following the tragic events that befell our country starting from 6 April 1994, which led to the death of several innocent victims and brought about distress to all the people of Rwanda; and following the cold-blood murder of 10 UNAMIR soldiers and some other foreigners; the High Command of the Rwandan Armed Forces believes that it is time to put an end to this tragedy.

To this effect, the High Command of the Rwandan Armed Forces would like to meet with the High Command of the RPF to discuss together how to immediately bring about peace in the country and to contribute to the immediate installation of the Broad-Based Transitional Institutions, in order to put an end to the bloodbath of innocent people.

The High Command of the Rwandan Armed Forces recognizes the untiring efforts of the UNAMIR, which have sometimes met with obstacles, aimed at the full implementation of the Arusha Agreement; and requests the UNAMIR to act as a mediator in the negotiations proposed in the preceding paragraph.

The High Command of the Rwandan Armed Forces proposes a cessation of hostilities, in order to facilitate this dialogue and to stop panic among the population. In order to achieve this, the Rwandan Armed Forces would like to propose to the RPF Forces that there be a ceasefire with effect from midday on 13 April 1994.

The following officers, who attended the meeting, have signed on behalf of the High Command of the Rwandan Armed Forces:

- Colonel Gervais RUSATIRA
- Colonel BEM Marcel GUSINZI
- Colonel BEMS Felicien MBERUKA
- Colonel BEMSC Joys NIWIRAGABO
- Colonel André KANYAMANZA
- Colonel Joseph MURASAMPONGO
- Colonel Edouard HAKIZIMANA
- Lieutenant Colonel BEM Ephrem RWABALINDA
- Lieutenant Colonel BEMS Augustin RWAMANYWA
- Lieutenant Colonel Emmanuel KANYANDEKWE

Done in Kigali, on 12 April 1994

*Statement by Sergeant George Aboagye***Statement**

(The statements by the five Ghanaian soldiers are identical, literally word-by-word. They visibly copied a text, probably the one drafted by the highest ranked among them. That is why I will reproduce here only the statement by Sergeant Aboagye)

Name: Aboagye George
 ID Nr. B 5181
 Rank: Sgt.
 Coy: E
 Plt: 1

[Pp. 141-142 Original in English]

On Monday 4th April 1994, five of us were detached on duty at the Prime Minister's Residence by our OC Captain Addo to provide internal security within the Prime Minister's house.

Then on the 6th of April 1994 around 8.30 p.m. I monitored in our radio that the President is returning from a conference within fifteen minutes time. After that statement over the radio I saw a plane hovering about in the air. Just within that period I heard two bomb blasts and series of small arms firing. During the firing we were deployed to our firing points.

Meanwhile the gendarmaries [the *gendarmes*] who were her personal guards also took position.

The next day on the 7th April 1994 around 4.30 a.m. to 5.00 a.m. the Belgians [the Belgians] came with four escort cars. Two of the cars were parked outside and two were driven inside the yard.

The guard commander approached them for their mission and they answered that they are coming to see the Prime Minister. After that they knocked the door but the woman did not answer.

Meanwhile a van was coming towards the house and so the Belgians also took cover. While I was at the firing point I saw some of the body guards cutting the "barb" wire. A few minutes later I saw the woman and the family passing through that pavement together with the gendarmaries around 6.30 a.m. to 7 a.m.

We were then left with the Belgium soldiers. About 7.15 a.m. we were surrounded by the Government Forces and ordered to put our arms down at gun point. We were then doubled (?) to a waiting vehicle (which) drove us to their camp.

At the camp we aligned (?) from the van and (were) ordered to sit down. The soldiers at the camp rushed on us and started beating us from all angles, some with rifles, sticks, iron bars and stones. This made me sustain injuries on both my left leg and sworn (swollen?) hands.

There the UN observer asked us to enter into the guards' resting room. During the course of the assault, four of the Belgians collapsed while the rest of us were pushed into the resting room. Few minutes later some soldiers forced the door open and one Belgian was fired at close range. Meanwhile the UN observer was also beaten and forced to leave the area. We the Ghanaian soldiers (were) later separated from the Belgians and sent to another place.

While moving we heard rapid firing outside the resting room. We were escorted to another place together with the UN observer. The escort later informed the UN observer that the FC (Dallaire) has come to the camp (E.S.M.). The observer approached the FC and briefed him what has happened. The FC called us and asked one of the gendarmes officer to provide vehicle to convey us to UNAMIR HQ.

(signature)
17/4/1994

Information Note

On the 6th day of the month of May 1994

We, Colonel Joseph MURASAMPONG, Major Modomir MUGARAGU and Captain Alexandre MUGARURA, chairman, member and secretary, respectively of the Commission set up by letter No. 0666/OFF/2.3 of 22 April 1994 from the Chief of Staff of the Rwandan Armed Forces to inquire into the death of ten Belgian peacekeepers of the UNAMIR which occurred on 7 April 1994 at Kigali Camp; being in Kigali Camp;

Do hereby report to the Chief of Staff of the Rwandan Armed Forces in Kigali, as follows:

1. CHRONOLOGY OF EVENTS

On 7 April 1994, Major Bernard NTUYAHAGA left his residence on board a minibus, traveling to the Headquarters of the Rwandan Army, where he currently works. On arrival at the *Ecole Supérieure Militaire*, he was stopped by some UNAMIR soldiers (whites and blacks) who asked him for a lift to their office situated in the Kigali Camp, stating that they had an urgent message to deliver to their commanders. They boarded the vehicle and he drove them up to their duty post, where they found some other UNAMIR soldiers. He proceeded to his place of work. Those peacekeepers were received by the UNAMIR team in a normal atmosphere, in spite of the consternation that could be read on the face of everyone present, following the death of the Head of State and that of the Chief of Staff of the Rwandan Army.

After their arrival at the Kigali Camp, rumour seems to have gone around that the UN peacekeepers who had assassinated the two Presidents of Rwanda and Burundi, along with their respective entourages, had just been captured and were being kept at the Kigali Camp. Upon hearing this false message, the soldiers of the Kigali Camp went berserk all of a sudden, forcing open the doors to the armouries and subsequently pouncing on the UN peacekeepers. They killed four of the peacekeepers on the spot and the other six were killed after a Belgian lieutenant from among the UN peacekeepers grabbed a weapon from a Rwandan corporal, who has not yet been identified, and shot him dead as he tried to force his way into the room where the peacekeepers were, in an attempt to drive them out. It was total madness. Various Rwandan Army officers present tried to intervene but to no avail, as reported in their respective statements. Anyone who tried to assist the peacekeepers was repulsed by firepower.

2. WHAT DOES THE LAW SAY?

The above-mentioned acts are punishable by the Rwandan Military Penal Code, specifically under article 452 (2), (3), (4) and (7) thereof, which stipulates the nature of military offences. Some individuals may also be charged for failing to assist a person in danger.

3. PERSONS INTERROGATED:

- Lt. Col. NUBAHA, who was the Commanding Officer of the Kigali Camp at the time of the incident;
- Lt. Col. J.G. J.M. Wanney NDAHIMANA, who was the BASE Commander, Rwandan Armed Forces, at the time of the incident and who came to the scene;
- Lt. Col. Emmanuel KANYANDEKWE, the G3 Bureau Officer at the Army Headquarters, who also came to the scene;
- Major Gérard NYAHAGA, the G4 Bureau Officer, who took the peacekeepers to the Kigali camp;
- Major Gérard TAMAGAZO, who was the duty officer at the Rwandan Army Headquarters;
- Chief Warrant Officer Jean Léonard SEBUTIYONGERA, resident non-commissioned officer at the Kigali Camp and who came to the scene;
- Chief Warrant Officer Ephrem KAGANGO, resident non-commissioned officer at the Kigali Camp, based at the Headquarters of the Rwandan Army and who came to the scene.

The commission would have wished to interview Major General Roméo DALLAIRE, the UNAMIR Commander who, in the presence of Lt. Col. Laurent NUBAHA, was informed by a UN peacekeeper of Malian or Senegalese nationality, who had been released by the mutineers, about the situation in the Kigali Camp. From that interview, we would have been able to know whether there was any attempt to save the situation. Some peacekeepers had just been killed but some others were still alive.

4. SHARE OF RESPONSIBILITY:

The killers of those peacekeepers were certainly the Rwandan soldiers who were in Kigali Camp at the time of the incident. Nevertheless, from all the interviews we carried out, it is obvious that the confusion and the brutality at the scene could not allow for identification of the individual killers. In any case, the rumour that went around and was taken for the truth by the soldiers, following an opinion that had emanated from some Rwandan political circles against the Belgian soldiers because of their behaviour during the period of hostilities in Rwanda was the direct cause of the incident.

As a matter of fact, the coming of the Belgian soldiers as part of the UNAMIR contingent that was to provide protection for Kigali City had been vehemently opposed by some political circles. After their arrival, the Belgian soldiers themselves are alleged to have compromised their position through their own behaviour:

- They are alleged to have attacked the home of Jean Bosco BARAYAGWIZA, an influential member of the CDR;
- According to some witnesses, they are alleged to have manhandled Colonel SERUBUGA's daughter;
- People wearing the medal of the President were often harassed by the Belgian peacekeepers at roadblocks;
- These facts were spread and propagated into the national opinion by newspapers and the radio.

In addition to what was already believed, the last straw that broke the camel's back was the shooting down of the *Mystère 50* presidential jet, as it was about to land at Kanombe Airport, which was then guarded by Belgian peacekeepers. The soldiers lost their President H. BYARIMANA, their Army chief of Staff, Major General Progratias NDAYIMANA and their physician, Doctor Emmanuel AKINGENEYE, to mention but a few. The spontaneous and uncontrolled reaction by the enraged soldiers, whose level of understanding could not enable them to gauge the consequences of their action, led to the death of the ten Belgian peacekeepers and of many others. That is indeed regrettable. As shown in the interview reports, no one gave the orders to attack the peacekeepers and nobody planned their murder. But was it not possible to reduce the damage? What is obvious is that the mutineers repelled any Rwandan military officer who tried to save the Belgians. The officers could not use force, as they did not have any means to stop the mutineers by force of arms, because of the provisions of the Arusha Peace Accord regarding the consigning of weapons. A look at the Arusha Peace Accord and the Kinihira Protocol enables one to determine who had the possibility to limit the damage: it was none other than the UNAMIR in general and the Belgian contingent of the UNAMIR in particular, whose mission was to provide security within the city of Kigali. So, what was their reaction?

General DALLAIRE of the UNAMIR was aware of the presence of the ten peacekeepers in Kigali Camp and knew that their lives were in danger. Could the UNAMIR military observers in Kigali Camp have tried to do something, or to alert the UNAMIR Command, in order to stop the soldiers from breaking into the armouries they were supervising? Charging the UNAMIR Command with failure to assist people in danger whereas it was informed of the situation and it had the necessary means to do so can only be possible after hearing its side of the story, because it was indeed that organ that was responsible for security in the city of Kigali.

5. CONCLUSION:

The degradation of the tactical situation in the operational sector, particularly in the city of Kigali and the ever-increasing confusion throughout the country, which is now engulfed in a full-scale civil war since the killing of President HABYARIMANA on 6 April 1994 cannot, at the moment, allow the Commission to continue with its investigations. We are therefore forwarding to you these bits and pieces of fresh information and we suggest that investigations continue as soon as the situation can allow.

We certify that this report is correct to the best of our knowledge.

For the Commission:

- Colonel Joseph MURASAMPONCO (signed)
- Major Léodomin MUGARAGU (signed)
- Captain Alexandre MUGARURA (signed)

Chronology of events
(time lags of up to 15 minutes are possible)

6 April 1994

- 20.22 The President's plane is shot down as it comes in to land at Kanombe Airport.
- 20.45 Belgian troops from UNAMIR and CTM are blocked within and around the Airport.
- 21.00 General NDINDILYIMANA arrives at the Airport.
- 21.00 Colonel BAGOSORA, on his way home, hears of the shooting down of the plane. He proceeds to the Army Headquarters, via the Ministry of Defence.
- 22.00 General DALLAIRE arrives at the Army Headquarters.
- 22.30 The *Gendarmerie* evacuates MRND dignitaries from Kimihurura.
- 23.30 General DALLAIRE, Colonel BAGOSORA and Lt. Col. RWABALINDA go to Mr. BOOH BOOH's residence
- 23.30 Colonel Marchal arrives at the Army Headquarters.

24.00 Colonel RUSATIRA briefly appears at the Army Headquarters.

7 April 1994

- 01.00 DALLAIRE and BAGOSORA are back at the Army Headquarters.
- 01.30 Colonel BAGOSORA leaves the Army Headquarters.
- 04.15 A section of UNAMIR is repelled when it tries to mount guard at the plane wreckage site.
- 05.30 Two teams of the mortar platoon manage to reach the Prime Minister's residence; they are immediately caught up in an exchange of fire.
- 06.30 Attack on the residence of F. NGANGO of PSD.
- 06.30 The Ministry of Defence issues a statement over the radio.
- 07.00 Attack on the residence of B. NGURINZIRA of MDR.
- 07.00 Colonel BAGOSORA arrives at the Ministry of Defence for a meeting with MRND leaders.
- 07.30 Attack on the residence of J. KAVARUGA ADA, President of the Constitutional Court.
- 08.30 The Prime Minister flees her residence and hides in a neighbour's house.
- 08.45 The mortar platoon is stopped from protecting the Prime Minister.
- 08.55 The 15 peacekeepers (10 Belgians and 5 Ghanaians) are escorted to Kigali Camp.
- 09.00 The peacekeepers arrive at Kigali Camp.
- 09.00 BAGOSORA, NDINDILIYIMANA and DUBALINDA arrive at the residence of Ambassador RAWSON of the United States.
- 09.06 Contact between Lieutenant LOTI and Lieutenant Colonel DEWEZ on the Motorola network; at the same time, the Belgian peacekeepers are attacked by "angry" Rwandan soldiers.
- 09.10 The place where the peacekeepers are detained is identified.
- 10.15 Beginning of the meeting at ESM.
- 10.45 General DALLAIRE passes by the Kigali Camp and sees the peacekeepers on the ground.
- 11.00 DALLAIRE goes for the meeting at ESM.
- 11.30 Attack on the residence of LINDASINGWA of PL.
- 12.15 End of the meeting at ESM, BAGOSORA proceeds to Kigali Camp.
- 12.30 End of the resistance of the last Belgian soldier at Kigali Camp.
- 13.30 BAGOSORA arrives at the Ministry of Defence; DALLAIRE is waiting for him there.
- 14.30 NDINDILIYIMANA arrives at the Ministry of Defence; telephone contact with RPF.
- 16.11 The RPF battalion leaves its encampment and fights with the Presidential Guard.
- 16.15 Colonel GATSINZI arrives in Kigali; Colonel BAGOSORA proceeds to Kimihurura, then to Kanombe.
- 17.20 A communiqué issued by BAGOSORA is read over the radio.
- 19.00 Meeting of the Crisis Committee at ESM.
- 20.30 The bodies of the Belgian peacekeepers are discovered in the morgue at Kigali Hospital Centre.

21.30 DALLAIRE informs MARCHAL of the death of the peacekeepers; Lieutenant Colonel DEWEZ orders a Battalion roll call; NDINDILYIMANA spends the night at the *Hôtel des Diplomates*.

8 April 1994

08.00 The Crisis Committee holds a meeting at ESM.

08.30 BAGOSORA proceeds to the Ministry of Defence where political negotiations are scheduled to take place.

13.00 Beginning of the political negotiations.

16.00 End of the negotiations.

17.30 The "Interim" authorities are introduced to the Crisis Committee at ESM.

22.00 End of the installation meeting at ESM

9 April 1994

03.43 Landing of the first French troops.

10.00 Swearing-in ceremony for the President and members of the "Interim" Government at the *Hôtel des Diplomates*

DRAFT

Abbreviations

ADL	<i>Association Rwandaise pour la défense des droits de la personne et des libertés publiques</i> Rwandan Association for the Defence of Human Rights and Public Freedoms
ANT	<i>Assemblée nationale de transition</i> Transitional National Assembly
APR	<i>Armée patriotique rwandaise</i> Rwandan Patriotic Army
CDR	<i>Coalition pour la défense de la république</i> Coalition for the Defence of the Republic
CIA	Central Intelligence Agency (USA)
CLADHO	<i>Collectif des ligues des associations et des droits de l'homme</i> Federation of Human Rights Leagues and Associations
CND	<i>Conseil national de développement</i> National Development Council (Parliament)
CNDD	<i>Conseil national pour la défense de la démocratie</i> National Council for the Defence of Democracy (Burundi)
CTM	<i>Coopération technique militaire</i> Military Technical Cooperation (Belgium)
DAMI	<i>Détachement d'assistance militaire à l'instruction</i> Detachment for Military Training Assistance (France)
EGSE	<i>Direction générale de la sécurité extérieure</i> General Directorate for External Security (France)
DMI	Department of Military Intelligence (RPF)
DOM-TOM	<i>Département/Territoire d'outre-mer</i> Overseas Department/Territory (France)
ESM	<i>École supérieure militaire</i> Senior Military Staff College
ETO	<i>École technique officiel</i> Official Technical College (Kicukiro)
FAR	<i>Forces armées rwandaises</i> Rwandan Armed Forces
FDD	<i>Forces pour la défense de la démocratie</i> Forces for the Defence of Democracy (Burundi)
FPR	<i>Front patriotique rwandais</i> Rwandan Patriotic Front

FRODEBU	<i>Front pour la démocratie au Burundi</i> Front for Democracy in Burundi
GIGN	<i>Groupe d'intervention de la gendarmerie nationale</i> Intervention Group of the National Gendarmerie (France)
GTBE	<i>Gouvernement de transition à base élargie</i> Broad-Based Transitional Government
KWSA	Kigali Weapons Secure Area (UNAMIR)
MDR	<i>Mouvement démocratique républicain</i> Democratic Republican Movement
MINUAR	UNAMIR
MRND	<i>Mouvement républicain national pour la démocratie et le développement</i> National Republican Movement for Democracy and Development
OACI	ICAO (International Civil Aviation Organization)
ONATEL	<i>Office national des télécommunications</i> National Telecommunications Board (Burundi)
ONU	UNO
OZRT	<i>Office zairois de radio-télévision</i> Radio and Television Board of Zaire
PAFE	<i>Police de l'air des frontières et des étrangers</i> Air, Border and External Police (Burundi)
PARENA	<i>Parti pour le redressement national</i> National Renewal Party (Burundi)
PDC	<i>Parti démocrate chrétien</i> Christian Democratic Party
PDI	<i>Parti pour la démocratie islamique</i> Islamic Democratic Party
PL	<i>Parti libéral</i> Liberal Party
PSD	<i>Parti social-démocrate</i> Social Democratic Party
ROE	Rules of Engagement (UN)
RTL	<i>Radio-télévision libre des mille collines</i>
SARM	<i>Service d'action et de renseignement militaire</i> Department of Military Action and Intelligence (Zaire)
SGR	<i>Service général du renseignement</i> Directorate of Intelligence Services (Belgium)
SOJEDEM	<i>Solidarité jeunesse pour la défense des droits des minorités</i> Youth Solidarity for the Defence of Minority Rights (Burundi)
UPRONA	<i>Union pour le progrès national</i> Union for National Progress (Burundi)