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EXD-5

GENERAL NDINDILYIMANA'S DOCUMENT

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CRITICAL OBSERVATIONS ON THE BOOK

“Leave none to tell the story. Genocide in Rwanda.”

By Alison des Forges, a Consultant for Human Rights Watch

Karthala Publishers, 1999

By Augustin NDINDILYIMANA

Major-General

Former Minister

Former Chief of Staff of Rwanda's *Gendarmerie* [National Police]

Brussels, 13 October 1999

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Rue au bois, 488
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13 October 1999

Madam Alison Des Forges
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Dear Madam,

Subject: My remarks on the content of your book: "Leave none to tell the story. Genocide in Rwanda."

After reading your book "Leave none to tell the story. Genocide in Rwanda", published by Karthala (1999), I feel obliged to express my comments and views to you in order to contribute towards the discovery of the truth. It is, in fact, regrettable that in spite of our discussion in Brussels on 19 October 1997, you persisted in canvassing inaccurate information and interpretations about events that I witnessed first hand. In your voluminous work, you posit ideas, concepts and arguments that, alas, need to be qualified, and even contradicted where they are truly baseless.

I would like to stress that given the scope of the Rwandan tragedy and of its consequences, legally and humanly speaking, it is difficult to approach the issue in a neutral and objective manner. Since the tragic events of 1994, issues concerning Rwanda have often been approached partially and passionately.

Furthermore, I note, with Prof. Filip Reyntjens in his letter addressed to me on 1 December 1998, that "*clearly, there are people who are not interested in the discovery of the truth and who, on the contrary, are pursuing political strategies*".

Lastly, I also note that it is difficult for Rwandan and non-Rwandan political leaders to acknowledge certain factual realities, particularly when these facts implicate them in one way or the other.

It is, therefore, vital that the reader be well informed and that counter arguments be made to avoid the risk of suggesting that some people have an interest in stifling the truth.

You know that I would have liked to contribute to the search for the truth during the work of the *Commission spéciale du Sénat Belge* [The Special Commission of the Belgian Senate]. I specially addressed a request, in writing, to the Commission to that effect.

You are also aware, since we talked about it, that some people hindered and denied me the right to testify publicly, and launched a virulent defamation campaign against me in order to discredit me and to prevent me from being granted international refugee status. That refusal was all the more surprising if one recalls that my arrival in Belgium was organised in June 1994 with the agreement of Minister Claes himself, who expressed the wish, in writing, that I testify on the murder of the 10 Belgian peacekeepers. My counsel at the time took numerous steps, in vain, to get the Commission to grant me a hearing.

It is important that the people of Rwanda and the international community know the truth about the situation, so that the Rwanda's history can be written correctly.

In this document, I revert to issues that seem important to me, all the more so as some of these facts are relied on to support the view that the genocide was planned by the entire State apparatus. I also suggest questions that should be answered in order to conduct more detailed investigations.

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- 4.6 Regarding the death of the peacekeepers, there are still uncertainties about the circumstances of their death and the number of victims.....
- 4.7 You write (p. 192): "The afternoon of April 7, both Bagosora and Ndindiliyimana told Dallaire that the killings at Camp Kigali showed that it might be best for the Belgian troops to leave Rwanda.".....
[Sub-paragraphs 4.8 to 4.14 not included in this translation]
1. List found in the vehicle of the Army Chief of Staff (pp. 99 and 100)

See:

- *Rapport du groupe ad hoc Rwanda à la Commission des affaires étrangères du 7.1.97* [Report of the Ad hoc Group on Rwanda to the Foreign Affairs Commission, dated 7 January 1997], p. 68, "*Constitution des listes d'exécution*";
- Testimony of A. Ndindiliyimana before the *Commission spéciale Rwanda* [Special Commission on Rwanda], 22 April 1997, p.15;
- *Commission spéciale Rwanda*. Summary records. Hearing of Nsanzuwera on 22 April 1997, p. 321;
- Letter, Canon Dr. James K. Gasana, former Rwandan Minister of Defence, dated 8 August 1998 (explanation on the list found in 1993);
- André Guichaoua (1996). "*Les crises politiques au Burundi et Rwanda*", 1993-1994, pp. 612-613, pp. 662-667;
- Colette Braeckman (1994). *Rwanda. Histoire d'un génocide*, p.226
- *Pro justitia* Case-file No. 52.99.1726/98. Transcript 16525;
- Mr. Nsanzuwera's letter to the Rwandan Minister of Justice, Brussels, on 20 May 1997;
- *Commission spéciale Rwanda*, hearing of Mr. Nsanzuwera, 22 April 1997 (speaking about a *gendarme* investigating officer in the Gatabazi case).

This is the famous "*liste de personnes à tuer*" [List of persons to be killed], presented by some researchers and some media organizations as one of the irrefutable proofs that the genocide was planned.

I am cited among the people who allegedly knew about that list but failed to warn the persons targeted.

On this issue, you could (pp.121-123), at least, have informed your readers that I was the one who found the list.

So, who better to talk to you about it than myself?

Certain facts need to be recalled. As I was driving in the same direction as General Deogratias Nsabimana, following his accident, I first drove the injured to the hospital. I came back to the scene of the accident and collected the weapons and documents aboard the vehicle. An open envelope drew my attention. When I checked to see what was inside, I found that it contained a list. I found this envelope on 6 March 1993 and not at the end of 1993 as claimed by certain people, such as the former Prosecutor, Mr. Nsanzuwera. I took the envelope to the officers of the *Gendarmerie* Staff Headquarters and, as was appropriate in such cases, I handed it over to the Minister of Defence, James Gasana. Mr. Gasana, as stated by him in writing, took concrete measures, particularly by instructing the *Gendarmerie* to conduct an investigation and by informing the Prime Minister's intelligence services. The investigation conducted by the *Gendarmerie* failed to determine the author of the list.

Questioned by my office after his convalescence, the Army Chief of Staff, General Nsabimana, replied that the list came from RPF.

The investigations on the list was entrusted to two officers, namely Lieutenant-Colonel Bavugamenshi, Commander of the VIP company and Major Kayihura of the "*Centre de recherche criminelle et documentation* [Criminal Research and Documentation Centre], who was in charge of the investigation into the murder of Mr. Gapyisi, an MDR politician. Their findings were that the list and the murders were the work of the same persons (without identifying them) whose aim was to commit psychological and selective terrorism.

While the *Gendarmerie* had still not concluded its investigation, one could still wonder who had an interest in that psychological and selective terrorism.

Finding answers to these questions will help clarify this case:

Why did RPF rush, after acceding to power, to search for and recover these files on the murder of the politicians, a fact acknowledged by the late Alphonse Marie Nkubito?

In his letter dated 20 May 1997 to the Rwandan Minister of Justice, the Prosecutor of Kigali, Mr. Nsanzuwera, wrote that some files on the murder of politicians had been closed, including that of Mr. Gatabazi. He also stated that the report of the *gendarmerie* officer in the investigation was not of much use to the Prosecutor. Did the report implicate RPF?

If one could think, as did the *Gendarmerie*, that the compilation of the list and the murders (1993) were probably the work of the same persons, why are the investigations not directed at the people incriminated by Prosecutor Nsanzuwera in Mr. Gatabazi's murder. Is that not the key to the problem?

Colette Braeckman (1994, p. 226) expresses another view on this matter by stating that: "La nuit, des patrouilles du FPR se glissent dans la ville: les jeunes soldats sont munis de listes, ils savent où se trouvent leurs sympathisants, leurs partisans. Eux aussi connaissent l'adresse des Tutsi." [RPF patrols sneak into the town at night, the young soldiers, armed with lists, they know where their sympathizers are, their members. They also know the address of the Tutsi].

In short, could it not be possible that the list belonged to an RPF member who was in Kigali town?

In that regard, the former Prosecutor, F. X. Nsanzuwera, who was one of those who suggested the possibility that the list contained names of persons to be executed could not adduce any evidence to that effect. I would like to add that the list that was presented as evidence that the genocide was planned is the list referred to in A. Guichaoua's book and which lists the names of Hutu and Tutsi from various parties, including MRND, who were living in Rwanda or elsewhere (Canada, Europe, Uganda, ...).

2. Recruitment and training of the *Interahamwe* (p. 144)

See:

- Testimony given by A. Ndindliyimana before the *Commission spéciale Rwanda* on 21 April 1998, p. 14;
- Report of F. X. Nsanzuwera – expert opinion, testimony, Rutaganda trial, Brussels, 21 June 1997 (sent to Mr. Udo Gering, ICTR Kigali, copy to the President of ICTR in Arusha and The Hague).

You mention the episode of the training of *Interahamwe* in Gabiro in December 1993.

At that same time, the Commander of the *Gendarmerie* unit in Kibungo, Major Havugiyaremye, had sent a telegram to the staff headquarters and to all the army and *gendarmerie* units telling them that he had heard that a bus carrying *Interahamwe* from Mutura for military training, had passed through Rwamagana. I ordered that officer to investigate the matter. He sent me a written report stating that the persons on the bus were police park guards who had been on a training exercise. This case that caused a lot of sensation was subsequently discussed by the cabinet of Prime Minister Agathe Uwilingiyimana's Government.

There was no army camp between Gabiro and Kigali. The camp in question was a *gendarmerie* camp. The unit's commander was a *gendarme*. I intervened personally and asked that a report be submitted to me on the matter, and I received a written report as explained above.

Your version of events (p. 144) is, therefore, an extrapolation aimed at lending credence to your theory of a plan involving the entire State apparatus.

3. Information provided by Lieutenant Nees

See:

- Destexhe: "*Qui a tué nos pars?*", pp. 17 and 18 and the programme: "*Les oubliés de Kigali*", R.T.L.

I quote:

"La mise en place du réseau Nees: ... le 8 janvier, Nees qui est néerlandophone rapporte l'information suivante: Après que les militaires belges.. Aient commencé à confisquer les armes, les munitions et autres explosifs, il y a de cela quatre jours, M. Ngirumpatse, président du MRND, a réunit hier dans l'après-midi, les responsables des interahamwe pour étudier la riposte qui convient. Dans cette réunion, il y avait, outre le ministre de la défense nationale, le chef d'état major des FAR, celui de la Gendarmerie, les grands responsables politiques du MRND et le président national des interahamwe M. Robert Kajuga. Au termes de cette réunion, outre la manifestation qui a été décidée hier et organisée en vue de contrer ceux qui veulent mettre en place le gouvernement de transition, la réponse à la riposte des militaires belges a été la suivante:"

[Establishment of the Nees network: ... on 8 January, Nees who speaks Dutch gave the following information: Four days after the Belgian soldiers began confiscating weapons, ammunition and other explosives, Mr. Ngirumpatse, the President of MRND, convened a meeting of the *Interahamwe* officials yesterday afternoon to consider the appropriate response. Present at that meeting were, apart from the Minister of National Defence, the Chiefs of Staff of RAF and the *Gendarmerie*, senior MRND political officials and the National President of the *Interahamwe*, Robert Kajuga. At the end of that meeting, apart from the demonstration decided on yesterday and organized in opposition to those who wanted to set up the transitional government, the response to the Belgian soldiers' action was as follows:

1. Never to agree to hand over one's weapon or weapons;
2. MRND will select from among the RAF officers, those in whose homes heavy weapons would be stocked, so that the owners could go and collect them when time came;
3. Change all arms cache locations known up until then;
4. Sensitize the *Interahamwe* to the absolute necessity to defend themselves in the event the Belgian soldiers came to confiscate weapons from one of the MRND members and, if need be, to teach them to fight with stones (*intifada*);

Disrupt the collaboration between:

- The *gendarmes* selected to assist UNAMIR and UNAMIR;
- The civilian population and the Belgian soldiers and UNAMIR.

Most of the people who subscribe to the theory that the genocide was planned by the entire State apparatus rely notably on information provided by Lieutenant Nees in relation mainly to:

- The famous meeting;
- The arms caches;
- The demonstration of 8 January;
- The attitude of the Belgian peacekeepers and what Lieutenant Nees presents as "*la réponse à la riposte des militaires belges*" [the response to the action by the Belgian soldiers] of the Rwandan military authorities and the MRND political leaders.

3.1 The Meeting

See:

- Destexhe, "*Qui a tué nos pairs?*", p. 17, pp. 82-83
- Rwanda. *Documents sur le génocide*, Ed. Luc Pire (see the summons of the Prosecutor, Mr. F. X. Nsanzuwera, quoted on p. 69);
- *La Libre Belgique*, 7 August 1997, "*Génocide rwandais: Belgique terre d'accueil*";
- *Commission spéciale Rwanda*, Summary records. Hearing of Colonel Marchal, 7 March 1997, p. 107 and 14 March 1997, p. 172;
- Comments and observations by Colonel Marchal on the report of the *Commission du sénat belge*, February 1998, pp. 39-40 (Opinion on Nees's information);
- General Dallaire's statement in *Le Soir* newspaper of 7 May 1996 (no UN intelligence service).

That meeting was also cited to prove that the genocide was planned.

It should be noted that the date of that (hypothetical) meeting differs depending on who is telling the story. There is every reason to believe that the meeting is being confused – deliberately or not – with another meeting.

Thus:

- Destexhe puts the date in December 1993;
- The *Rapport du groupe ad hoc* states that it took place on 7 January 1994.

I am convinced that the meeting referred to by Nees is the one that took place on 7 February 1994 (the date of the Nees report!). That meeting was aimed at enhancing trust and collaboration between the Rwandan authorities and UNAMIR.

Colonel Marchal acknowledges that that meeting took place.

Indeed, to the following question asked by Senator Destexhe: "*General Ndindiliyimana is currently charged by the Belgian justice system and enjoys CPAS services in a commune of Brussels region. You ought to be careful (sic!) because you are saying a lot of good things about him whereas the ad hoc report highlights much more negative things about him. In his report of 7 February 1994, Lieutenant Nees describes a meeting during which the response to be given was defined. General Ndindiliyimana was present at that meeting. Moreover, Professor Reyntjens also states that the General is not entirely truthful. What is your reaction to Lieutenant Nees's report (emphasis added)?*". Colonel Marchal replied:

"I do not know of any document, but I am going to share with you my four-month experience which seems to me to have a certain weight compared to what some people who had no contact in terms of collaboration with the gendarmerie coordinators say.... It is obvious that one cannot deny certain events, in particular from 7 April onwards. Nevertheless, those who attended the meeting of 9 April called to iron out the difficulties between the government authorities and UNAMIR were the President, the Minister of Defence of Rwanda, Colonel Bagosora, Colonel Sagatwa, General Nsabimana as well as commanders of the paramilitary battalions of the Presidential Guard." General Ndindiliyimana was not present at that meeting.

While Colonel Marchal confirms the purpose of the meeting (improving relations between UNAMIR and the Rwandan authorities), he confuses the dates. We were, in fact, not yet in April. However, that meeting did take place. I reckon it was held on the date of the Nees report, i.e. on 7 February 1994. The President of the Republic was present at the meeting. I was not.

The flagrant contradictions pointed out in the foregoing invalidate Nees's assertions.

Why has such confusion been entertained and broadcast in the media?

In this connection, the 7 August 1997 issue of the Libre Belgique wrote: "Several intellectuals are living in Belgium. Augustin Ndindiliyimana was Chief of Staff of the Gendarmerie nationale at the time of the genocide; he is accused particularly of not intervening to prevent the perpetration of massacres although he held a position of responsibility in which capacity he attended meetings at which the massacres were allegedly planned."

The reporting of the events is more than muddled. Moreover, it is regularly relayed (by the media, by yourself), thus lending it an air of authenticity. However, one has to accept

the fact that these accounts are truly flights of fancy, riddled with lies, contradictions and untruths.

In fact, is it not a wonder that Nees gives information in February about serious events that reportedly took place in January, whereas it can be inferred from his hearings before the Commission that the zealous officer produced daily reports on the events that took place in Kigali town? The facts reported by Lieutenant Nees are so serious as to have required the intervention of the Rwandan Government, and more particularly that of the Prime Minister and the United Nations Force Commander. It is unlikely, if the meeting took place as described by Nees, that neither Colonel Marchal, UNAMIR Commander in Kigali *secteur*, nor General Dallaire, never received any report from Lieutenant Nees.

On this topic, it is edifying to know that Colonel Marchal, assessing the work done by Lieutenant Nees, stated that:

“As a matter of fact, the party concerned did a lot in terms of information research, but he did not at all do his job at the S2 battalion” (Col. BEMS Luc Marchal, *Rapport Commission parlementaire Rwanda, commentaires et considérations* [Report of the Parliamentary Commission on Rwanda, Comments and Considerations], February 1998, p. 39).

More serious still, General Dallaire, the UNAMIR Commander, recalling that his mission did not have the necessary information network, admitted that:

“It was only through the press that I learned that the Belgians had a network of informants ... But nobody deemed it necessary to inform me about it” (See *“Le Soir”* of 7 May 1996).

I am, therefore, convinced that the alleged meeting of 7 January is obscuring the actual meeting that took place on 7 February 1994.

The 7 February meeting, chaired by the President of the Republic, brought together, among others, the Minister of Defence, Mr. Augustin Bizimana, the Army Chief of Staff, General Nsabimana, General Dallaire and Colonel Marchal. The meeting was held in the wake of some very serious incidents between the Rwandan authorities and certain members of the UN forces, including acts committed by UNAMIR members (throwing stones at the CDR secretary's residence and disarming the Army Chief of Staff).

After that meeting, measures were taken by the UN Force Commander, namely: changing the various missions of the UN units, withdrawing the *gendarmes* guarding the Prime Minister Uwilingiyimana and other VIPs and replacing them with peacekeepers and withdrawing *gendarmes* from security duties at the Kigali airport.

These decisions were in force until 7 April 1994 when RPF resumed hostilities.

Again, some questions remain unanswered:

1. Why does the information provided by Nees seem to be accorded so much importance today and given so much media coverage, for the benefit of the prosecution, whereas it has never been verified nor confirmed?

2. How is that the information that came to light a long time after the events, seem to cast doubt on the statements of officers (including Marchal) who, above all, were Lieutenant Nees's direct superiors?

3. Lastly, who was Lieutenant Nees working for during and after the Rwandan tragedy?

3.2 Arms caches

See:

- Operational procedure for establishing the Kigali Weapons Security Area, 20 December 1993, No. KSHQ/OPS/3/2;
- Ndindiliyimana's testimony of 21 April 1997, p. 14;
- *Rapport du groupe ad hoc*, p. 60;
- Destexhe, "*Qui a tué nos pars?*", p. 17;
- *Rapport de la commission d'enquête parlementaire* [Report of the Parliamentary Commission of Inquiry] 1/611/p. 360;
- Nsanzuwera, Expert testimony: Rutaganda trial, p.4;
- *Commission spéciale Rwanda*, Summary records, hearing of Lieutenant Nees on 7 March 1997, p. 118;
- François Misser "*Vers un nouveau Rwanda*", Luc Pire Publishers, 1995, pp. 18 and 155

When UNAMIR arrived, a protocol relating to the Weapons Security Area was signed by the Minister of Defence, Augustin Bizimana, the President of the APR High Command, Paul Kagame, and General Dallaire. The protocol set out the responsibilities and duties of the forces in the Kigali area as follows: "*The Commander of Kigali secteur is responsible for establishing the Kigali Weapons Secure Area, in collaboration with the Gendarmerie and the local police.*"

In that regard, UNAMIR had sealed the weapons depots of both the Army and the *gendarmerie*; in addition it had all the power to search for arms at all possible cache areas. In fact, UNAMIR never reported any possible arms cache, otherwise measures would have been taken to seize them. UNAMIR contented itself with setting up checkpoints, i.e. waiting on the road to apprehend passersby who might have weapons. Thus, out of 900 checkpoints mentioned in the *Ad hoc* group's report, UNAMIR seized only six weapons from soldiers returning from the war front. Moreover, those weapons were returned to their owners.

Concerning the search operations, the Commander of Kigali *secteur* acknowledged that there were difficulties.

[This document has no Page 13]

3. Where did RPF hide the weapons and ammunition smuggled into Kigali town? Since some peacekeepers were aware of this, why did they not seize them?

4. I come back to the question I put to the *Commission du sénat belge*: Who was to receive the weapon that were secretly brought into Rwanda by the Belgian Army? Is this in any way linked to the UN's refusal to authorize the search for arms caches?

3.3 Demonstrations of 8 January 1994

See:

- *Rapport du groupe ad hoc*, p. 60;
- Hearing of Colonel Marchal, 7 March 1997, p.10; 14 March 1997, pp. 168 and 171;
- Destexhe, "*Qui a tué nos pars?*", p. 17, pp. 83-83;
- J. C. Williame, "*Le parcours de la honte*", p. 97;
- My testimony to the COM-R on 21 April 1997, p. 20

Lieutenant Nees gave information that some people have used without verifying their accuracy and assessing their import. It could even be said that certain persons have fallen into a trap by according greater weight than necessary to this information, which essentially states that the demonstration of 8 January 1994 was aimed at preventing the establishment of the transitional institutions. As a reminder, a rumour was going around that day regarding the establishment of the transitional institutions.

Unfortunately, through intellectually dishonest and confused use of the information provided by Nees, some authors have suggested that the *Gendarmerie* and its chief did not do their duty. These writings rely on the circumstances of the demonstration to accuse the *Gendarmerie* of not doing anything to intervene (Des Forges, 1998, p. 148).

In the same vein, Jean Claude Williame (1998, p. 97) who puts the date of the demonstration at 8 February 1994, writes: "*On 8 February, the Interahamwe barricaded the road in front of the CND, that is the place where RPF was quartered, wrecking several cars and thoroughly smashing a jeep belonging to the peacekeepers. While acknowledging that the crowd movement was uncontrollable, Colonel Marchal refused to allow the peacekeepers to support the Gendarmerie because, as he explained to the Commission, maintenance of law and order was not part of the training received (...)*"

This is a good example of the confusion and misinformation that some protagonists conveniently take advantage of, just like the Nees information.

The truth about the demonstrations is as follows:

The demonstration took place on 8 January 1994. It was organized at the roundabout of *Hôtel Méridien* and the CND. The demonstrators were expressing their opposition to a ceremony for investiture and establishment of the transitional institutions in the absence of the Head of State. A rumour had been going round that the Head of State was not in town. I was at my staff headquarters, not far from the roundabout, when I was informed about the demonstration. I therefore telephoned the Commander of the Road Safety company, Major Munywera, at Camp Muhima, to ask him to send in his unit that was assigned to collaborate with UNAMIR on a permanent basis. I then contacted Colonel L. Marchal to inform him of the situation and to request his permission to deploy the (anti-riot) mobile squad that was at Mount Jari (over 15 km away from the *Hôtel Méridien*), pursuant to the protocol establishing the Kigali Weapons Secure Area. I was granted the permission.

After ordering the Commander of the mobile group to move in to intervene, I went personally to the scene of the demonstration.

When I arrived there, I inquired about the reasons for the demonstration. Having been told the reasons, I explained to the people who were surrounding me that what they heard was only a rumour started by irresponsible persons: as they could see, there was no ceremony planned for that day, and no foreign diplomats and national officials were coming.

I asked the people to go home.

At about 10 a.m., the Head of State passed by with his escort without stopping, followed a little later by the representative of the United Nations Secretary-General, Mr. Booh Booh. On seeing that, most of the people present at the roundabout left while others were coming.

Around midday, the (anti-riot) mobile squad arrived.

It assembled at the roundabout at the Prime Minister's Office, not far from the *Gendarmerie*. I contacted Colonel L. Marchal again and informed him that if the people at the CND roundabout had not all dispersed by 1 p.m., I would ask the mobile squad to intervene.

In the end, that was not necessary because the demonstrators left.

Some writers try to portray the demonstration as having been violent: I must say that it was nothing like that; because had it been like that, *gendarmerie* forces would have intervened and any weapons carried by the demonstrators seized.

Moreover, Colonel Marchal (at his hearing before the COM-R on 14 March 1997), stated with respect to the demonstration that: "*Sometime during the morning, I contacted the*

Gendarmerie which replied to me that the demonstration would end at midday. When I contacted them again later, the Gendarmerie informed me that if the demonstration had not ended at 1.15 p. m. as agreed, it would send in the anti-riot squad. At 1.15 p. m., everything ended calmly."

Contrary to this, you try to suggest to the reader that the demonstration of 8 January was violent and that I allegedly explained to the UNAMIR Belgian officers why the *Gendarmerie* did not intervene.

These are baseless, gratuitous assertions.

Contrary to your statements:

1. The demonstration of 8 January was not at all violent, I saw neither firearms, nor grenades; the *gendarmes* did not intervene, after I had explained what was happening to them, and after they saw the situation, the people dispersed calmly; this is confirmed by Colonel Marchal (COM-R, 14 March 1997).
2. Can you tell me, Madam, the officers to whom I explained "that my *gendarmes* failed to intervene"?
3. You refer (Note 35) to the "*service de police judiciaire auprès de la justice* [Criminal Investigation Department of the Military Court] (in the case of Dewez and Marchal, Annex A/S in Transcript 1210 of 6 November 1995). Yet, on 9 January 1994, Dewez was not yet in Rwanda, according to the KIBAT Report II. He only arrived in March 1994.

What are the consequences of these manipulations?

Just like the incident of 5 January 1994 (attempt by the Belgian peacekeepers to force a faction of the *Parti libéral* into the CND, some people embarked on an adventure, no doubt motivated either by false stories (cf. Nees), or as a biased measure in favour of certain Rwandan political actors.

Similarly, some researchers and investigators who have studied the Rwandan tragedy have wrongly taken Lieutenant Nees to be a reliable source of information that could justify the accusations levelled at alleged planners of the genocide.

In the final analysis, such writings rely on this type of information to assert that UNAMIR's failure was due to impediments put in their way by those who were supposed to collaborate with them.

The following questions, therefore, arise:

1. If the transitional institutions were to be established on 8 January 1994, which people took the decision² to that effect?

2. How were they going to organize the ceremony, given that the Head of State was not informed about it, as confirmed to me by the protocol? No invitations had been issued either to the authorities of the country or to the diplomatic corps, and the *Gendarmerie* Chief of Staff had not received any instruction from UNAMIR about ensuring security.

3. By endorsing Lieutenant Nees's information, did you not take a risk to lend credence to a plan aimed at establishing institutions in the absence of the President of the Republic?

3.4 The attitude of the peacekeepers and what Lieutenant Nees refers to as "*la réponse à la riposte des militaires belges*" of the Rwandan military officials and the MRND political leaders.

See:

- *Rapport de la commission d'enquête parlementaire*, 1/611/7, pp. 365-368;
- *Commission permanente de recours des réfugiés* (Permanent Commission of Assistance to Refugees), Decision No. 96/771/F629/cd.

(Testimony of Colonel Marchal on collaboration with the *Gendarmerie*).

The acts of indiscipline committed by a few peacekeepers do nothing to hide their intentions. Today, one can say that those acts were ultimately aimed at supporting RPF to accede to power.

The following incidents deserve a mention to enable the reader to assess the extent of the indiscipline, and to show why President Habyarimana deemed it necessary to convene the meeting of 7 February 1994.

On 5 January 1994, some Belgian peacekeepers tried, by force, to get some parliamentary candidates from the Liberal Party faction, headed by Landouald Ndasingwa (supported by RPF), into the CND, to the detriment of the Mugenzi faction. As a result of that incident, only the President of the Republic could be sworn in that day.

On 3 February 1994, the Belgian peacekeepers threw stones at the CDR Party Secretary's residence (Colonel Marchal said "at the glass door at the residence of the RTLM Director").

² A. Destexhe ("*Qui à tué nos pars?*" Already cited, p. 19): The authors put the date of the setting up of institutions at 8 January 1994

On 5 February 1994, a Belgian peacekeepers' patrol provoked the guards at the home of the Minister of Defence's *chef de cabinet*.

In January-February 1994, near the Ngondore demarcation zone, the soldiers of Byumba *secteur* wanted to verify if the trucks that were supposed to transport wood to the RPF contingent quartered at the CND was not transporting any arms. The Belgian peacekeepers refused the search, considering it to be a form of harassment.

On 6 February 1994, the Belgian peacekeepers thought they should "take action" by attempting to disarm the Chief of Staff of the Army in Kigali as he was returning from an inspection of the Byumba area.

It should be noted that the *gendarmes* witnessed these incidents that they did not necessarily approve of. They did not react, given that their mandate was to collaborate with the peacekeepers. The attitude of the *gendarmes* is not comforting; the Rwandans see it as a lax attitude while the peacekeepers consider it to be unreliable. It is significant to note that this type of criticism does not emanate from the UNAMIR's top echelon but from some of its elements whose ambiguous role has already been mentioned. In fact, the UNAMIR Commander and CIVPOL congratulated the Rwandan *gendarmerie*.

It was, therefore, in the wake of the aforementioned incidents, that the President of the Republic, convened a meeting with General Dallaire, Colonel Marchal, the Minister of Defence, A Bizimana, and the Chief of Staff of the Army, General D. Nsabimana and other officers of the Army on 7 February 1994.

Although I was in Kigali, I was not invited to the meeting.

After that meeting, General Dallaire withdrew the Belgian peacekeepers from checkpoint duties and replaced them with Bangladeshi peacekeepers. As the Bangladeshi were not effective in discharging that duty, they were redeployed alongside Rwandan *gendarmes*. General Dallaire also decided to withdraw the *gendarmes* of the security company in charge of VIPs from the places they were guarding: in particular the home of Prime Minister Agathe Uwilingiyimana. From then on, the Prime Minister's home was guarded by Ghanaian peacekeepers and four Rwanda *gendarmes* until that fateful day of 7 April 1994.

These observations incline me to ask other questions:

1. Why does one want to hide the fact that President Habyarimana met with the senior Army and UNAMIR officers to finalize their actions whereas the serious incidents that had taken place could cause things get out of control?
2. Why does one want to invent or suggest that another meeting with different objectives was held on a different date?

3. It is staggering to see that some researchers and political leaders make a mistake about the date, the circumstances, the perpetrators or the events. Is not this a diversionary tactic? What are we covering up?
4. Other facts reported incorrectly by Madam Des Forges and insinuating serious accusations.
- 4.1 "17 February: Senior officers of the National Police meet with Habyarimana to express fears that war might resume"

You report wrongly (p. 162) on the meeting the *gendarmerie* officers had with the President of the Republic.

In actual fact, it was I, in my capacity as Chief of Staff of the *Gendarmerie*, who requested the Rwandan Head of State for an audience in order to explain the security situation in the country to him. It would have been proper on your part to report the information as I had given it to you on 19 October 1997.

I was received on 16 February 1994 together with the departmental heads of my headquarters (personnel, logistics, training, etc.) I requested the President of the Republic to set up the institutions provided for under the Arusha Accords in order to get the country out of crisis and to prevent a resumption of hostilities. I found a man torn between MRND, the opposition parties and the international community.

- 4.2 You also report on (p. 163): "Late February: Major Stanislas Kinyoni reportedly summoned the heads of National Police brigades (...) and told them to prepare lists ...(...)."

See:

- *Rapport du groupe ad hoc, constitution des listes*, p. 68
- Report by F. X. Nsanzuwera - expert testimony, Rutaganda trial, Brussels, 21 June 1997, p. 4, transmitted to Mr. Udo Gering, ICTR-Kigali, copy to the ICTR President /Arusha and The Hague.

Your comments on this issue is similar to what was written by the former Prosecutor of Kigali, Nsanzuwera, in the testimony reproduced below:

"The best known is Major Stanislas Kinyoni, former MRND member of Parliament and G2 officer in 1993/94, who asked the commander of the territorial brigades to compile lists of those he considered to be accomplices of the Rwanda Patriotic Front, namely the Tutsi, Hutu opponents. It should also be recalled that the MRND party headquarters where MRND meetings took place and the wild demonstrations were planned was located in a house belonging to the Gendarmerie Chief of Staff, General Augustin Ndindiliyimana."

The compilation of lists is mentioned and they want to implicate the *Gendarmerie* Chief of Staff, Augustin Ndindiliyimana, by suggesting his possible connection with MRND.

What are the facts?

In fact, Major Kinyoni, the former MRND member of Parliament, had been appointed by the Minister for Defence, Augustin Bizimana, as a G2 officer of the *Gendarmerie* in place of Major Karangwa, who was appointed liaison officer with CIVPOL. Right from his appointment to the *Gendarmerie* headquarters, Kinyoni was accused by the Remera Brigade commander, Captain Mugabo, of not intervening in a murder that took place in the vicinity of the CND. Captain Mugabo informed the UNAMIR Commander of the accusation. The staff headquarters ordered an investigation into the case and the findings were communicated to UNAMIR. Kinyoni was found not guilty.

That officer behaved in an aggressive and undisciplined manner in May 1994. I imposed a 10-day disciplinary arrest with access on him.

Did the person concerned request the production of lists? This was certainly not with the approval of the *Gendarmerie* Staff headquarters, much less that of his chief. He never told me that lists had been requested and produced. The commander of the Kigali unit (adjudged by the former Prosecutor to be an honest officer, anyway), as well as the commanders of the company in charge of the brigade commanders and the commander of the Remera brigade, Captain Mugabo, would not have failed to tell me about Kinyoni's action.

4.3 You write (p. 170): " - 17 March: A respected source in the National Police (probably Chief of Staff Ndindiliyimana) told Belgian officers that the UNAMIR mandate should be strengthened ..."

See:

- *Rapport du groupe ad hoc, "Procès verbal de la réunion de coordination affaires étrangères"* [Minutes of the Foreign Affairs Coordination meeting], p. 91;
- *Rapport de la Commission d'enquête parlementaire*, 1-611/7, p. 269 and 1-611/8, p. 58;

You claim that I spoke to the Belgian soldiers on 17 March 1994.

Yet, on that date, I was in Uruguay, where I participated in the meeting of the International Olympic Committee members as General Secretary for zone 4 of the Higher Council for Sports (OAU). In any case, I had to go back to my post in Bangui as soon as I was retired, after the setting up of the transitional institutions.

Short of having the gift of being in several places at the same time, it would have been impossible for me to entrust any responsibilities whatsoever to the Belgian officers that day.

On the contrary, from 7 to 13 March 1994, I visited Belgium where I met with the Belgian authorities, namely the Minister of Defence, Mr. L. Delcroix, the Chief of Staff, Lieutenant-General Charlier and General Closset of the Belgian *Gendarmerie*. Given that the meetings were official, the Rwandan ambassador in Belgium, Mr. François Ngarukiyintwali, accompanied and assisted me in the discussions.

The purpose of the mission was specifically to request Belgium to reinforce the peacekeepers mission in the maintenance of law and order in Rwanda, but also to obtain from Belgium equipment that the Rwandan *Gendarmerie* did not have in sufficient quantities, such as: truncheons, anti-riot shields, tear gas.

I was given a favourable response, but nothing came.

General Charlier acknowledges that this meeting took place since he stated to the Commission (p.269): *"I talked to him about threats against the Belgian soldiers. He alleged that the threats were isolated. However, I did not believe him."* I had actually replied to General Charlier, who asked me the questions about the relationship between RAF and UNAMIR, that they were good, with the exception of a few incidents and the criticisms of CDR. However, I personally did not think that they affected the mission of the Belgian battalion.

In that connection, General Dallaire stated in an interview granted to Colette Braeckman of the *"Le Soir"* Newspaper of 2 December 1995 (No. 280): *"No, one could not say that there was propaganda that was officially targeted at the Belgians in order to make them vulnerable and incapable of fulfilling their duties. Some elements gave us trouble, and we took some actions at the time, but I cannot go into further detail"*

In his testimony to the COM-R, General Charlier makes no mention of the main reason for my visit to Belgium. It is obvious from a reading of the statements made by the authorities, such as Minister Delcroix and Lieutenant-General Charlier to the COM-R, that they have difficulty acknowledging that General Ndindiliyimana came to Belgium with concrete proposals, regarding the supply of adequate law and order maintenance equipment and, for their part, the reinforcement of the mission of the Belgian peacekeepers; since the Rwandan *Gendarmerie* could not carry out all the duties devolving upon them in the context of their collaboration with UNAMIR at that time.

If I had been, as stated by Senator Destexhe, *"the powerful boss of a powerful Gendarmerie"*, I would not have approached the Belgian authorities on such matters. It is difficult for these authorities to acknowledge that I went to request assistance from them, and that they did nothing. That is why, in my view, the COM-R, preferred not to call me as a witness, at a time when a slander and defamation campaign against me was intensifying to the extent of accusing me, so as to put me on the defensive.

That way, no one could, under those conditions, ask why I could not testify as a prime witness to the Rwandan tragedy.

4.4 You write (p.187) that Bavugamenshi's commander "General Ndindiliyimana could not be found, either at home or at headquarters."

See:

- My testimony to the COM-R, chronology of 6 to 9 April 1994, p. 27 *et seq.*;
- Bavugameshi's testimony in the trial of Col. BEM L. Marchal (*Le Soir* of 10 May 1996); *La Libre Belgique* of 10 May 1996);
- CRDDR's Note of 9 May to the Commissioner for Refugees and Stateless Persons;
- *Dossier Pro Justitia*, Case-file No. 52.99.17726/98, Transcript No. 23885/98 and No. 16525;
- Filip Reyntjens (1995), "*Rwanda, trois jours qui ont fait basculer l'histoire*", p. 36;
- My letter of clarification dated 27 June 1997, addressed to Prof. Reyntjens.

Numerous sources have it that some people looked for me in the night of 6 to 7 April 1994. The problem is that different people are mentioned depending on the source of the information; some have even claimed to have found me at places where I was not.

In his note of 9 May 1995, Gasana Ndoba of CDDR wrote: "*Gendarmerie officers, including the Commander of the Kigali group, reportedly looked for General Ndindiliyimana in vain to be given instructions on how to protect the civilian population in Kigali. Ndindiliyimana reportedly either disappeared at the crucial time or refused to take action.*"

Former Prosecutor Nsanzuwera stated that: "*Colonel Munyakazi told me himself that he was not in contact with the Chief of Staff because he was not able to reach him on telephone.*"

Lastly, Mr. Nkubito personally told me that "*it was RPF which looked for me in order to involve me in its plan to take over Kigali town*".

My testimony sent to the COM-R amply sets out my timetable from 8.30 p.m. on 6 April 1994, the places I went to and what I did. On this issue, the facts are verifiable. To write that I could not be found either at home or at the *gendamerie* headquarters seems to me to be more of an accusation than an observation.

Lieutenant-Colonel Bavugamenshi who was in charge of VIP security and whom I interviewed myself, never told me that they looked for me to ask for reinforcements. Following the normal procedure, he contacted the United Nations authority to modify the instructions and send reinforcements. To say that Bavugamenshi sent additional *gendarmes* to reinforce the Prime Minister's security is untrue. There were only four *gendarmes* there who helped the Prime Minister to go across the fence on her land when she fled. Moreover, if Bavugamenshi had looked for me, he would have found me at the

École supérieure militaire (ESM) at the meeting of 7 April 1994, to which meeting he had been invited together with the other group and unit commanders.

You asked me whether I contacted the people of the United States during the night of 6 to 7 April 1994.

I told you I did not.

May I know what you meant by that question? Is it a way of suggesting that there were people in the United States who would have wished to implicate me in the RPF plan?

4.5 You write (p. 189): "At about 10.30, the camp commander came to inform Bagosora and General Ndindiliyimana that the Belgian soldiers were under attack at the camp, but they did nothing ..."

See:

- Testimony of A. Ndindiliyimana to the COM-R, 1997, pp. 31 to 33
- KIBAT diary - 6 to 19 April 1994.

Colonel Nubaha did not return during the meeting at ESM to report on the situation at Camp Kigali.

General Dallaire arrived at the meeting, immediately after gunshots were heard for a few seconds; he says nothing about the Camp. He offers his condolences with regard to the attack against the President and calls on the Armed Forces to strive to implement the peace process. We could, therefore, not have suspected that a tragedy was unfolding at Camp Kigali.

As I wrote in my testimony (p. 22), it was around 1.45 p.m. and after the meeting that General Dallaire informed me that some of his men were being held (emphasis added) at the Camp. He did not speak to anyone about a massacre. He never asked anyone to intervene.

It is, unfortunately, on the basis of such assertions that I am being accused of failure to act with regard to the murder of the peacekeepers.

4.6 Regarding the death of the peacekeepers, there are still uncertainties about the circumstances of their death and the number of victims.

See:

- Hearing of Father Guy Theunis by the *Commission d'information française* (Autopsy of 16 bodies in Nairobi);
- *Éléments des faits et chronologie : Les 100 jours les plus noirs du génocide du peuple rwandais*, [Facts and chronology: The 100 darkest days of the genocide of

- the people of Rwanda], SOS Rwanda, Bonn, Kigali, April 1999 by Gaharuru, p. 7;
- RPF message regarding the murder of the President picked up by the Army;
 - *Compte rendu analytique de la Réunion publique de la Commission; Chambre des Représentants de Belgique* [Summary record of the Public Meeting of the Commission, Belgian House of Representatives], 11 April 1994;
 - Testimony of General Dallaire at ICTR on 25 February 1998;
 - Vénuste Nshimiyimana, *Prélude du génocide rwandais*, Quorum Publishers, 1996 (speaks of more than 10 dead).

Some sources indicate that during the day on 6 April 1994, the group headed by Lieutenant Lotin undertook an unauthorized trip to the area located between Kanombe and Kibungo; the same sources indicate that he was accompanied by RPF elements.

Following the downing of the President's plane, Lieutenant Lotin reportedly came across the first roadblocks erected by some Rwandan soldiers at Kanombe Camp and the Presidential Guard.

KIBAT's report indicates that the group was in Kanombe to refuel their vehicle.

There are questions about the itinerary that Lieutenant Lotin followed that day, the exact nature of the mission, as well as about the person who assigned him that mission.

The Minister of Defence, Delcroix, stated before the *Chambre des Représentants de la Belgique* on 11 April 1994: "*An in-depth investigation should be conducted to establish whether the section was acting independently. Any assumptions that can be made at this time are premature. The bodies are now in Nairobi. They are awaited in Brussels on Wednesday night.*"

Question: Was the investigation conducted?

1. It is surprising that no UNAMIR officer reported the difficulties faced by Lieutenant Lotin and his team from that night until they arrived at Camp Kigali.

Everything happened as if having been caught up in the infernal events, the group was sacrificed. Had it been involved in a case with serious unforeseen consequences?

2. How does one explain the fact that the grenade explosions and gunshots were not heard, whereas the murder of the Belgian para commando reportedly took place 200m away from the ESM meeting hall, where General Dallaire and the other officers were?
3. How does one explain the contradictions in the statements of General Dallaire and the Belgian Major Maggen on the murder of the Belgian peacekeepers at Kigali Camp, whereas they were together? One says that he saw there was a massacre while the other claims that he did not have wind of any problem.

General Dallaire responding to C. Braeckman's question in *Le Soir* of 2 December 1995 that : "When you passed in front of the piles of the Belgian peacekeepers' bodies, did you count 10 or 12 corpses and who were those two White men whose bodies were seen at Camp Kigali?", stated: " This is one of the questions that I cannot answer."

1. Why does General Dallaire not mention the number of victims?
2. Why does this number differ depending on the source, whereas General Dallaire, Colonel Murasampongo and I counted eleven bodies (of white soldiers)?
3. It has been said and written about that the Belgian authorities requested autopsies to be conducted on 16 bodies in Nairobi, but they disclosed the nationalities of only 14 of them. Who were the other two?

It is understandable why the families of the Belgian peacekeepers killed in Kigali are still not satisfied with the explanation given on the circumstances of their death.

They were counting on ICTR to take up the case, but the Tribunal seems not to be interested in it. Hence, during his testimony in *Akayesu*, General Dallaire was not authorized to answer questions on this issue. The following passage speaks volumes about the issue:

Q.: Counsel for the Defence: Major-General, what do you know about the death of the 10 Belgian peacekeepers?

Mr. Stewart: Mr. President. I wanted to draw the attention of the Tribunal to.....

President : I was going to do that.

Mr. Stewart: Thank you.

President: Counsel, the case of the Belgian peacekeepers is part of another case.

Counsel for the Defence: What I wanted to know was the state of the relationship between UNAMIR and FAR after the death of the 10 Belgian peacekeepers.

The Witness [Dallaire's response] : The death of the 10 peacekeepers was not confirmed to me until about 9.30 on the evening of the 7th because throughout the day people continued to tell me that negotiations were under way at the Kigali camp to be able to pull them out of their difficult situation, and it was not until I insisted that I would not leave the Kigali camp and go back to my HQ until I had seen the Belgian soldiers who, at that time it was not confirmed whether it was 10, 13 or 11. There were three numbers being thrown out. They had...

President: Major-General...

4.7 You write (p. 192): "The afternoon of March 7 [sic], both Bagosora and Nindiliyimana told Dallaire that the killings at Camp Kigali showed that it might be best for Belgian troops to leave Rwanda."

See:

- Report of the *Commission d'enquête parlementaire* 1-611/7, p.148;
- My testimony-chronology of events, p. 34
- My letter dated 2 February 1998 to the President of the *Commission d'enquête parlementaire*, p. 10;
- *Le Vif/L'Express* of 5 to 11 January 1996 (*Monde*), F. J. D'Othée
- *Le Soir* of 7 May 1996 - C. Braeckman
- Testimony of General Dallaire in Arusha , 25 February 1998.

The Witness [General Dallaire]:

"From the time then when this was confirmed on that evening, the relationship was strained and became more and more tense, if not even impossible. It was during that day that it was the first time that I heard different authorities indicating to me that it would be very wise for the Belgian contingent to leave as soon as possible, to leave Rwanda, that is."

As I have already stated and written, I am surprised at the statement reportedly made by General Dallaire³ with whom I often discussed ways of preventing the massacres and protecting the public by creating security areas. He gave me the hope that the United Nations was going to send troops.

I also recall that Mr. Swinnen, the Belgian Ambassador, at his hearing on 20 June 1997 before the Commission, admitted that I asked Belgium not to abandon Rwanda (emphasis added). That the situation could not be brought under control without UNAMIR and its Belgian component.

Questions:

1. Does one seek to minimize the decision of the Belgian Government which decided unilaterally to withdraw its contingent and, moreover, tried to influence the other countries to do the same, according to Dallaire?

2. In fact, when I saw General Dallaire again on 7 April 1994 at 3 p.m., he was preoccupied with the disappearance of two men. Were these the two unidentified men?

4.8 Regarding the events in Kicukiro (p. 227, p. 721 of the French text)

³ In September 1994, General Dallaire asked that I be contacted to rejoin RPF. Some Belgian authorities did the same. This is ample testimony of his confidence.

See:

- General Rusatira's letter [La lettre du général Rusatira "Kigali kuwa 10 Gashyantare 1995, Kuli Nyakubahwa Ministri w'Ubutabera" Impanvu: Ibaruwa yo ku wa 04 Ukwakira 1994.
- Journal Lib'ration N° 33 avril-mai 1998 recensement de victimes.
- *Journal Lib'ration*, No. 33 April to May 1998, "recensement des victimes" [How many victims?].

I sent *gendarmes* to protect the public. To interpret my action in any way, by talking, *inter alia*, about the individual attitudes of certain *gendarmes*, amounts to a tendentious insinuation that I took no interest in the actions of my men.

The truth of the matter is that General Rusatira telephoned me in the late morning on 11 April 1994; UNAMIR had not notified the *Gendamerie* that it was withdrawing from Kicukiro, all the more so as one territorial company was less than 300 m away from ETO. However, although the territorial company had already been placed under the orders of the Army headquarters and was engaged in combat operations, I immediately telephoned the commander of that unit, Captain Munyabarenzi, to ask him if he was aware of the situation at ETO and whether he could replace UNAMIR in protecting the people.

Captain Munyabarenzi replied that he had few men but that he would do the needful. After verification, the order was executed and the *gendarmes* went to ETO.

What you do not seem to know is that on 11 April, around 5 p.m., RPF launched an intensive attack on the Kicukiro neighbourhood. *Gendarmes* were, therefore, deployed to provide the defence planned by the Army headquarters; the people at the school had fled, the Hutu fleeing from RPF and the Tutsi trying to reach the area controlled by the same RPF. It is outrageous that nothing is said about the 20,000 people who, while fleeing from Kanombe and its vicinity to Kigali, were massacred by the RPF troops who had captured the area of Nyanza. Those people, who were taking flight, were held up and massacred by RPF near OPROVIA (*Office de production vivrière et alimentaire*) (Food Production Agency), following the withdrawal of the RAF to the capital.

4.9 You write (p. 194) that: "The Presidential guard numbered between 1,300 and 1,500 men, (...) Ndindiliyimana commanded thousands of National Police (...)"

See:

- KWSA-UNAMIR, headquarters, Kigali *secteur*, 20.12.93 No. KSHQ/OPS/3/2 + annexes;
- Letter from Lt-Col.Munyakazi to the Vice-President and Minister of Defence, General Kagame. Gako, 6 August, and his note of 24 September 1995.

It should be specified that in his addendum - annex B to file no. KSHQ/OPS/3/2 of 20 December 1993 "Security of sensitive locations", the UNAMIR Commander set the

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authorized maximum number of armed *gendarmes* responsible for ensuring security at sensitive locations in the KWSA at 715 men. Right from 8 April 1994, the secteur, army headquarters brought in the Huye battalion from Mont Kigali to reinforce the RPF having launched a forceful attack on the *Gendarmerie* headquarters and the *Gendarmerie* Camp at Kacyiru.

Following the RPF offensive, the Army headquarters had to withdraw the Huye battalion and asked the *Gendarmerie* headquarters to send a company of the Kibuye group to take over the defence positions held by the Huye battalion in Kacyiru.

From then on, at the time hostilities resumed, the *gendarmes* in Kigali town and its environs were distributed as follows:

- 715 men under the command of the Army headquarters for combat missions;
- 250 men who arrived as reinforcements from Butare and Kibuye, under the orders of the Army headquarters.

Out of about 1,000 or so men, only the Muhima Camp company, reinforced by a mobile squad was under the orders of the *Gendarmerie* headquarters and responsible for security missions in Kigali, that is a total of about 120 *gendarmes*.

You write (p. 195): "RPF leader Tito Rutaremara had warned Ndindiliyimana and Bagosora that the RPF would ..."

See:

- My testimony, p. 34;
- Misser, "*Vers le nouveau Rwanda*", p. 18

In fact, the person who spoke to me on the telephone and who was introduced by General Dallaire, serving as intermediary, as Tito Rutaremara (I would learn while in Belgium that it was Seth Sendashonga) told me that if the actions of the Presidential Guard were not stopped, RPF would not stand idly by.

I informed this person of my commitment to do everything possible, in collaboration with the United Nations Force Commander (Dallaire) and the *directeur de cabinet*, Colonel Bagosora, to stabilize the situation. Colonel Bagosora, in his communication with the commander of the Presidential Guard, Major Mpiranya, instructed him as follows: "*Take a lorry and go and collect the men and bring them to the camp.*" Another communication, received at the same time, informed us that RPF had already attacked the camp of the Presidential Guard, the *Gendamerie* camp in Kacyiru, the *Gendamerie* headquarters and the *Gendamerie* territorial company in Remera, 90 % of whose men were decimated.

Already, small-scale combats were going on in various neighbourhoods of Kigali town.

It should, in fact, be acknowledged that in addition to its battalion that was officially recognized under the Arusha Accords and installed at the CND, RPF infiltrated a large number of men into Kigali town and its environs. This was conformed in statements by the RPF leaders, as well as by the Belgian Lieutenant Nees to the COM-R which stated that RPF had sent more men into Kigali than provided for under the Accords. Nsanzuwera also mentioned that problem in his statements.

Jacques Collet, for his part, wrote in "*Vers le nouveau Rwanda*", p.19, that: "*They infiltrated Kigali like germs that invade the human body in groups of five. They did that at night. And in the morning, the Belgian parachutists who witnessed that discreet infiltration reckoned that one or two companies had thus been brought in ...*"

4.11 You write (p. 195): "General Kagame was receptive and even sent Seth Sendashonga with an offer to create a joint force composed of 300 soldiers each from RPF, the Rwandan army units opposed to Bagosora and UNAMIR, to bring an end to the massacres."

See:

- Report of the *Commission d'enquête parlementaire* 611/7, p.509. Message from General Kagame to Mr. Booh Booh;
- Bernard Debré (1998), "*Le retour du Mwami, la vraie des génocides rwandais*", Editions Ramsey, Paris, p. 119;
- Letter from Colonel Gatsinzi to Professor Reyntjens;
- Dialogue "*Les évènements d'avril-juillet 1994 Mensuel No. 177 Août-Septembre 1994*. Testimony of Father Bille-Marius Dion, *Dominicain*, Kacyiru, Kigali;
- *Le Soir* of 16 and 17 April 1994;
- COM-R Hearing of Nsanzuwera on 22 April 1997, p. 321 (training at CND)

I was never informed of this offer. If this offer was known, it was to be discussed at the meeting scheduled to take place at the residence of the United States Ambassador on 7 April 1994 at 9.a.m., and to which had been invited politicians, the ambassadors invited by Mr. Booh Booh and the commanders of the United Nations forces. However, no one turned up.

Question: Was this offer aimed at creating what General Dallaire referred to as a "new army"? Is this why the persons invited to the meeting at the United States Ambassador's house did not turn up?

Whatever the case, I do not know anything about the creation of "a new army". If this offer stems from an RPF idea, echoed by General Dallaire, it sounds very strange to me, especially as it is known that General Kagame's troops were already on the move well before the presidential plane was shot down.

In his book (1998, p. 119), the former French Minister Bernard Debré mentions this movement by RPF prior to the murder of the President. Colonel Gatsinzi, Chief of Staff

of the Rwandan Army a.i., wrote as much in a letter to Professor Reyntjens. The RPF soldiers told an expatriate, who was in the Byumba area at the time and who witnessed the movement on 6 April 1994, that they were going to take Kigali. When he asked how they were going to do that, they replied that the ammunition and other logistical resources were in Rutongo.

Father Dion testified in that connection that: *"Very early, Kacyiru was occupied by Inkotanyi rebels (RPF) who set up a post in front of our house, in the abandoned buildings of the Baptist church. Our new neighbours remained discreet all the time but were always very attentive."*

The fact that RPF had for a long time infiltrated Kigali town and elsewhere with men and equipment was also confirmed by the *Le Soir* newspaper of 16 and 17 April 1994: *"While the Tutsi rebellion has undeniably gained ground, notes the military observers in Kigali, it has not conquered the town, where the infiltrated elements do not seem to have the vital support, namely that of the majority Hutu population. The Hutu have partly organized themselves into resistance militia against RPF... The battle for Kigali has now taken on the dual aspect of urban guerrilla and trench warfare."*

During my meeting in Brussels on 13 December 1996 with Mr. Alphonse-Marie Nkubito, President of ARDHO and former Minister of Justice of Rwanda, the Minister reported to me before a witness, that in the night of 6 to 7 April 1994, the RPF leaders allegedly tried to contact me, in vain. He alleged that the purpose of the call was to involve me in a cooperation plan to enable RPF forces to enter Kigali town and to join their elements who had already infiltrated the town. Thereafter, I would have been accused, dead or alive, of a coup against President Habyarimana, in the context of a so-called democratic coup d'état. Up until then, I had suspected that there was a plan in which I was supposed to be a pawn. Nkubito somehow confirmed to me that such a plan did indeed exist.

The Rwandan tragedy and the concurrence of several plans and counter reactions

1. RPF's objective and plans were to take power through military victory without worrying about the fate of its members, its adherents and its sympathizers within the country: "You cannot make an omelette without breaking eggs," according to their own statement to Professor Reyntjens!
2. The plan of those who thought that the solution to the protracted crisis was to eliminate President Habyarimana, a dictator accused of blocking the implementation of the Arusha Accords. The supporters of that plan worked jointly with the former for RPF to take over Kigali town and thus get RAF to surrender.
3. The counter reactions related to the war situation and a society in disarray following the President's murder, and undermined by divisions and economic problems.

Your explanations show, Madam, that at the critical moment of the crisis, the persons called upon to manage the situation and with whom we were holding consultations

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regarding measures to take, for their part, had hidden plans that they were attempting to implement in accordance with their interests.

In his letter dated 29 June 1995 to the International Criminal Tribunal for Rwanda, Mr. Luc de Temmerman, Counsel for Colonel Bagosora, wrote: "*Colonel Bagosora assumed his responsibilities as a Rwandan civil servant, by replacing the minister who was absent at the time of the crash from 10 p.m on 6 April 1994 to 7 p.m. on April 1994 following the refusal of General Augustin Ndindiliyimana to assume his responsibilities, perhaps due to lack of courage.*"
