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QUESTION OF THE FUTURE OF RUANDA-URUNDI

Report of the United Nations Commission for Ruanda-Urundi on
the assassination of the Prime Minister of Burundi

TABLE OF CONTENTS

	<u>Paragraphs</u>
Letter of transmittal	
Introduction	1 - 10
I. Chronological account of the Commission's movements, actions and interviews	11 - 20
II. Terms of reference of the Commission	21 - 30
III. Facts and circumstances surrounding the Prime Minister's death	31
IV. Various opinions collected in Burundi	32 - 37

Annexes

I. Summaries of and relevant extracts from documents submitted to the Commission and annexed hereto	
II. Explanatory note concerning the case of Prince Louis Rwagasore, Prime Minister of the Government of Burundi, addressed to Mr. Max H. Dorsinville	
III. Communication dated 30 October 1961 from the Legislative Assembly of Burundi concerning the political situation in Burundi	
IV. Report submitted by the Security Commission to the Legislative Assembly of Burundi on 28 October 1961	
V. Additional note supplementing the report of the Security Commission submitted to the Legislative Assembly of Burundi for approval on 28 October 1961	
VI. Letter dated 1 November 1961 from the Vice Chairman of the <u>Parti démocrate chrétien</u>	
VII. Interview with Mr. Kageorgis	
VIII. Interview with Mr. Iatrou	
IX. Interview with Mr. Antoine Nahimana	
X. Interview with Mr. Jean-Baptiste Ntakiyica	
XI. Interview with Mr. Henri Ntakiyica	
XII. Interview with Mr. Liberios Archaniotis	
XIII. Interview with Mr. Jean-Baptiste Ntindendereza Baranyanka	
XIV. Interview with Mr. Joseph Biroli Baranyanka	
XV. Interview with Mr. Pascal Bigirindavyi	
XVI. Interview with Mr. Jean Kigoma	
XVII. Interview with Mr. Joseph Cimpaye	
XVIII. Interview with Mrs. Belva	

LETTER OF TRANSMITTAL

26 January 1962

Your Excellency,

In accordance with the provisions of paragraph 2 of resolution 1627 (XVI), adopted by the General Assembly on 23 October 1961, and further to paragraph 9 of my communication of 11 November 1961 (A/4970), I have the honour to transmit to you herewith the report of the United Nations Commission for Ruanda-Urundi on the circumstances of the tragic death of Prince Rwagasore, Prime Minister of Burundi.

This report was adopted unanimously by the Commission on 11 November 1961.

I have the honour to be, etc.

(Signed) Max H. Dorsinville
Chairman
United Nations Commission for
Ruanda-Urundi

His Excellency U Thant
Acting Secretary-General
of the United Nations

INTRODUCTION

1. At its 1041st plenary meeting, on 23 October 1961, the General Assembly adopted resolution 1627 (XVI), entitled "Assassination of the Prime Minister of Burundi", the operative part of which reads as follows:

"The General Assembly,

.....

"1. Expresses its sense of shock and abhorrence at the murder of the Prime Minister of Burundi;

"2. Requests the United Nations Commission for Ruanda-Urundi to visit the scene immediately in order to carry out without delay an investigation of the circumstances of the Prime Minister's tragic death and to submit a preliminary report to the General Assembly as soon as possible."

This resolution was adopted unanimously on the recommendation of the Fourth Committee, whose agenda included the following item:

"49. Question of the future of Ruanda-Urundi: report of the United Nations Commission for Ruanda-Urundi".

2. The United Nations Commission for Ruanda-Urundi, established pursuant to resolutions 1579 (XV) of 20 December 1960 and 1605 (XV) of 21 April 1961, after supervising the legislative elections in Ruanda-Urundi and the referendum in Rwanda in accordance with its terms of reference, went to Geneva for the purpose of preparing its report to the Assembly (A/4994). It is recalled pro memoria that the Commission was composed of Mr. Max H. Dorsinville (Haiti), Chairman, and Mr. Ernest Gassou (Togo) and Mr. Majid Rahnema (Iran), Commissioners.

3. On 16 October 1961 the Commission received from the Chairman of the Fourth Committee a telegram reading as follows:

"Fourth Committee deeply disturbed news assassination Prince Rwagasore Prime Minister Burundi has asked me to request Commission for Ruanda Urundi to investigate immediately and thoroughly on the spot and report urgently to Fourth Committee."

4. The Commission replied to this telegram by a radiogram reading as follows:

"The Commission thanks you for your telegram No. 16. In accordance with paragraph 9 c of resolution 1579 (XV) the Commission had already taken the necessary measures in order to follow on the spot the development of the

situation in the Territory after the elections. The Commission is expecting at any moment to receive information and details of the assassination of Prince Rwagasore, Prime Minister of Burundi. The Commission will not fail to submit a report as soon as it has the fullest information possible."

5. It should be recalled that when the Commission left Usumbura on 30 September it left in the Territory a group of three Observers with instructions to follow, in accordance with sub-paragraph 9 (c) and paragraph 6 of resolution 1579 (XV), the progress of events after the elections and after the Commission's departure.
6. The Commission, which was awaiting a report on the tragic occurrence from Mr. Antonin Obrdlik, United Nations Observer in the Territory, accordingly expressly requested him to carry out as thorough an investigation as possible into the assassination of Prince Rwagasore.
7. In order to implement resolution 1627 (XVI) adopted by the General Assembly on 23 October 1961, the Commission left Geneva for Usumbura on 28 October 1961 as described in section I of this report. It was accompanied by Mr. Miguel A. Marín, the Principal Secretary, and Mr. Hubert Noël, formerly Observer at Usumbura.
8. On its return to Geneva the Commission drew up a communication addressed to the General Assembly and entitled: "Communication from the United Nations Commission for Ruanda-Urundi concerning the investigation of the circumstances of the tragic death of Prince Rwagasore, Prime Minister of Burundi". This communication, which was transmitted to the President of the General Assembly by the Chairman of the Commission on 11 November 1961, was issued as document A/4970 on 15 November 1961.
9. This report, which was announced in paragraph 9 of the above-mentioned communication, contains: (1) a chronological account of the Commission's movements and actions and of the interviews it held in the course of its work; (2) a statement of the scope and limitations of the terms of reference received from the General Assembly; (3) an account of the facts and circumstances surrounding the occurrence; (4) a summary of the opinions collected on the spot.
10. Lastly, the complete text of certain documents communicated to the Commission is annexed. These communications, some of which deal with more than one matter, are preceded by a summary or by extracts relevant to the Commission's terms of reference. The records of interviews which the Commission had with various persons, including several prisoners, are also annexed.

I. CHRONOLOGICAL ACCOUNT OF THE COMMISSION'S MOVEMENTS,
ACTIONS AND INTERVIEWS

11. As soon as it learned of the recommendation by the Fourth Committee of the General Assembly that the United Nations Commission for Ruanda-Urundi should visit the scene immediately in order to carry out without delay an investigation of the circumstances of the tragic death of Prince Rwagasore, the Prime Minister of Burundi, the Commission made all necessary arrangements to set out as soon as the General Assembly adopted the draft resolution which was to be submitted to it on the subject. That resolution was adopted on 23 October 1961 and communicated to the Commission the following day.

12. Rather than leave directly for Usumbura by the flight of Wednesday, 25 October, the Commission preferred to call at Brussels in order to inform Mr. Spaak, the Minister for Foreign Affairs and for Ruanda-Urundi, of its plan of work and to ensure that the trusteeship authorities in the Territory were given the necessary instructions.

13. Since the Minister for Foreign Affairs was away from Brussels until the Thursday evening, the Commission arranged to take the first aircraft leaving Brussels for Usumbura after that date, i.e., on the Saturday evening. It accordingly left Geneva on the Saturday morning in order to have an interview with Mr. Spaak in the afternoon. The Minister was, however, unwell and the Commission was received by Mr. Fayat, Mr. Spaak's assistant, who was accompanied by Mr. Ruppert, Ambassador, Director of the Africa Section of the Ministry of Foreign Affairs. The Chairman of the Commission explained the working procedure which the Commission proposed to follow and requested the Belgian Government's co-operation for that purpose.

14. Mr. Fayat told the Commission that his Government was prepared to give the Commission its full co-operation. He added that he agreed with the procedure proposed; that the trusteeship authorities in the Territory would receive instructions accordingly; and that Mr. Georges Carlier, Ambassador, personal representative of Mr. Spaak, was already on the scene. Mr. Carlier had already represented Mr. Spaak during the Commission's stay in the Territory in connexion with the legislative elections and the referendum.

15. The Commission left Brussels the same evening via Leopoldville, where the scheduled flight for Usumbura was held back to enable the Commission to make a quick connexion. In the afternoon of Sunday, 29 October, the Commission arrived at Usumbura, where it was welcomed by Mr. J.P. Harroy, the Resident-General, Mr. Georges Carlier and various officials of the Administering Authority; Mr. André Muhirwa, Prime Minister and Minister for the Interior of Burundi, accompanied by members of the Government; and Mr. Thaddée Siryuyumunsi, President of the Legislative Assembly of Burundi, with several deputies.
16. Next morning, in an initial discussion, the Commission informed the Resident-General and Mr. Carlier of the procedure which it proposed to follow, and which it had already explained at the Ministry of Foreign Affairs at Brussels. The Resident-General and Mr. Carlier assured the Commission of their full co-operation and that of the trusteeship officials. They pointed out, however, that the judicial investigation was in progress and that, since judicial independence of the executive was a constitutional principle to which the Belgian Government could make no exception, they considered their sincere intention of helping the Commission to be limited only by the inalienable independence of justice. The Commission then heard the official account of the facts and circumstances surrounding the occurrence, as set forth in section III below.
17. At 3 p.m. the Commission was received by the Procureur-général who, while emphasizing the traditional secrecy of judicial investigation, also assured the Commission of his co-operation. At 6 p.m. the same day the Commission visited the Mwami, Prince Rwagasore's father, to tender him the condolences of the United Nations. The visit took place at the Rhodain hospital, to which the Mwami had been admitted several days previously. On 2 November the Commission, accompanied by the President of the Legislative Assembly, the Minister for Justice of Burundi and a representative of the trusteeship Administration, laid a wreath on Prince Rwagasore's grave.
18. Meanwhile, between 1 November and its departure, the Commission held many interviews. It began by hearing members of the Government of Burundi and of the Legislative Assembly; it received a visit from Prince Rwagasore's mother and some of his near relatives; it had discussions with trusteeship officials and with private individuals in possession of information likely to assist it in its work.

It also heard Ministers of the previous Government of Burundi, including the former Prime Minister. Lastly, the Chairman of the Commission received visits from several consular representatives at Usumbura.

19. The Commission wishes to mention that it enjoyed the fullest possible co-operation from the Administering Authority in the Territory, both as regards material arrangements such as accommodation, transport, etc., and in investigating the case which had necessitated its return to Ruanda-Urundi for a further stay. It expresses its thanks to Mr. J.P. Harroy, the Resident-General, to Mr. Georges Carlier, and to the other officials of the Belgian Administration who facilitated its work.

20. The Commission left Usumbura in the afternoon of Saturday, 4 November, and arrived at Geneva at noon on Sunday, 5 November.

II. TERMS OF REFERENCE OF THE COMMISSION

21. In its resolution 1627 (XVI), the General Assembly requested the United Nations Commission for Ruanda-Urundi to visit the scene immediately in order to carry out without delay an investigation of the circumstances of the Prime Minister's tragic death and to submit a preliminary report to the General Assembly as soon as possible. The Commission accordingly began by seeking to define and delimit its terms of reference and to decide how they should be complied with.

22. The most elementary assumption was that the tragic death whose circumstances the General Assembly asked the Commission to investigate would be the subject of criminal proceedings, and that the case would be under examination when the Commission arrived in the Territory.

23. The references made in resolution 1627 (XVI) to resolutions 1579 (XV) and 1605 (XV) and to the provisions of the Trusteeship Agreement concluded between the United Nations and Belgium were to prove particularly helpful to the Commission in determining and delimiting its general frame of reference. These basic documents led the Commission to the conclusion that, even with every technical and material facility for the thorough investigation which the circumstances required, its activities would inevitably have to be kept strictly within the limits of a legal and political frame of reference defined in advance. The Commission clearly had no authority to pursue the investigation beyond the limits laid down by the

provisions of the Trusteeship Agreement, which conferred on the Administering Authority sole responsibility for legislative, administrative and judicial matters in the Territory of Ruanda-Urundi.

24. It noted in this connexion that article 5, paragraph 1, of the Trusteeship Agreement approved by the General Assembly on 13 December 1946 provides that the Administering Authority

"shall have full powers of legislation, administration and jurisdiction in the Territory of Ruanda-Urundi and shall administer it in accordance with Belgian law as an integral part of Belgian territory, subject to the provisions of the Charter and of this Agreement".

It also noted that resolution 1605 (XV), paragraph 3, recognizes that the Government of Belgium is alone responsible for the administration of the Trust Territory of Ruanda-Urundi.

25. As regards the organization of justice, there is nothing elsewhere in the Trusteeship Agreement, or in the provisions of the Charter, to limit the application of the aforesaid article 5, paragraph 1.

26. The position is, then, that the judicial examination and court proceedings in respect of a minor or major offence must be conducted in accordance with the laws enacted by the Administering Authority.

27. The Commission sees no need to discuss in detail the Code of Criminal Procedure applicable in Ruanda-Urundi. It would, however, draw attention to the dual system of jurisdiction - indigenous and non-indigenous - mentioned in the report on Ruanda-Urundi^{1/} by the United Nations Visiting Mission to Trust Territories in East Africa, 1957, of which Mr. Dorsinville was Chairman. Under that system, jurisdiction in criminal cases is vested in the trusteeship Administration.

28. The Commission was also mindful of the fact that the principle of separation of powers, and of the consequential independence of the judiciary, had been endorsed both by the above-mentioned Visiting Mission and by the Trusteeship Council, which, at its twenty-first session, drew attention to "the wisdom of establishing a separate and independent judiciary".

1/ Official Records of the Trusteeship Council, twenty-first session, Supplement No. 3, document T/1402.

29. The Commission therefore considered that, although it had every facility for its operations, it should limit its field of action in accordance with the following principles: the Commission, in making its investigation, should take care not to interfere in any way with the course of justice, the legal proceedings should take their normal course, and the independence of the judiciary should be upheld. The Commission regarded these limitations as essential to respect for law and order, to the punishment of the guilty and to the maintenance of the safeguards to which all persons subject to the jurisdiction of the courts are entitled.

30. This was the closely defined political and legal framework within which the Commission had to carry out the Assembly's instructions.

III. FACTS AND CIRCUMSTANCES SURROUNDING THE PRIME MINISTER'S DEATH

31. This section contains an account of the facts and circumstances surrounding the murder of the Prime Minister of Burundi as revealed by the official statements made to the Commission.

A. Statement of facts and initial results of investigation according to information received from the Administering Authority

The facts:

(1) At 11.10 p.m. on Friday, 13 October 1961, the authorities of the Territory were warned that an attack had been made on Louis Rwagasore, the Prime Minister of Burundi, while he was dining at the Tanganyika restaurant at Usumbura. Prince Rwagasore was the son of the Mwami Mwambutsa of Burundi.

While the Parquet was being notified of the occurrence, Dr. René Albert Van Bellinghen was called to attend the victim. He at once pronounced the Prime Minister dead. He found that death had been instantaneous; the victim had been hit by a bullet which, entering the neck at the level of the knot in the tie, had followed a horizontal path and emerged at the upper back. After initial examination, the victim's body was taken to Rhodain hospital at Usumbura for detailed scrutiny.

(2) The Parquet carried out initial investigations, made a list of those present at the occurrence, and took photographs. The victim, accompanied by six Burundi personalities - Mr. Muhirwa, now Prime Minister; Mr. Ntiruhwama, Minister for Social Affairs; Mr. Ngunsu, Minister for National Education; Mr. Nimbuna, Mr. Bugubugu and Mr. Leon Ndenzako - had taken a seat on the terrace outside the restaurant, to the right of the entrance. He had been sitting at one end of a long table, facing the terrace and the shrubbery in the garden, and there had been no one opposite him.

Several of the establishment's clientele, including the French consul at Usumbura, had been behind the victim.

(3) In the course of the initial inquiries, a Belgian soldier in the Ordnance Service came forward and said he had witnessed certain events. He stated that, while walking in the vicinity of the Tanganyika restaurant, he had noticed that a vehicle had halted on the minor road which circled the restaurant. The bonnet of the vehicle had been raised and there had been two persons standing nearby. As he passed them, he had noticed that no work was being done on the vehicle, and had thought it strange. He had seen three or four black people and one lighter-complexioned person in the vehicle. Not having been able to note the vehicle's registration number, he had intended to walk around the

restaurant and come back to it unobtrusively, when he had heard a shot and seen the vehicle move off at a high speed.

He was able to give a description of the vehicle, which was immediately broadcast to all districts with orders to stop any vehicle conforming to that description, identify its occupants and inform the judicial authorities.

While this statement was being taken, a search was made for the fatal bullet, which was found under a tree in the restaurant garden. It consisted of the casing of a bullet from a 9.3 sporting rifle.

(4) At midday on Saturday, 14 October, some members of the judicial staff were flown to Kitega by helicopter to investigate the holders of 9.3 mm rifles and to seek certain information about the owners of station wagons. Instructions were also given to fly over Burundi in the hope of locating a vehicle answering the description given by the soldier who had testified at the Tanganyika restaurant.

(5) While the helicopter was in flight it was notified by radio that a light blue Ford station wagon was moving along the Ngozi-Kirundo road. The helicopter followed the vehicle to Kirundo. When it stopped, the helicopter landed and the occupants of the vehicle, Nicodème Kaja and Henri Ntakiyica, were placed under arrest. The vehicle was searched and a cartridge pouch full of 9.3 mm ammunition was found; it was learned that Kaja was the legal owner of a 9.3 mm sporting rifle, and he was asked what had become of his weapon. He replied that his rifle was on board another vehicle, which had been ahead of them and which had gone on towards Mukenke, in the Muhinga district. The helicopter took off again, while Kaja and Henri Ntakiyica were taken by road to Muhinga under arrest. The occupants of the helicopter noticed from the air a Mercedes car travelling fast along the Kirundo-Mukenke road, but the ground was too uneven for them to land and stop the car. The helicopter therefore went ahead of the car and landed at Mukenke so as to stop the Mercedes as soon as it arrived there.

(6) The homes of various suspects at Mukenke were searched immediately, but without result. At nightfall the suspect Mercedes was halted and its occupants identified. They were Mr. Ntindendereza, Mr. Biroli, Mr. Nsabimana and Mr. Nahimana. There were no weapons in the car and, since it was dark, the aforementioned persons were taken to Muhinga for questioning.

On Sunday morning Ntindendereza's house was searched, and with his co-operation Kaja's weapon, a 9.3 mm rifle, was found. It was then decided that all those under arrest should be taken to Usumbura for questioning. On account of the distance involved and some mechanical troubles, they did not reach Usumbura till 8 p.m.

(7) Questioning began immediately, and late that night some admissions were obtained according to which the murderer had been Jean Kageorgis, a Greek national. Kageorgis was arrested at 5.30 a.m. on Monday. A search of his house brought to light several sporting and defensive weapons, including a 9.3 mm rifle and ammunition.

(8) After being questioned for several hours, Jean Kageorgis made a full confession.

The investigation:

The information which follows is a reconstruction on the basis of verified or corroborated statements. However, it cannot be regarded as more than an account, still subject to correction, of what probably happened. This version of the facts emerging from various statements goes back to 20 September, two days after the elections in Burundi, and may be summarized as follows:

(1) On an unspecified date even earlier than 20 September, Ntindendereza, Biroli, Jean Ntakiyica and Bigirindavyi are said to have met at Kayanza and to have declared that "as long as Rwagasore was alive there would be no safety for them".

(2) On Wednesday, 20 September 1961, Jean Kageorgis dined at the Athénée restaurant, where he was joined by Archaniotis. Accompanied by the latter and by Nahimana and Bigirindavyi, Kageorgis went to the house of Biroli, who asked him, on his own behalf and on behalf of Ntindendereza and Iatrou, to kill Rwagasore. Biroli, Archaniotis and Kageorgis went on to Iatrou's house, where the proposal is said to have been repeated and where Kageorgis was promised, and accepted 1 million francs for killing Rwagasore. The discussion lasted twenty minutes. Iatrou is further said to have given Kageorgis to understand that, when the deed had been done, important German firms would move into the

(3) On Thursday, 21 September, Archaniotis went to the shop "La Mascotte", where Kageorgis worked, and asked him to call at Biroli's. He met Jean Ntakiyica there. The agreement on the previous evening's plan was confirmed.

(4) On Friday morning, 22 September, Biroli made a purchase at "La Mascotte" and saw Kageorgis, giving him an appointment for midday. Kageorgis kept the appointment, at which he met Jean Ntakiyica, Antoine Nahimana, Bigirindavyi, Biroli and Archaniotis. Biroli proposed that the plan should be put into effect at Kitega the same evening.

Kageorgis went to Biroli's at about 7 p.m. The journey to Kitega was made in two cars; Archaniotis drove Bigirindavyi and Nahimana in Ntindendereza's car, while Jean Ntakiyica's Mercedes held its owner, Kageorgis, Biroli and a servant of Biroli's named Bitariho. They left at about 7.30 p.m., arriving at Kitega between 10 and 10.30 p.m. after one of the cars had had a puncture at kilometre 61. The following weapons were carried: Kageorgis' rifle, a rifle belonging to Biroli, and three sub-machine guns belonging to Nahimana, Jean Ntakiyica and Bigirindavyi.

At 10.30 p.m. they all assembled at Ntindendereza's house at Kitega. Ntindendereza was dining at the residence of Mr. Gassou, the United Nations Commissioner. All the group except Kageorgis walked about Kitega looking for Rwagasore, but in vain. They all - this time including Kageorgis - then walked past the dwellings of Mr. Bamina and Mr. Ntiruhwama. There were some people at Bamina's, and the group walked there in order to put the plan into operation, but there was someone near the house and the party returned to the cars, where Biroli and Jean Ntakiyica had stayed. Jean Ntakiyica, who was armed with a revolver, had threatened Biroli with it and forced him to stay in the car because he was in such an advanced state of intoxication that the worst might have happened - i.e., any women and children in Bamina's dwelling might have been wiped out.

After that abortive attempt they all returned to Ntindendereza's, first following a car which Rwagasore was thought to have entered. Ntindendereza is said to have suggested that another plan of action should be prepared, and the group, except for Biroli, Bigirindavyi and Ntindendereza, returned to Usumbura during the night.

(5) At about 3 p.m. on Saturday, 23 September, Iatrou came to the shop "La Mascotte" to question Kageorgis about the results of the trip to Kitega.

(6) On Monday morning, 25 September, Iatrou returned to the shop, called Kageorgis and suggested that he should ask his employer for time off in order to put the plan into operation.

Kageorgis secured his employer's permission to take leave from Tuesday, 26, to Friday, 29 September inclusive. As soon as he finished work he got ready to leave, took his luggage and his 9.3 mm rifle, and met Archaniotis at Jean Ntakiyica's at about 9.30 p.m. They left together for Kayanza, where Archaniotis was to point out to Kageorgis the dwellings of various people with whom he was to get in touch. They arrived about midnight at Bigirindavyi's where they found Biroli and Jean Ntakiyica. They then went on with Jean Ntakiyica to Nahimana's, where the trip to Kitega planned for next day was discussed. Archaniotis and Kageorgis stayed at Bigirindavyi's.

(7) At about 9.30 a.m. on Tuesday, 26 September, Kageorgis, Nahimana, Archaniotis and Jean Ntakiyica went in the latter's car to Baranyanka's. Archaniotis is said to have introduced Kageorgis as the man who was to shoot Rwagasore. Baranyanka is said to have approved and to have made certain promises. Archaniotis stayed at Kayanza to carry out maintenance on Baranyanka's cars, while the others left for Kitega. They reached Ntindendereza's house at about 2 p.m., but he was out; they then went on to Jean Ntakiyica's, where Kageorgis hid; this was because he was supposed to be spending his holiday hunting and did not want to be seen in that area. Having learned that Rwagasore would be at Usumbura, Jean Ntakiyica, Kageorgis and Nahimana, in Ntakiyica's car, and Henri Ntakiyica - who had arrived during the day with Kigoma - in another car left for Usumbura. At 9 p.m. they were at Biroli's house, but he was out. Kageorgis and Nahimana stayed there, while the two Ntakiyica brothers stayed at Jean Ntakiyica's.

(8) At 4 p.m. on Wednesday, 27 September, Ntakiyica, Nahimana, Kageorgis and Ntindendereza met at Biroli's, and Ntindendereza is said to have proposed an ambush on the Usumbura-Kitega road.

At 6 p.m. the Ntakiyica brothers, Nahimana and Kageorgis set off in Jean Ntakiyica's Mercedes, taking Kageorgis' rifle and Jean Ntakiyica's and

Nahimana's sub-machine guns. Each had his part to play in the ambush; the plan was to stop Rwagasore's car, which was to pass the spot during the evening.

At 10 p.m., not having seen Rwagasore coming, they decided to go to Kitega. They returned to the site of the ambush during the night; then, after giving chase to a vehicle in which they thought they had seen Rwagasore, they returned to Ntindendereza's, where there were a servant and Jean Ntakiyica, who had not taken part in the second expedition. They slept at Ntindendereza's.

(9) On Thursday, 28 September, Biroli came to inquire what had happened since they had left Kayanza on 26 September; then he went off to look for Rwagasore. The others did the same except for Kageorgis, who stayed in hiding. At about 9 p.m. Biroli ordered Kageorgis, Nahimana and Henri Ntakiyica to leave and carry on the search, either in the Kitega club, or at Ntiruhwama's, or at Bamina's. They left in a Peugeot car with its licence plate plastered with mud, taking with them Kageorgis' 9.3 mm rifle and two sub-machine guns. They were unsuccessful at Ntiruhwama's or Bamina's but saw Rwagasore at the club, and Nahimana and Henri Ntakiyica went inside. When they returned, Henri Ntakiyica showed Kageorgis a window from which he could fire at Rwagasore, but Kageorgis went to reconnoitre the spot and found that there were too many people on the premises. After some discussion they returned to Ntindendereza's, where they found Biroli and Jean Ntakiyica. Biroli said that they would have to await a favourable opportunity but that, come what might, the business must be over and done with as soon as possible. During the night they left for Kayanza, where Kageorgis took over his own car; he went back to Usumbura with Henri Ntakiyica and two unknown young men.

(10) On Friday, 29 September, Kageorgis returned home and rested.

(11) On Monday, 2 October, Iatrou came to the shop "La Mascotte" and asked Kageorgis why matters were taking so long.

Nothing specific happened until Saturday, 7 October, when Iatrou came to buy two packets of pepper and took the opportunity of asking Kageorgis how matters were going. He arranged to meet him the following day.

(12) On Sunday, 8 October, Iatrou went to Kageorgis' and urged that there should be no more delay, reminding him of the million francs and the promised post in a German firm. Kageorgis said that he was waiting for the right moment.

Nothing happened from 9 to 11 October.

(13) On Thursday, 12 October, Iatrou went to "La Mascotte" and invited Kageorgis to come and see him that evening. As soon as Kageorgis reached home, at about 7 p.m., a car driven by Archaniotis arrived to take him to Iatrou's. In Iatrou's living-room Kageorgis met, in addition to Iatrou himself, Ntindendereza and Nahimana. Ntindendereza is said to have fixed 15 October as the time-limit for the execution of the scheme, but to have given no reason for doing so. Iatrou complained at this meeting that Biroli was drinking far too heavily, and Ntindendereza admitted this. At about 8.30 p.m., without Iatrou, they went to Biroli's.

(14) On Friday, 13 October, Kageorgis went to Biroli's in his own car at about 7 p.m. There he found Ntindendereza, Biroli, Nsabimana, Kaja, Nahimana, Kigoma and Jean Ntakiyica. Ntindendereza took Kageorgis aside and told him that Rwagasore was at Usumbura. Kageorgis felt that, in that case, they should try to put the plan into operation. At that moment Henri Ntakiyica arrived at Biroli's in the Ford station wagon, which belonged to the PDC party.

Jean Ntakiyica proposed that they should use this vehicle to go and see where Rwagasore was, because Kageorgis' car was in poor condition. They arranged to meet at Biroli's at 9 p.m. Kageorgis left in his car and dropped Nsabimana and Jean Ntakiyica at the latter's house. At 9 p.m. he called at Biroli's, where no one but Nsabimana (and perhaps Biroli) was left. He went in search of the others, and at Jean Ntakiyica's found the Ntakiyica brothers, Nahimana and Bigirindavyi; the Ford station wagon was also there.

They left in the station wagon with Henri Ntakiyica driving, taking with them a 9 mm rifle belonging to Biroli and Nahimana's sub-machine gun. They followed a car to the "Bon Accueil" restaurant, then towards Lake Tanganyika. They returned to Ntakiyica's and left again in Kageorgis' car, this time without Henri Ntakiyica and Bigirindavyi. Kageorgis went to the Tanganyika restaurant, parked his car in front of the entrance and left Nahimana and Jean Ntakiyica there. He went into the restaurant alone, saw Rwagasore and had a drink at the bar, staying no more than ten minutes. He went home for his rifle and two rounds of 9.3 mm ammunition. He called back at Jean Ntakiyica's and put his weapon in the Ford station wagon, which also contained Biroli's rifle and Nahimana's sub-machine gun.

They went in the station wagon to the Tanganyika restaurant and stopped behind the building. Kageorgis went to reconnoitre with Nahimana; they found that Rwagasore was dining. The Ntakiyica brothers stayed in the car. At that moment Jean Kigoma drove up in Jean Ntakiyica's car and asked what was happening; he was told to clear off. The Ntakiyica brothers insisted that it was time to finish the job.

Kageorgis took his rifle and Nahimana his sub-machine gun, and they went to take up positions in the restaurant garden. When some waiters came outside and seemed to be having a conversation, they returned to the car. They then went back to their observation-point; Kageorgis, with Nahimana's encouragement, calmly took aim and fired. They fled at once, entered the car, moved off at high speed in the direction of the Astrida road, and had a breakdown at kilometre 25. They were able to restart the car on a slight incline, but it broke down again.

(15) A car came along and was stopped by Kageorgis, who asked the driver to take him to Usumbura. The car belonged to the Mwami Mwambutsa, Rwagasore's father, and the driver was the Mwami himself.

The Mwami dropped Kageorgis at the Stavros restaurant; Kigoma, Ntindendereza and Bigirindavyi were there. Kageorgis went to the bar and had a drink, then left, followed by the others; he told them what had taken place, and that they had run out of petrol on the Astrida road. They went for petrol with which to restart the station wagon that had been left on the road, then brought the vehicle, which was running again, back to town.

Kageorgis then returned to his house after fetching his own car.

B. Position of the Government of Burundi, as explained at the discussion which the Commission had with Mr. André Muhirwa, Prime Minister of Burundi, Mr. Thadée Siryuyumunsi, President of the Legislative Assembly, and Mr. Clover Nuwinkware, Minister for Justice, on 1 November 1961

(1) The Prime Minister considered that the Administration had done nothing to avert the incident despite the wealth of information in its possession with regard to the plot that had been hatched. After the assassination, the Administration had acted quickly to trace the Prime Minister's assailant, but had unfortunately confined its investigation to certain persons whose part in the

murder had been direct and who, furthermore, belonged to a particular family. In the Prime Minister's opinion, the investigation in hand should not be limited to a specific family, for the murder had not been a purely family affair but part of a political scheme which should be fully brought to light.

(2) In the Prime Minister's opinion, the main justification for the presumption of complicity by the Administration was the fact that those who, in his view, were behind the plot had not been arrested. In that connexion he mentioned Chief Baranyanka, who was said to have promised the murderer money and whose name was said to have been mentioned several times during the questioning. Mr. Muhirwa added that, in that connexion, the Administration claimed not to have sufficient evidence on which to arrest Mr. Baranyanka, and that it was pleading reasons of public interest which were really no more than pretexts.

(3) The Prime Minister's own view was that the real reasons, far from being those adduced by the Administration, were of a political nature, and that the Resident-General's complicity in the matter was sufficient explanation. In reply to a question, Mr. Muhirwa explained that that complicity lay in the fact that Chief Baranyanka had not been arrested and that the Resident-General was in touch with those who had been arrested and who appeared to be receiving privileged treatment. As to the possibility of direct collusion between Belgian nationals and the murderers, reference could be made to the fact that in the course of a conversation some Belgians were said to have stated that people who were "nuisances" must be got rid of; it should be added, however, that in the course of the same discussion other Belgians were said to have expressed the opinion that when a political party had been victorious in an election it should be allowed to keep what it had won.

(4) The President of the Legislative Assembly, for his part, corroborated the views expressed by the Prime Minister but drew the Commission's attention to the dangerous situation which had prevailed since the murder. He expressed concern at certain rumours to the effect that the weapons which the Administering Authority had just ordered seized on security grounds would be placed at the disposal of Parmehutu agents, who would send them to Rwanda. He added, in reply to a question, that he could refer to no specific facts in that connexion, as the seizure of weapons had begun only three days previously.

(5) According to the Minister of Justice, the circumstances leading to the murder could ultimately be traced back to the Administration's sedulously pursued policy of support for the Front commun. In his view, the guilty should be classified in three categories: the actual perpetrators, the instigators and the organizers. Mr. Nuwinkware felt that the action taken by the Administration after the incident had affected only the first two categories. The investigation had begun well but had not been followed up in the right direction, i.e., so as to unmask those who were really behind the plot. It was known, for instance, that the murderer had been promised a million Belgian francs in blood-money. Such a sum obviously could not have come from an indigenous inhabitant; furthermore, even if an indigenous inhabitant had a sum of that size, he would never think of using it for such a purpose or under such conditions. In an attempt to remedy the defects in the current judicial investigation, he had asked the Procureur Général du Roi to permit a representative of the Government and of the Legislative Assembly to take part in those proceedings.

(6) Lastly, the Minister of Justice mentioned some officials of the Administration and certain Belgian nationals who, in his view, should be questioned. In particular, he named Mr. Cimpaye, the former Prime Minister's adviser and permanent secretary, who was said to have resigned and to have left the Territory on 16 October 1961, and a certain Mrs. Belva, who was said to have resigned from her post in the Ministry of the Interior some ten days previously.^{2/}

IV. VARIOUS OPINIONS COLLECTED IN BURUNDI

32. During its stay at Usumbura and in addition to frequent contact with the members of the Administering Authority and of the Government of Burundi, the Commission had discussions with various personalities such as the Mwami Mwambutsa - Prince Rwagasore's father - the deceased Prince's mother and other members of his family. It also received various members of the previous Government, including the former Prime Minister, and heard the views of private individuals.

33. From these discussions with a wide range of persons representative of public life in Burundi, and from the statements made by the Government leaders of Burundi, the following main trends of opinion may be said to emerge:

^{2/} See annex XVIII.

(a) That the crime was the result of a political plot involving several assassinations. The Prime Minister's murderer, according to this view, had been a mere tool. The plot is held to have been organized by members of the Front commun and, more especially, of the PDC (Parti démocrate chrétien) which had been overwhelmingly defeated at the elections of 18 September by UPRONA (Unité et progrès national), another political party led by Prince Rwagasore. The ultimate aim of the plot was to create disturbances throughout the State, so as to give the Front commun the upper hand while UPRONA, the party in power, would fall into discredit and anarchy.

(b) That the murder was merely one more episode in a long series of crimes marking the course of the age-old rivalry between two opposing clans competing for power in Burundi. The Mwami Mwambutsa, Prince Rwagasore's father, was the head of one of the two clans; some of those arrested were leading members of the other family, which was led by Chief Baranyanka.

(c) That the crime was due to a combination of motives, some political, others of a family or personal nature, and including the mere settlement of old scores.

34. In addition the Commission received from various indigenous personalities, and from several other persons of different ethnic backgrounds, complaints and observations to the effect that: (1) the man they regarded as the main instigator of the crime had not yet been arrested; (2) the prisoners should be guarded by Belgian parachutists, not by the territorial police, some of whom were claimed to be acting as their go-betweens with the outside world; and (3) that the prisoners appeared to be enjoying privileged treatment. Lastly, according to the same sources, there had been delay in adopting effective measures to ensure the Mwami's safety notwithstanding the instructions sent from Brussels the day after the incident.

35. According to the same informants, all the circumstances pointed to bias on the part of the trusteeship Administration, especially the Resident-General.

36. The Commission feels bound to state that it heard no complaints from any one regarding the regularity of the procedure followed by the judicial authority in charge of the case.

37. This report was adopted unanimously by the Commission on 11 November 1961.

(Signed) Max H. DORSINVILLE
Chairman

Ernest GASSOU

Majid RAHNEMA

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ANNEX I

Summaries of and relevant extracts from documents submitted
to the Commission and annexed hereto

In the course of its work the Commission received various documents, the text of which is reproduced as annexes. Interesting though they are, these documents sometimes deal with a variety of subjects; it has therefore been deemed useful to compile a summary of the passages which, directly or indirectly, relate to the Commission's terms of reference.

(a) To begin with, the Chairman of the Commission received from Mr. Thaddée Siryuyumunsi an "Explanatory Note concerning the case of Prince Louis Rwagasore, Prime Minister of the Government of Burundi" (Annex II). At the end of his note Mr. Siryuyumunsi lists the following conclusions:

"The Resident-General is clearly implicated in the Rwagasore case on account of:

1. his very close relations with the murderers;
2. his refusal to give orders for the arrest of the persons thought to be guilty;
3. his manifest hatred of the victim;
4. his real intention of making Burundi republican in order to facilitate its union with Rwanda".

He concludes by asking for strong action to be taken against the Resident-General.

(b) In a letter sent from Usumbura, dated 30 October 1961 and addressed to the Procureur du Roi (Annex III), a copy of which was addressed to Mr. Dorsinville, the President of the Legislative Assembly writes:

"It is the wish of the bereaved people, in their indignation, that the criminals guilty of high treason should receive the same treatment as ordinary prisoners or even more severe treatment".

He then goes on to explain the reasons which lead him to the following conclusion:

"The Parliament of Burundi, conscious of its duties, invites the Authorities and the Judiciary to show greater dynamism and dignity in the conduct and conclusion of the inquiries into this political assassination.

"The Parliament of Burundi unreservedly requests that:

- "1. The criminals should be detained in a safe place, guarded by police officers and men known to the Government and to Parliament;
- "2. All persons who have participated in any way whatever in the conception and organization of the plot should be held in custody pending trial.

"This applies to:

"(a) The signatories of any document relating to the aforesaid political plot;

"(b) the originators of the iniquitous idea;

"(c) the persons who financed and assisted in the crime;

"(d) the persons who, on the occasion of the crime, showed great joy and relief after the assassination.

"In brief, the Parliament of Burundi demands action that would reach not only the perpetrators of the crime but also, and above all, the root of the evil, the entire revolutionary organization.

"Furthermore, it requests that a commission consisting of the Minister for Justice and two Members of Parliament should participate in the inquiries and the interrogation of the persons in the various categories enumerated above."

(c) On 2 November 1961 the President of the Legislative Assembly of Burundi transmitted to the Commission the text of a "Report submitted by the Security Commission to the Legislative Assembly of Burundi", dated 28 October 1961. (Annex V)

This report states that the Commission responsible for compiling it was set up for the double purpose of assisting the Government in gathering information likely to lead to the discovery of the principals and accomplices involved in the assassination of the Prime Minister, and of submitting to the Government proposals for steps to be taken with a view to restoring and maintaining public security. In the introductory part, the Security Commission speaks of certain groups of Burundi in the Front commun and of foreign mercenaries said to have begun to organize attacks on members of the Party in power, even within the royal family itself. While noting with satisfaction the arrests already made by the Administering Authority, it expresses surprise at the fact that certain suspects have not been apprehended. It welcomes the arrival of the United Nations Commission and hopes that Belgium and the United Nations will be able to co-operate in the successful conduct of the inquiries now in progress.

In the first chapter, dealing with the political character of the assassination of the Prince, the Security Commission says that it considers that the idea that this murder was the consequence of a tribal conflict is unfounded and that in point of fact the purpose of the attack was to undermine the monarchy.

In the second chapter, the Security Commission proposes certain measures: arrest of suspects; confiscation of firearms; strict enforcement of the ban placed by the Resident of Burundi on the carrying of local weapons by any Murundi; close and frank co-operation between the Government and the Administering Authority with a view to the apprehension and punishment of the culprits; regulation of the protocol and security arrangements for the Mwami, who should be under the protection of a mixed bodyguard of Barundi and Belgians; establishment, for the same reason, of a guard for the protection of Ministers and deputies; various measures against political refugees, without any distinction based on race, who may have taken part in the assassination or sought to stir up troubles. Lastly, with regard to the punishment of the persons guilty of the murder, the Security Commission requests that the Barundi people alone, through their Parliament, should be competent to decide the nature of the sentence and it urges that in the meantime the prisoners should be treated with all severity. The Commission concludes by pointing out that unanimity among the leaders, the confidence of the Barundi people and the co-operation of the Administering Authority are the three considerations upon which the general outline for the administration of justice will be based. It adds, however, that ever since the outbreak of the ideological struggle between opposing parties, the Administering Authority had been kept informed of the strange way in which certain members of the Front commun possessed and brandished firearms.

(d) In a "Supplementary Note" complementing the previous report submitted by the Security Commission, and transmitted to the United Nations Commission by the President of the Legislative Assembly (Annex V), the Chairman of the Security Commission of this Assembly reports a conversation which he apparently overheard in Brussels on 19 September between Belgian officials, including Mr. de Fays, a former Deputy Resident of Burundi, and Mr. Ntakiyica, whose brothers are accused of having been implicated in the murder of Prince Rwagasore. Mr. de Fays is reported to have expressed, in strong terms, his disappointment at the announcement of the

result of the elections, which he described as "faked", and to have replied to Mr. Ntakiyica, who spoke of forming an underground of Front commun members, that in Burundi situations could easily be reversed.

(e) Also annexed to this report is a letter dated 1 November 1961 from the Vice-Chairman of the Parti démocrate chrétien (PDC) addressed to the Commission for transmission to the General Assembly (Annex VI). After complaining that the PDC had been given unfair treatment both during and after the elections and that in some provinces its members had been the victims of violent acts of repression, the perpetrators of which had been left undisturbed, the letter states that the murder of Prince Rwagasore and its aftermath should be examined in that light.

Indeed, it would seem that the arrests already carried out have given the inquiries the appearance of a campaign of repression against a particular political trend, thereby eliminating all possibility of the existence of an Opposition party. Both for the defendants, who will still, in the eyes of the public, bear the stigma of their imprisonment even if they are released or acquitted, and for the State itself, which is now deprived of the necessary balance among parties, the danger is great. The PDC therefore appeals to the United Nations not to let Burundi sink into utter degradation.

ANNEX II

Explanatory note concerning the case of Prince Louis Rwagasore,
Prime Minister of the Government of Burundi, addressed to
Mr. Max H. Dorsinville

STATE OF BURUNDI

Ministry of Justice

Kitega, 28 October 1961

Sir,

The tragic loss of Prince Rwagasore, the Prime Minister, has plunged the whole of Burundi into a state of indescribable mourning. This mourning fills the hearts of the Barundi with unspeakable anguish. The death of the Prince was not an unpremeditated thing but was the result of a carefully thought-out and well executed plot. The following facts will enable you to understand the facts of this tragedy:

1. Prince Louis Rwagasore, being just, dynamic and tenacious, became very popular, and when political parties began to emerge in Burundi he was hated by his political adversaries, both indigenous and European.
2. The political parties which were promoted and financed by the Resident-General strove constantly to destroy first him and then his party. The way of life enjoyed by Mr. Mbuziyonja, Mr. Matuturu, Mr. Harimenshi, Mr. Burigusa, Mr. Cimpaye, Mr. Ruburisoni, Mr. Ntwenga, Mr. Burarame, Mr. Birihanyuma, Mr. Nduwabike etc. affords adequate proof of financing by a very powerful agency and it is generally recognized that it was Mr. Harroy, the Resident-General.
3. The Resident-General always showed that he favoured the Parti démocrate chrétien. He financed it on several occasions, protected it and has supported it to this day (the reports to the United Nations contain detailed information on this subject: see the statements by Mr. Siryuyumunsi and Mr. Nirikana Bernard).
4. The Resident-General ordered the arrest of Prince Rwagasore and had him placed under house arrest at Bururi in spite of the protests of the inhabitants (both European and black).

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5. The Resident-General and his Front commun removed Prince Rwagasore from the political scene in order to keep his party in check.
6. The Resident-General always thwarted Mr. Rwagasore in any action which he sought to take and in his journeys throughout the State. The incident at Ruyigi, where parachutists threatened to fire on him if he did not leave within five minutes, is one example of this.
7. The Resident-General prohibited the carrying of local weapons but did not prohibit the carrying of firearms, for the good reason that those who possessed them were his collaborators.
8. The harsh emergency measures affected the members of UPRONA, whereas the Front commun was afforded special protection.
9. In spite of the urgent demands of the Parliament and Government of Burundi, the Resident-General has taken no steps to arrest the chief authors of the crime and has only arrested ordinary mercenaries. It is, however, public knowledge that Mr. Nigane, Mr. Baranyanka, Mr. Bigayimpunzi, Mr. Kiyuku and Mr. Biha are the real authors of the crime, yet the Administrator leaves them at liberty, which implies that they have some task to perform.
10. The above statement will cause no surprise since it is known that the late Mr. Dag Hammarskjold, Mr. Lumumba and Mutara Rudahirwa, King of Rwanda, were the victims of the dastardly policy of the Belgians (Kigeri).
11. Numbers of Banyarwanda are invading Burundi under the pretence of being refugees, but everyone knows that the Administering Authority is instrumental in this, the object being to put the country to fire and sword.
12. The Resident-General rejoices at these catastrophic murders in Rwanda and would be only too pleased to get rid of one of his principal adversaries in Burundi. The idea of exterminating the royal family, beginning with Prince Rwagasore, followed by the King and his son Charles, and then killing the main pillars of the country such as Monseigneur Ntuyahaga, the Abbé Makuta, the Ministers Mr. Muhirwa and Mr. Ntiruhwama, and Mr. Siryuyumusi, the President of the Legislative Assembly, can only be inspired by colonialism.
13. It is an undeniable fact that the existing lawful Government is encountering more obstruction on the part of the Administering Authority than did the provisional Government set up following the unfair elections; an example is the refusal to allow it offices and dwellings at Usumbura, where the Government decided to establish itself.

From the foregoing the following conclusion is reached: the Resident-General is clearly implicated in the Rwagasore case on account of:

- (1) his very close relations with the murderers;
- (2) his refusal to give orders for the arrest of the persons thought to be guilty;
- (3) his manifest hatred of the victim;
- (4) his real intention of making Burundi republican in order to facilitate its union with Ruanda.

In short, strong action must be taken against the Resident-General if Burundi is not to become the enemy of Belgium despite its wisdom and patience and the cowardly assassination of its conqueror at Usumbura on 13 October 1961.

We appeal to the United Nations, which has the ultimate authority, to relieve our distress, or, failing that, to grant us immediate independence.

On behalf of the Parliament

SIRYUYUMUNSI Thaddée

President of the Legislative Assembly

ANNEX III

Communication dated 30 October 1961 from the Legislative
Assembly of Burundi concerning the political situation
in Burundi

STATE OF BURUNDI

Legislative Assembly

Usumbura, 30 October 1961

Copies to:-

- Mr. Max H. Dorsinville, Usumbura
- Mr. Carlier, Usumbura
- The Resident-General of Ruanda-Urundu, Usumbura
- The Prime Minister and Minister for the Interior, Kitega
- The Minister for Justice, Kitega

Subject: Political Situation in Burundi

To: The Procureur du Roi, Usumbura

Sir,

It has been repeatedly observed by Members of Parliament themselves and by the general public that the murderers of H.R.H. Prince Louis Rwagasore, the Prime Minister of Burundi, are enjoying privileges which should not be allowed and which are completely at variance with the procedure laid down for such cases.

It should be borne in mind that the victim was:

1. a son of the State;
2. a great political leader of Burundi of international repute;
3. the Prime Minister who formed the first autonomous Government of Burundi;
4. a man who, over and above the aforementioned qualities, was a Prince of Burundi and the son of H.M. King Mwambutsa.

For these reasons it is the wish of the bereaved people, in their indignation, that the criminals guilty of high treason should receive the same treatment as ordinary prisoners or even more severe treatment.

Parliament notes with indignation that murderers are treated better than those who contravene traffic regulations. For we have learnt from reliable sources that at the time of the Cendajuru incidents the suspects, and in particular the

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local burgomaster, were subjected to appalling treatment from the moment they were taken into custody, the burgomaster even being placed in a barrel of brine where he spent two nights with no means of sustenance other than that beverage. This is only one example out of a thousand.

In their anguish the Barundi people turn their eyes towards a fairer system of procedure and are perpetually clamouring for the names of those who have already been arrested to be announced over the radio. The persons presumed to be the principals, accessories and accomplices, and those who have shown any kind of rejoicing - in other words those who celebrated and continue to celebrate the death of our lamented Minister - must be apprehended without delay. It was in this connexion that a few days ago a joint Parliamentary and Government delegation was received in audience by the Resident-General to discuss some very important questions such as the disarming of all persons except members of the armed forces, etc. It is beyond all doubt that among the owners of firearms there are persons who took part in the plot and who, long before the terrible drama we have witnessed, had conspired to draw up a programme of arson and murder.

Only a heart rent asunder by the infamous plundering of its life-giving element, of its moving force, can fail to resort to action more specific than that of claiming its minimum rights.

Imbued with feelings of justice, yet without wishing to make a legal dissertation, this heart cannot fail to appeal to the apparatus of human justice. And ... this does not seem to us to be anything more than a simple legitimate appeal. Looking at this case as a whole, the members of the Murundi Parliament are of the opinion that there can be no remedy and no other system except the application of the system of imprisonment on suspicion which can both calm the minds and allay all suspicions. For it is only natural that in a situation in which attacks on and murders of innocent persons are almost as common as in Rwanda, the confidence which the Barundi have had and still have in the Administering Authority will disappear before long.

To illustrate this statement, let us give some specific examples:

1. District of Kitega

At midnight on 5 October 1961 the house in which the President of the Legislative Assembly of Burundi resided was set on fire with petrol, together with the outhouses. During the same night the house of former Sub-Chief Matega was

also set on fire; that of his elder brother, former Sub-Chief Louis Karani, now a deputy, could not be reached because the path was impassable. The group of incendiaries had received instructions from Mr. Emmanuel Nigane, President of UPP and former Minister for Social Affairs, who placed his private car at the disposal of the criminals. All the defendants in this case have confessed (cf. Parquet at Kitega). The funds for carrying out the programme are administered by Mr. Eleuther Harimensi, the Provincial Secretary.

To the best of our knowledge the latter could not have such sums entrusted to him without the authorities being privy to the matter.

2. Same district - Province of Karuzi

Several huts were set on fire at night. The victims cannot complain because at the meetings at which this arson is organized, which are usually held in the small hours, the provincial authorities do not hesitate to state that they have received instructions from their superiors.

3. District of Muhinga

Especially in the Province of Kirundo, where the incendiaries are protected by the provincial police during their operations.

4. District of Ngozi - Province of Kayanza

Case of Bernard Niyirikana, a deputy: A letter dated 17 September 1961 describes the arbitrary acts perpetrated against the person and property of Mr. Bernard Niyirikana by Mr. Biroli and Mr. Yebeza, the burgomaster of Kayanza. The acts were committed between 14 and 17 September 1961. These gentlemen, with the aid of Baganzicaha Paul Ntakiyica, organized a murderous gang of 75 Bahutu and 300 pygmies hired by Mr. Pierre Baranyanka for the same purpose.

In the same circumstances, place and time, Biroli and Yebeza fraudulently purloined from Mr. Niyirikana: two woollen suits, one typewriter, three briefcases, some UPRONA membership cards and 10,000 francs in cash. The car in which Mr. Niyirikana was driving was twice attacked by the same gentlemen, who did not however succeed in stopping it; the car was damaged and objects inside it were stolen. Mr. Niyirikana has filed a complaint but so far there has been no action on it.

On the 15th of this month, after the death of the Prince, festivities were organized in the commune of Kabarore by Mr. Pierre Baranyanka. There were also rejoicings in other places, in which Yebeza, the burgomaster of Kayanza, took part. Both of them made statements hurling defiance at the members of the winning party. All these events took place with the assistance of Mr. Jean Nitawe, of the communal police, the Administrator of the Province of Kayanza.

Mr. Niyirikana cannot set foot on his land without courting death.

On 11 September 1961, Mr. Valentin Bankumuhari, Mr. Jean Ndariganiwe and Mr. Côme Bucumi were attacked by Mr. Joseph Biroli, Mr. Antoine Nahimana, Mr. Pie Rurimwindomyi, secretary of the Province of Kayanza, and Mr. Misigaro, the burgomaster of Buriza. They were threatened and forced to turn back although the electoral campaign had been in progress for several days.

A complaint was filed on the same day with Mr. Cabin, the Administrator of the District of Kayanza, but no proceedings have so far been instituted. Mr. Nahimana, armed with a revolver, pursued Mr. Bankumuhari's car but Mr. Bankumuhari managed to escape thanks to the speed and performance of his vehicle.

Considering the sad circumstances in the State of Burundi as a result of the death of Prince Louis Rwagasore, the Prime Minister, who was cruelly assassinated by an entire group of his political opponents, who were most probably supported and financed,

Considering the grief of the Burundi people and the serious threats to His Majesty King Mwambutsa, the royal family, the Ministers, the Members of Parliament and all the collaborators and friends of H.E. the late Prince Rwagasore,

Considering the facts, the acts committed and the documents which prove the guilt of the principals and accessories and of their allies who are under grave suspicion,

The Parliament of Burundi, conscious of its duties, invites the Authorities and the Judiciary to show greater dynamism and dignity in the conduct and conclusion of the inquiries into this political assassination.

The Parliament of Burundi unreservedly requests that:

1. The criminals should be detained in a safe place, guarded by police officers and men known to the Government and to Parliament;
2. All persons who have participated in any way whatever in the conception and organization of the plot should be held in custody pending trial.

This applies to:

- (a) The signatories of any document relating to the aforesaid political plot;
- (b) the originators of the iniquitous idea;
- (c) the persons who financed and assisted in the crime;
- (d) the persons who, on the occasion of the crime, showed great joy and relief after the assassination.

In brief, the Parliament of Burundi demands action that would reach not only the perpetrators of the crime but also, and above all, the root of the evil, the entire revolutionary organization.

Furthermore, it requests that a commission consisting of the Minister for Justice and two Members of Parliament should participate in the inquiries and the interrogation of the persons in the various categories enumerated above.

for and on behalf of Parliament,

SIRYUYUMUNSI, Thaddée
President

ANNEX IV

Report submitted by the Security Commission to the
Legislative Assembly of Burundi on 28 October 1961^{a/}

STATE OF BURUNDI
Legislative Assembly

In view of the political situation in Burundi, marked by the tragic death of Prince Louis Rwagasore, Prime Minister of the lawful Government of Burundi, the Legislative Assembly of Burundi found it necessary, on 15 October 1961, to set up a commission, known as the Security Commission, to prepare a comprehensive plan and study measures for the solution of national problems. The objectives of this Commission are set out in detail below.

The Commission was established with a two-fold purpose:

1. To help the Government of Burundi to obtain information leading to the identification of those implicated in the assassination of Prince Louis Rwagasore, Prime Minister of the lawful Government of Burundi, whether as principals, accessories or accomplices.

2. As a study group, to submit to the Government of Burundi through the Legislative Assembly of Burundi the measures it considered should be adopted with a view to restoring and maintaining peace and public security and order, such measures being the only possible means of maintaining or restoring calm and upholding authority in the country.

* * *

The Security Commission, after making a painstaking study and careful inquiry into the background of political developments in Burundi and their past, present and future repercussions, and recognizing the urgency of the matter before it, decided to submit certain of its findings to the Legislative Assembly of Burundi for the sole purpose of informing and guiding the Government in its national policy.

^{a/} The text of this report was communicated to the United Nations Commission on 2 November 1961 by the President of the Legislative Assembly of Burundi.

It is in fact a matter for the Legislative Assembly of Burundi that certain Burundi groups in the Front commun and foreign mercenaries, forming a veritable maquis, have begun either by direct action or through intermediaries to set fire to dwellings and to organize plots against members of the party in power, even going so far as to attack the institution of the monarchy. Instances of murder and arson, particularly in the Ngozi, Muhinga and Kitega Districts provide unquestionable evidence that a gang of criminals is seeking to spread panic and bloodshed in the State.

The Security Commission is aware of the danger which Burundi will face unless drastic measures are adopted to check this clandestine activity. The tragic death of Prince Louis Rwagasore, Prime Minister of the lawful Government of Burundi, and the attempted assassination of the President of the Legislative Assembly of Burundi at Kitega constitute cogent evidence and should in themselves suffice to lead the Administering Authority to consider the adoption of firm, energetic and prompt measures with a view to the arrest of all suspects.

The Security Commission is gratified to note that the Administering Authority has already arrested the persons responsible for the assassination of Prince Louis Rwagasore and expresses the hope that the machinery of justice may continue to operate as effectively, or even more effectively, which would give great satisfaction to the Murundi people.

The Security Commission is following with close attention the methods applied and notes that while some persons guilty of political and criminal offences have been arrested, there are other persons suspected of playing a part in the assassination or of organizing disturbances in the country who are still at liberty and that no measure involving deprivation of freedom has so far been taken against them, despite the repeated representations of the legitimate, lawful authorities of Burundi.

The Security Commission did not remain indifferent and inactive on the arrival of the United Nations Commission to investigate the assassination of our Prime Minister. It believes and hopes that Belgium and the United Nations will, as they have already shown that they can, co-operate to bring the investigation to a successful conclusion.

The Security Commission, noting that a number of rumours and statements are being circulated which have no foundation in fact, wishes through the Legislative Assembly of Burundi to enlighten both Burundi and foreigners regarding the political nature of the assassination of Prince Louis Rwagasore, Prime Minister of the lawful Government of Burundi.

The Commission considered it essential to state its opinions and conclusions on these various points in view of their important bearing on any national solution.

The Commission's investigations and conclusions call for a preliminary statement on the political situation, having regard to the decisive part played by the development of the ideological struggle between opposing parties.

1. The political nature of the assassination of Prince Louis Rwagasore, Prime Minister of the lawful Government of Burundi

The late Prince, who was tireless in his efforts for the national cause, always deplored the struggle between the rival BATARE and BEZI families. The Security Commission draws attention to the fact that Prince Rwagasore was neither "Mwezi" nor "Mutare". For him Murundi customary law was the sole criterion. The wild rumours which are being circulated, according to which the death of our esteemed and lamented Prime Minister can be traced to clan rivalry, are wholly baseless and are a slur on the honour of the late Prince. The Burundi who uphold this erroneous view, which is being methodically circulated, are in many cases persons who are seeking to evade justice or who are seriously lacking in national spirit and national responsibility.

The Security Commission draws attention to the fact that the course of political events in Burundi has provided and will provide evidence which should be reviewed, as pointed out above.

For approximately two years the political parties have been engaged in heated discussions in an effort to find a better solution for the political future of Burundi. As a result of those discussions, which were concluded by free and secret legislative elections with universal suffrage for adult Burundi, the UPRONA party succeeded in entering the political arena.

UPRONA has its objective, "UNITY AND NATIONAL PROGRESS OF BURUNDI", graven in the heart of each of its members. Its consciousness of its primary duty, which is to build up Burundi in co-operation with the Belgian Administration, not in bloodshed and insecurity, but in peace and order in the interest of all the inhabitants of the country, has enabled it to overcome its shortcomings and its pride.

The Security Commission hopes that the Opposition will excuse certain passages which may perhaps have a partisan slant, but the political situation necessitates a reference to certain facts, certain political features. If these were omitted, the Security Commission would find it virtually impossible to submit a realistic, accurate and judicious report.

The Security Commission therefore urges the Legislative Assembly categorically to condemn all the crimes which have been committed and likewise to repudiate all incitement to bloodshed and arson in which certain members of the Front commun still dare to engage, thereby dishonouring their respective political parties.

Thus, the political nature of the assassination of Prince Louis Rwagasore, Prime Minister of the lawful Government of Burundi, has affected all the institutions of the State. It was an attempt against the monarchy itself, for the Prime Minister was not only a political leader and son of the Mwami, but also a major obstacle to the enemies of the monarchy. To do away with the son was the best means of attaining the objective of eliminating the Mwami, thereby undermining the very institution of the monarchy.

The Government of Burundi has lost the leader of its team. The Parliament has lost its right arm in the struggle for freedom, as the Legislative Assembly was composed almost exclusively of a homogeneous group of members of the party supported by the late Prime Minister.

The Security Commission will be guided by the view that its sole criterion, purpose and function is to assemble the essential data for an impartial and adequately documented report.

Hence, with a view to remedying the extremely critical situation, the Security Commission will endorse certain formulae and will propose certain measures to the Legislative Assembly for adoption or consideration, solely with the national interest in mind.

The measures in question are complex. They are based on existing political realities and on those which inevitably flow from the political situation in Burundi, both internally and externally. In this connexion, the Security Commission is gratified that steps have already been taken to set up the Foreign Affairs Commission, which will have the task of dealing with those critical problems affecting our relations with other countries which require external intervention.

The Security Commission believes it opportune to submit to the Legislative Assembly at this point some of the measures which it deems appropriate for maintaining peace and safeguarding the national institutions of Burundi.

2. Measures to be considered or adopted

1. Steps should be taken at once to arrest and detain persons known to have perpetrated or instigated the incidents in question or persons suspected of having done so. Priority should be given to cases connected with the assassination of Prince Louis Rwagasore, Prime Minister of Burundi.
2. In view of the present political situation in Burundi, all persons, of whatever civil and religious status, race or colour, should be compelled to give up their arms. Arms taken and held by the Administering Authority would be returned as soon as it was clear that calm had been restored and that the political situation in the country had returned to normal.
3. The decision of the Resident of Burundi prohibiting all Murundi from carrying certain indigenous weapons (bows, spears, machetes) should be kept in force and strictly applied. This decision, which was taken before the elections as a result of the Muhinga incidents, should be kept in force for a specified period of time and rescinded only when calm is restored in the country.
4. There should be close and sincere co-operation between the Government of Burundi and the Administering Authority with a view to the arrest and punishment of offenders and suspects. In that connexion, the Territorial Guard should be placed under the Minister of the Interior; this concession would be strong evidence of the good faith of the Administering Authority.
5. The Government should be asked to give effect to the protocol of the Mwami, and the Legislative Assembly should take a decision concerning the

official residence of the sovereign of Burundi. With regard to the former, the Security Commission considers that a mixed guard, composed of Barundi and Belgians, who - particularly the latter - would be designated solely by the Mwami or his agent, is essential. This guard would consist of both military and civilian members, and would form a bodyguard for the protection of the sovereign when travelling and a permanent guard stationed at his residence.

6. A bodyguard should similarly be established at once for the protection of ministers, and a permanent bodyguard to protect deputies during their parliamentary work.

7. Close vigilance should be maintained in frontier areas, particularly on the Rwanda side, in order to prevent the escape of offenders and suspects. It would therefore be advisable to station a frontier guard there (at the Rwanda, Tanganyika and Congo frontiers).

8. The Administering Authority should be asked to take steps for the extradition of persons who have sought refuge abroad, if their flight was in any way connected with the assassination of Prince Rwagasore or the incidents mentioned above (disturbances, arson).

9. The policy in respect of political refugees should be reviewed. The relevant measures would be applied to all foreigners, without distinction, whether white or coloured, since not only Barundi but also foreign mercenaries in the service of enemies of the people had a hand in the assassination of Prince Louis Rwagasore. It is obvious that the only possible course, and one which we are awaiting with impatience, is close co-operation between the Administration and the Belgian Government. The Minister of the Interior should submit a detailed report to the Legislative Assembly on the political and social situation of the Banyarwanda, particularly those at Usumbura, and the Administration, by virtue of the responsibilities and powers vested in it, should screen, classify and lay down regulations in respect of European or other foreign residents in the country and their means of livelihood. A number of observations are called for by recent instances where PARMEHUTU and APROSOMA cards were seized from Banyarwanda propagandists in the Ngozi District who were advocating a republic and civil war and were passing themselves off as political refugees.

10. The Minister of the Interior should review the existing policy in respect of provincial administrators and the staff of the provincial administrations. There is concrete evidence to show that it does not serve the interests of the nation to retain as heads of provincial administrations or national bodies persons who jeopardize order and security. Urgent and drastic measures should be taken in this connexion, in consultation with the Minister of Justice, for there can be no compromise between good and evil, between order and anarchy. Police measures should be considered and a criminal investigation department should be set up at the provincial level.

11. A regular system of police surveillance should be organized immediately in large centres in order to forestall disturbances. Similar protection should be provided for markets and hotels in order to prevent wrongdoers from seizing the opportunity offered by the presence of certain persons in order to carry out their nefarious intentions.

12. Other ministerial commissions should be set up without delay in order to co-ordinate the bold steps taken by the Government and the Legislative Assembly. The unity of the Murundi people can be maintained and its institutions safeguarded only through co-operation between these two national organs.

13. Existing and future commissions should be guaranteed freedom of action. The commissions should maintain close liaison with the ministries concerned and should have powers of initiative in their work.

14. A start should be made at once on the drafting of a constitution for the country. It is particularly to the basic principles and the legal safeguards laid down in such a constitution that the Murundi people - acting through the Legislative Assembly, the working instrument which that people has created - must look for a better future and for the preservation and defence of national institutions, particularly the institution of the monarchy.

15. Lastly, with regard to the principal matter, the assassination of Prince Louis Rwagasore, the Prime Minister of the lawful Government of Burundi, the Security Commission points out that, owing to the national and international repercussions of that political coup, the Legislative Assembly cannot afford to treat it with indifference. The pacification of the Barundi

and the maintenance of good relations with Belgium are at stake. For this reason, the Security Commission considers it essential that only the Murundi people, through its Parliament, should have the right to determine the penalty to be imposed upon the Barundi responsible for the death of the prince. If this approach were adopted, customary law would prevail over written law, thereby giving more leeway for political expedience.

16. The Security Commission considers that Parliament should be informed of the judicial action taken after the attack which resulted in the death of Prince Louis Rwagasore, the Prime Minister. This is a matter of great importance, for certain well-informed Barundi circles are complaining of the treatment of the prisoners and the conditions in which they are being held. However, while the Commission would not wish to see the prisoners treated otherwise than with the elementary decency to which human beings are entitled, all prisoners must nevertheless, now and in future, be detained under rigorous conditions.

17. The Security Commission considers that the Legislative Assembly might make objections to and comments on this report before the return of the deputies for the purpose of pacification.

* * *

The foregoing is the report submitted to the Legislative Assembly of Burundi by the Security Commission.

The Ministries of the Interior and of Justice will find in it reference material which may be incomplete in some respects, owing to the delicate nature of the work.

The three main principles on which justice will be based today and in future are the unity of the leaders, the confidence of the Murundi people and the co-operation of the Administering Authority.

Our institutions have been shaken by the death of the Prime Minister. The fomentors of disturbances wish to seize the opportunity to spread bloodshed in the country.

The Commission notes in conclusion that from the outset of the ideological struggle between the opposing parties the Administering Authority had been informed of the irregular manner in which firearms were being held, distributed and displayed by certain members of the Front commun.

It is therefore for the Legislative Assembly of Burundi to form its conclusions on the basis of the report submitted to it today by the Security Commission.

The Murundi people has the right to choose its leaders and to have its institutions protected. It must not be deprived of that right by a gang of wrongdoers who seek to undermine established authority, disregarding all rules of dignity and democracy and trampling upon the most elementary principles of democracy and of respect for the human person.

Usumbura, 28 October 1961

Chairman of the Security Commission:
MBAZUMUTIMA, Joseph

Vice-Chairman of the Commission:
SINDAMUKA, Samuel

Secretaries:
NGENDABANYANKA, Thomas
KANDIKANDI, Joseph

ANNEX V

Additional note supplementing the report of the Security Commission
submitted to the Legislative Assembly of Burundi for approval on
28 October 1961

Statement by Mbazumutima, Joseph, deputy, Chairman of the Security
Commission of the Legislative Assembly of Burundi

The sudden death of Prince Louis Rwagasore, Prime Minister of the lawful Government of Burundi and the disturbances which have already occurred or are being fomented in Burundi have led me to make a statement, not only in my capacity as Chairman of the Security Commission of the Legislative Assembly of Burundi but also as a witness who was present when statements were made in preparation for the organization of a clandestine force in Burundi, following the crushing victory of the nationalist party, UPRONA, in the legislative elections on 18 September 1961.

I had left Burundi on 11 July 1961 for Lausanne via Brussels, as private secretary of the Mwami accompanying the Mwami's young son, Prince Charles Ndinzeze, who is at present at boarding school at Lausanne. (The Mwami had been unable to travel because of the political situation in Burundi and particularly the approaching elections.) I was at the office of Mr. Minot, R., at present the representative of the Usumbura administration at Brussels, when I heard the remarks made by Mr. de Fays, former deputy Resident of Burundi, who had returned from Burundi for good allegedly because of disagreement with the United Nations Commission concerned with the elections; Mr. Wattar, an official in the Ministry, Mr. Minot and Mr. Ntakiyica Edouard, brother of the two Ntakayica who were responsible for the assassination of Prince Rwagasore.

It was in the afternoon of 19 September 1961 that I met Mr. de Fays, who had apparently come to enquire about the results of the elections.

I found him in the office of Mr. de Schaetzen van Brienen, Mr. Minot's assistant. He was there with Mr. Wattar and Mr. Ntakayica and, of course, Mr. Minot. When I was following their conversation I was in the next office, which was used from time to time by Mr. Ntakiyica - whose appointment to the

Ministry all the responsible Burundi leaders were at a loss to understand. Mr. de Fays, after learning of the defeat of the Front commun, began to gesticulate and to inveigh against the electoral system used (based on symbols); he said that the elections were rigged in any case, that to vote for UPRONA was tantamount to voting for the Mwami ... and that, besides, he had advised the members of the Front commun to boycott those elections, in which they had been bested.

After lengthy and very animated discussions Ntakiyica asked Mr. de Fays what should be done. Ntakiyica also asked - and I am using his actual words - whether a maquis should continue to exist for the members of the Front commun. Mr. de Fays replied in the affirmative, saying that in Burundi everything was easy and that positions were easily reversed, with a great many ups and downs. I saw Mr. de Fays, who at that point could no longer contain himself, gesticulate (for the door was not tightly closed).

Mr. de Fays even added that he did not understand why Mr. Bigayimpunzi (former Minister of National Economy in the provisional Government) had not been elected.

When they rose (I pretended to be reading a newspaper), they noticed that I was there. Mr. Ntakiyica (brother of Ntakiyica, J.B.) moved towards me and asked me if I had heard what they had said; I replied that I didn't even know that he was there, as I had thought that he was still upstairs.

Shortly afterwards I went to the Ministry of African Affairs to relate all that I had heard: my statements were taken down by Mr. Heuymann (official of the Ministry of African Affairs).

The foregoing is the gist of my statement; the rest will be prepared in the form of a report in the Commission of which I am Chairman.

N.B. The statements actually heard were made by de Fays and Ntakiyica. On my return I spoke about them to the Mwami and to Prince Rwagasore before his death.

Usumbura, 3 November 1961.

MBAZUMUTIMA, Joseph
Deputy and Chairman of the
Security Commission of the
Legislative Assembly of Burundi

ANNEX VI

Letter dated 1 November 1961 from the Vice-Chairman of the PDC

Usumbura, 1 November 1961

To Mr. Dorsinville, Chairman of the United Nations Commission for Ruanda-Urundi, and Mr. Gassou, United Nations Commissioner, for transmission to the members of the United Nations Commission for Ruanda-Urundi and representatives at the General Assembly

We have the honour to refer to the various talks and communications held immediately after the elections by the leaders of the Front commun with the United Nations Commission and the Administering Authority.

Events of the last few weeks have merely confirmed, alas tragically, the fears which we expressed.

We shall return to the question of the elections only in connexion with the following points:

Of the appeals which had been lodged, only three were accepted, and we refer in this connexion to our letter of 12 October 1961 a copy of which is attached. We would add that, so far as we know, the candidatures of the Front commun have not been cancelled as requested in this letter. We would like to know the reason for this disregard of a formally expressed wish of the **Chairmen** of the parties making up the Front commun.

The Legislative Assembly and the Government have been established without waiting until the United Nations has decided upon the validity of the elections; here we would refer to the letter on this subject which we sent to the Resident-General and a copy of which is attached.

We also wish to refer to the attached copy of a letter dealing with the incidents in the province of Kirundu. Repression there was violent, apparently because an Administration official was trying to curry favour with the Government by attacking members of the PDC, thus making justice a means rather than an end. These incidents were similar to those which took place in the province of Kayanza and to the murder of a policeman and a commissioner at Condajuru.

/...

You will recall that at Kayanza measures were taken only after we had lodged a number of complaints. In fact, these amounted only to half-measures; and the guilty, both the murderers and their accomplices, were still at liberty in August, in spite of the arrest warrants which had been issued against them. Once again, the Minister of the Interior had to intervene personally before the authorities shook off their apathy and made several arrests. Similarly, at Condajuru, while the repression had been more rapid and more severe, no doubt because one of the victims was Belgian, the investigation was confined to a search for those apparently responsible, the underlings who had been incited to murder. No one thought of trying to identify and arrest the real instigators at the top. However, both at Condajuru and at Kayanza, the statements of the various witnesses clearly pointed to those whose propaganda and instructions had prompted the murderers.

We protest in the most absolute terms against so flagrant an injustice. Who could believe that at Kayanza, Condajuru and Muzinda certain criminal elements were able to set off disorders and murders almost with impunity, without a proper investigation, without any attempt to find those responsible, without any repression except weak half-measures, while any incident which can rightly or wrongly be ascribed to the Front commun is immediately the signal for an outburst of cruel persecution?

We say "rightly or wrongly" for if it were possible to prove objectively that at Kirundu, for example, one or several of the guilty parties were members of the Front commun, it would still be true that before being guilty they had been victims: victims of the rigged elections, victims of threats, rumours and intimidations spread by propagandists in the absence of official information, victims of the apathy and neglect of the Administration who appeared to think it unnecessary either to observe or enforce the rules.

While on this subject, we come to the question of the murder of Prince Louis Rwagasore and its consequences.

We do not prejudge the results of the investigation. We merely note that the arrests made have given this investigation the appearance of a campaign of repression against a certain viewpoint. The crude imposition of a European judiciary system on Urundi psychology has given rise to an extremely serious and dangerous misunderstanding.

In the European tradition, men can be arrested and as soon as the magistrate or the trial court establishes their innocence, they can return to their affairs without a stain on their character and continue to enjoy their former status without difficulty.

However, according to the Urundi way of thinking, such men, having been proceeded against, arrested and charged, may remain permanently marked with opprobrium, held up to public obloquy, and eliminated not only from the political but also the social life of the country. We therefore vigorously protest against this method of sweeping arrests which may perhaps be justifiable and harmless in European law but which is extremely dangerous when local idiosyncrasies are taken into account. The Administration might be justified according to the Code, but none the less during this investigation a certain sector of opinion was unjustly condemned in the public mind. We therefore appeal on their behalf to the United Nations, which is responsible for upholding the rights of all and particularly for protecting minorities.

Things have come to such a pitch that everyone feels compelled to deny all friendship, all adherence, all sympathy, however distant, to the Front commun in general and the PDC in particular, not because of disapproval or out of conviction but because the campaign has now assumed the proportions of a systematic crushing of the opposition by arresting some and intimidating others.

We understand very well that when their leader was assassinated, the members of UPRONA demanded that the guilty parties should be swiftly found and given exemplary punishment. But we cannot agree that the Administration should merely give them facile satisfaction by making this affair an excuse for crushing the opposition.

Once again, since we do not know the results of the inquiry, we cannot prejudge the results of the trial. But we wish to stress the fact that, whether found innocent or guilty, the members of the Front commun incriminated in this affair are victims just as much as Prince Rwagasore himself. If they are innocent, they are the victims of a wrong which is difficult to repair. If they are guilty, they are more than ever victims of the atmosphere of neglect, abandonment and deliberate disregard of opposition rights for which the Administration is responsible and which could only end in disaster.

We never envisaged a catastrophe of this kind. However, feeling that disturbances like those of Kirundu and others would become wide-spread, we sent more and more complaints to the Administering Authority. Here again, the Administration is responsible for having neglected these warnings. When men are precipitated into an unjust semblance of defeat, when their most justified protests fall on deaf ears, and they take refuge in the violence of despair, they can be accused of such violence but those who brought them to it should be held even more responsible.

Finally and above all, account must be taken of the disordered state in which our country finds itself.

Bound by its election promises, anxious to establish its power, led astray by the extremist views of some of its members, the Government is trying to renew the national administration. The officials of the former regime are either dismissed or threatened with dismissal. As a result there is total disorganization, either because the old officials have not been replaced or have been replaced too hastily or because the new officials are afraid to take over for fear that they too might be transferred or even dismissed.

Since we ourselves have directed and administered the country for eight months we know how difficult it is to find able officials. For our part, we did not exclude anybody but made use of all officials, whatever their individual political sympathies. If the present Government is trying to find new men for all the posts, we fail to see how it can do so; and we note that men are being appointed to high administrative posts for reasons of political expediency rather than of administrative competence. Faced with this situation, we remember the speech made by Prince Rwagasore immediately after the elections. "Our victory", he said, "is not that of a party but that of a country." By contrast, we might say "This victory of a party is the defeat of the country."

Things have come to such a pass that, when they see this investigation taking the form of a virulent repression of the opposition, the able men in our country realize the seriousness of the situation and would like to remedy it but refrain from doing so for fear of being implicated themselves. In this way, no one dares to prevent the shipwreck of the country.

We persist in denouncing the rigging of the elections. We also wish to add that the opposition, stifled by the arrest of some and the intimidation of others, is deprived of any chance of re-establishment. By "re-establishment" we do not necessarily mean the transfer of power from one party to the other; we are thinking mainly of that essential balance between the Government and the opposition, a balance that has been broken by the arbitrary annihilation of the opposition, while the Government, basing itself on a majority that resulted from a trick, still does not have the necessary power to assert itself.

The parties of the Front commun had sought a real move towards democracy. This idea had begun to take root in public opinion. Encouraged to vote by references to the Mwami, people are now beginning to realize the lack of real democracy in the present situation. More than ever it appears that the country is returning to a feudal system. In the present African context such a situation is untenable and can only result in disaster.

We appeal to African solidarity. We appeal to all peoples who have experienced the arbitrary rule of a colonial Power, to all those who know that a colony or even a Trust Territory is no more than a pawn on the chessboard of the Administering Authority, to all those who have been able to free themselves from this yoke. Our aim was to free ourselves in orderly fashion. Disorder has arisen in spite of us and against our will.

We therefore urge the United Nations at least to recognize the existence of this disorder and not to abandon Burundi to total degradation. We demand that the rights of the opposition, the rights of minorities, be respected, that the country should be carefully prepared for a new consultation, offering real guarantees of impartiality, and that in any event it should not become a second Congo and be given over to a chaotic independence.

For the Committee
C. KYUKU
Vice-Chairman of the PDC

ANNEX VII

Interview with Mr. Kageorgis

31 October 1961

Jean Kageorgis, born 29 May 1931 at Ruhengeri (Rwanda), of Greek national, bachelor, shop assistant in the "La Mascotte" grocery.

The Chairman stated the reasons why the Commission wanted to hear what he might have to say concerning the circumstances of the tragic death of the Prime Minister and stressed that in no case would any statements he might make be used by the judicial authorities.

Kageorgis stated that he was charged with the murder of Mr. Rwagasore but that he had only acted as an instrument of execution.

In answer to specific questions put by the Commissioners, he stated that his interest in the matter had been purely financial, and that the move had been suggested to him by Biroli and Iatrou. He added that those two men had been afraid that, if Prince Rwagasore were to stay in power, they might be eliminated. As to Iatrou, he had promised Kageorgis the sum of a million francs (\$20,000 at the official exchange rate) as well as a good position in a German firm which was to be set up in Burundi if the Front commun were to come to power.

Kageorgis affirmed that he had never had any personal dealings with Mr. Rwagasore, whom he knew only by sight. On the other hand, he had known Iatrou since 1949. He had worked for five years with the latter but had never had any social contact with him. He had been on friendly terms with Biroli, and had been far more recently in touch with him than with Ntindendereza, his brother, whom he had known since 1951.

Asked whether other attempts had preceded the murder, he replied that until 13 October, the date of the event, no time-table had been settled. He did not recall any time-limit having been set for the execution. He affirmed that he had had no contact on that question with any other persons than those mentioned above.

Asked who could have been in a position to pay the promised sum, he replied that he thought that the two persons who had suggested the matter to him, and

in particular the Baranyanka family, had been in a position to find that money. He added that he had received absolutely nothing.

One of the Commissioners expressed surprise that, as the crime had taken place on 13 October and Kageorgis had been arrested on 16 October, he had not received at least part of his remuneration in the meantime.

Kageorgis replied that on Saturday, 14 October, he had been ill all day and that on Sunday he had met Iatrou but in a public place not well suited for personal discussions. Having been arrested on 16 October, he had seen no one else since the murder.

Asked to describe the events subsequent to the crime, Kageorgis asked the Commission to refer to his judicial deposition. However, he made it clear that it had indeed been the Mwami's car which he had stopped when, after having committed the murder, he had run out of petrol on the Kitega road, and that it had been the Mwami himself who - unaware, of course, of the facts - had brought him back to Usumbura to get some petrol.

He could not say where he himself and those who had participated in the crime were going after having carried it out. He insisted that no plan had been previously agreed upon.

He confirmed that, a few days before the crime, he had been to Mr. Baranyanka's house with a certain Archaniotis and to Mr. Ntindendereza's house at Kitega. He again insisted that he should not be asked any more questions and that the Commission should refer to the statement he had made to the examining magistrate.

ANNEX VIII

Interview with Mr. Iatrou

31 October 1961

Michel IATROU, born 18 October 1910 in Greece, Greek national, trader, in custody.

He stated that he had left Greece in 1925, that he had first gone to the Congo where he engaged in trade, that he had come to Ruanda-Urundi in 1943 and had set up a hardware business and a bakery at Usumbura. He had leased his bakery to Kageorgis, who had been working there with his friend Archaniotis. Iatrou used to sell them flour and was closely involved in the business. In consequence of the bankruptcy of the bakery, Iatrou considered that he had lost about a million francs.

The Chairman stated the reasons why the Commission wanted to hear what he might have to say on the circumstances of the tragic death of the Prime Minister and stressed that in no case would any statements he might make be used by the judicial authorities.

Iatrou asserted that he knew nothing of the events and that he had been astonished at having been implicated in the matter. He had known Ntindendereza and particularly the latter's brother, Petrosi, who had often come to his house before his tragic death five or six years previously.

On Thursday, 12 October, the day before the murder, Ntindendereza had come to Iatrou's house. He had been accompanied by Archaniotis with whom, although he was his nephew, Iatrou no longer had much contact. On 13 October he had not seen them. On 17 October he had been arrested. Since then he had been in prison, and he suggested that the Commission should take note of the statement he had made to the examining magistrate.

He protested against charges which, he had been told, had been made against him and according to which he had been in the plot and had intended to finance the murder with the sum of a million francs. He asserted that he would never have given a million francs to have a man killed. He added that the assistant Procureur had spoken of a compromising letter, but that that letter had not been

shown to him. Lastly, he said that although he had seen his lawyer the previous day, he was no better informed as to the reasons for his indictment.

Questioned as to his relations with Kageorgis, he said that not only had the latter's bad management when he was in charge of the bakery cost him a sum of roughly a million francs, but Kageorgis had brought an action against him for wrongful dismissal, and that had cost Iatrou a total sum of about 54,000 francs. The case had been decided in favour of Iatrou, but as Kageorgis had been insolvent at the time, his employer had had to pay all the costs. In 1959 relations between the two men had been particularly strained, and Kageorgis had threatened Iatrou several times, telling him among other things, "One day I shall walk on your corpse". Having learned that Kageorgis was working at "La Mascotte", Iatrou had asked his lawyer to obtain an order attaching his wages.

In reply to further questions from the Commission, he said that he used to go to "La Mascotte" once or twice a week to buy groceries, that he had not on those occasions refused to be served by Kageorgis but that he had not sought him out. He had never, during his visits to the grocery store, spoken to Kageorgis about the outstanding debt. He had left the responsibility for that matter entirely to his lawyer. He stated that it had only been towards the beginning of September of the current year that he had instructed his lawyer to make an application for attachment, and that the reason why he had not previously given those instructions, although Kageorgis had been at "La Mascotte" for more than a year, was because he had only recently learned that his debtor was earning enough for such action to be instituted.

In reply to a question from one of the Commissioners as to how much Ntindendereza and Biroli had said that they would pay him to organize the murder, Iatrou replied that they had never spoken of that.

The Chairman then asked how the detainee had been informed of the murder.

Iatrou replied that he had learned of it on the Saturday morning in his shop from a neighbouring tradesman. In the general upheaval, all the shops had remained closed and he had heard all the details he knew on the radio at Midday. He had stayed at home on the Saturday and on the Sunday, he had opened his shop as usual on the Monday and had been arrested on Tuesday morning. He knew nothing about the affair.

At the request of the Commission, he gave an approximate account of his wealth. He stated that he possessed property at Stanleyville, at Kindu and at Usumbura. He asserted that he had no possibility of obtaining income from his property in the Congo. As to liquid assets, he mentioned his stock of merchandise, a small sum in his bank account at Usumbura and a deposit of 184,000 francs in a Greek bank where he endeavoured to send some of his savings every month. He estimated the total value of his immovable property at about 9 million francs. He said that his house at Usumbura had for a long time been up for sale with an estate agent, but that he had not found a buyer. Lastly he affirmed that he was not expecting any large sum of money.

Questioned on the possibility of co-operation with foreign firms, he replied that he had been working with German and Austrian firms for some years. They were shippers from whom he obtained all the supplies he needed for his store: padlocks, locks, building materials, tools of various kinds, etc. He said that he had no knowledge of any project for a German firm to come and instal itself in Ruanda-Urundi.

Asked about his relations with UPRONA, he said that he had not meddled in politics; in 1956 he had lunched with Mr. Rwagasore in Brussels, and he had known the leaders of UPRONA since everybody knew each other in a small town. Asked whether he had met with difficulties from members of UPRONA, he said that indeed one day a Swahili African had come and asked him to take out a UPRONA card, and he had replied that he was not interested in politics and that he would not take out either a UPRONA card or that of any other party. A few days later, the same African had returned with two other persons and again asked him to take out a card for 1,000 francs. Again he had refused. A few days later, when he was coming out of the Greek Orthodox Church, he had been stopped by a group of young men who had reproached him for having refused to take out a card, asserting that it was because he was a militant of the PDC (Parti démocrate chrétien). Before he had had time to defend himself, he had received a red liquid in his face which had burned his eyes and turned out to be water mixed with pilipili pepper. After the elections, the same canvasser had returned with the card and threatened him with reprisals if he still refused to pay for it. He had again refused, asserting that since UPRONA had said that there were no longer any other political parties,

the taxes he paid went directly to UPRONA. The next day, the Secretary of UPRONA had come to his store and told him that he had been right not to pay. The matter had rested there.

He had no idea why Kageorgis and others had implicated him. He stated that after the elections he had hardly seen Ntindendereza or Biroli except between 25 and 28 September. He had then gone to their house one evening at about 5.30; there he had found Mr. Cimpaye, former Prime Minister, accompanied by a rather stout gentleman who spoke very good French. He had gone away again quickly without anyone accompanying him to the door.

ANNEX IX

Interview with Mr. Antoine Nahimana

31 October 1961

Antoine Nahimana was born towards the end of December 1929. He is burgomaster of the commune of Kayanza in the District of Ngozi and is at present held at the Usumbura house of detention.

The Chairman explained to Mr. Nahimana why the Commission wished to obtain information on the matter and assured him that anything he might say would in no way be used by the judicial authorities.

Nahimana stated that on 13 October he had been at Biroli's house at Usumbura when a "gentleman" had suggested going on a hunt. Those who, like himself, had accepted that proposal had said that before leaving they should tell Mr. Ntindendereza, and had looked for him in various restaurants in the town. At the Tanganyika the "gentleman" had got out of the car and Nahimana had done the same. Suddenly he had heard a shot fired; he had then rushed towards the "gentleman" who had come running back saying that he had had an accident. The "gentleman" had also said "forgive me". The car had then set off again. It had gone along the Kitega road until it had run out of petrol and stopped. The "gentleman" had gone to look for Ntindendereza, Bigirindavyi and Kigoma who had brought some petrol. On returning to Usumbura, the "gentleman" had gone back home.

In reply to a question, he stated that the "gentleman" had been Kageorgis.

Replying to a question from the Commission, Nahimana said that when Ntindendereza had come to get the car moving again, he had told him that Kageorgis had had an accident with his rifle. Ntindendereza had said nothing. Kageorgis had probably already told him in the car.

Upon his return to Usumbura, Nahimana had stayed at Biroli's home and then had left the next morning for Kayanza where he lived. He had called on Mr. Baranyanka, his uncle, who had been informed of the incident over the radio. He himself had only learnt that morning over the radio that Mr. Rwagasore had been killed, and everybody had said that it was a loss for Burundi.

In reply to various questions, he said that there had been two guns in the car; he could not explain why they had been transferred to Ntindendereza's car. When the Commission expressed surprise at hearing mention of the hunting trip to which, as far as it knew, there had been no previous reference, he stated that that was by no means the first time he had mentioned the arranging of a hunt on the evening of 13 October; lastly, he stated that he and the other persons concerned in the matter had long comprised a friendly group, except for Kageorgis whom he had met only once, at Biroli's home at Usumbura, together with another Greek called Archaniotis. He had subsequently seen Kageorgis again at Kayanza and at Kitega on 26 September. Kageorgis had then said that he was on vacation. He had finally seen him on 13 October at Biroli's home.

He further stated that on 26 September he had gone to Kayanza in a car belonging to Jean Ntakiyica to get some money. Together with those who had also been in the car, he had gone to Ntindendereza's house where he had seen Biroli and a few other persons.

He asserted that he had not sworn an oath at Mr. Baranyanka's house on 14 October. Henri Ntakiyica had taken him back to Kayanza and, on leaving, he had again called on Mr. Baranyanka. In fact, he had only made use of the car to go to Kayanza and fetch some money from his home. In reply to a question, he stated that in his opinion no one had had anything to gain by causing the death of Mr. Rwagasore.

ANNEX X

Interview with Mr. Jean-Baptiste Ntakiyica

31 October 1961

Jean-Baptiste Ntakiyica, born on 5 July 1931, formerly chief and later provincial administrator and deputy to the interim provincial assembly. At present in custody in Usumbura prison.

The Chairman told Mr. J. Ntakiyica that the Commission would like to hear his account of the events and made it quite clear that nothing that he might say would be used in any way by the judicial authorities.

Mr. Ntakiyica said that the circumstances of his first interrogation had prevented him from speaking freely. He had been arrested at Kayanza and later taken to Kitega, where he had been very uncomfortably housed. The next day, on being summoned from his cell, he had been roughly treated by African prisoners in the prison yard. He had been taken back to his cell, again crossing the yard, but on that occasion precautions had been taken to ensure that he would not suffer rough treatment. When he had been taken to police headquarters for questioning, he had been threatened by the local police with various forms of brutality. On the same evening he had been transferred to Usumbura. He had immediately had to submit to interrogation under the threat that he would be turned over to the crowd waiting outside. After a gun had been found at his house, the inspector, to whom he had explained that it was intended to protect his family, had refused to believe him and had reviled him. He had not slept all night and had been beaten with a club. Then, from the next morning on, he had been guarded by Belgian para-commandos and had escaped further ill-treatment. He considered that in the circumstances, any statement he had made while in the charge of the local police was invalid.

When questioned about the events, he stated that on 13 October, the day of the murder, he had been with Biroli. He had suggested a hunting expedition and had driven off with Nahimana, Kageorgis and Henri Ntakiyica, his brother. He decided to seek out Ntindendereza, whom he had to see before leaving. He had stopped at the "Bon Accueil" restaurant, and then at the Stravos, and instead of proceeding in the direction of the airport, which was the route he would have taken

to go hunting, he had made for the Tanganyika restaurant. On reaching the restaurant, the car had stopped and Kageorgis had got out. Jean Ntakiyica had been wondering where Kageorgis had gone when, just as he was dozing off, he had heard a shot. Nahimana, who had left the car, had come back; then Kageorgis had come running up and had said: "Get going!" Jean Ntakiyica had asked what had happened but had received no reply. As the car started up, Kageorgis had kept saying in Swahili "I am sorry!" then a little later he had said: "I have shot Rwagasore."

The car had continued in the direction of Kitega, without following any fixed route. After driving for several miles they had decided to return to Usumbura and had run out of petrol. Kageorgis had stopped the first car that had passed, which happened to be the Mwami's. He had taken Kageorgis with him to Usumbura. After an hour's interval, Kageorgis had come back with Ntindendereza, Kigoma and Bigirindavyi, bringing enough petrol to get the car back to Usumbura.

When questioned about the possible motives for what he described as an "accident", Jean Ntakiyica stated that the murder could not be considered part of a comprehensive plan to bring off a coup d'état; if that had been so, it would have been only natural to take advantage of the fact that all the Ministers had been with Mr. Rwagasore, in order to do away with all of them; similarly, it would have been easy to get rid of the Mwami when he had stopped, all alone in his car, to give Kageorgis a lift.

When asked if he knew Kageorgis, he said that he had known him mainly by sight but had formed a slightly closer acquaintance with him since one day when Kageorgis had asked for leave to go hunting. On that occasion, Kageorgis had wanted to take Nahimana with him; it was about 25 September. Jean Ntakiyica had taken him to Kayanza to see Nahimana, who had declined the invitation.

In answer to a question put by the Commission, he said that on the evening of 13 October he and his fellow-passengers in the car had tried to find Ntindendereza before going hunting, to tell him that they had the car, a Ford station-wagon, which belonged to the party. In answer to a further question, he said that he had indeed been going hunting with two fire-arms: a 9.3 rife and a shot-gun.

In answer to a question from the Commission, he said that he was by no means a friend of Kageorgis and that he had disapproved of his deed but had not wished to report it to the police for fear of being pestered himself. In the car as they were speeding towards Kitega, he had been stunned. He could not understand how Kageorgis could have brought off such a "coup" and had no idea how the affair had been "organized".

The Chairman asked him if, then, the affair had actually been "organized". He replied that it might have been planned by Kageorgis because he had subsequently heard that the latter had received a promise of money from Iatrou.

The Commission inquired how it was that persons of such importance as Ntindendereza and Biroli had set off for Kitega in the middle of the night to take petrol to people in trouble with their car. Ntakiyica thought that it was simply the sort of assistance one would normally render to drivers in trouble in the middle of the night.

When asked why he had gone to see Mr. Baranyanka on the day after the murder, he replied that he saw him every week or every other week. Baranyanka was a relation of his, having married his sister. They had merely had a friendly talk that day, especially as the chef de secteur, who had been passing by, had stopped and joined in the conversation.

In reply to a question from one of the Commissioners, he said that it was true that on 21 and 22 September he had gone to Kitega to discuss the election results. He had been with Kageorgis and Biroli, who had gone to visit Ntindendereza at his house, but the latter had been away at a reception given by Mr. Gassou, one of the Commissioners. In answer to a final question concerning a sub-machine-gun that other prisoners had said was his, he explained that the sub-machine-gun belonged not to him but to a Greek, who was a friend of Kageorgis.

ANNEX XI

Interview with Mr. Henri Ntakiyica

31 October 1961

Henri Ntakiyica is twenty-eight years old and a member of the Communal Council in the District of Muhinga. He is at present in custody in Usumbura Prison.

The Chairman told Mr. H. Ntakiyica that the Commission would like to hear his account of the events and made it quite clear that nothing that he might say would be used in any way by the judicial authorities.

Henri Ntakiyica said that on the evening of the accident he had been in the car with Kageorgis, Nahimana and Jean Ntakiyica, his brother. He had just finished serving a short prison sentence. When he had gone off with the above-mentioned group, he had agreed to drive the Ford station-wagon. Following the instructions given to him by the others, he had driven them to the Hotel "Bon Accueil", where the others had someone to see, then on to the Hotel Paguidas, and finally to the Tanganyika restaurant, where Kageorgis had got out of the car. At that moment, Kigoma had driven by calling out "how are things?" and Henri Ntakiyica had replied "all right". He had then heard a shot; Kageorgis and Nahimana had come running up and one of them had said "drive off". Henri Ntakiyica had immediately started up the car, while Kageorgis kept saying "I am sorry!" He had driven straight ahead, along the road leading to Kitega until the car had run out of petrol. As they drove along Kageorgis had explained that the gun had gone off of its own accord. When - after Kageorgis had come back from Usumbura in Ntindendereza's car, bringing petrol - Henri Ntakiyica had said that he did not want to go back to Usumbura with two firearms in the car, Ntindendereza had said that he would put them in his own car. The firearms consisted of two rifles, one of which was double-barrelled. The next morning he had left for Kayanza, to see Baranyanka, who had already heard the news over the radio. Ntindendereza had arrived at Baranyanka's house a little later.

Questioned on the subject of an oath, which certain witnesses were said to have mentioned and which had allegedly been taken on the morning of Saturday, 14 October, at Baranyanka's house, Henri Ntakiyica said that it was true that Mr. Baranyanka, who had for some time been very worried about the behaviour of his

son Biroli, who was frequently drunk, had decided to make him vow never to get drunk again. In accordance with family custom, the oath had been taken in front of the assembled family. The other members of the family had joined in, so that Biroli would not be too humiliated.

In reply to various questions, he also stated that he had received a sum of money in order to pay off the fine to which he had been sentenced. He also said that all those who had been at Baranyanka's house had promised not to mention the accident that had just taken place. With regard to Kageorgis, he explained that he had seen him for the first time in his brother's car on 26 September. Lastly, he added that he had no idea why Kageorgis had killed Prince Rwagasore.

ANNEX XII

Interview with Mr. Liberios Archaniotis

31 October 1961

Liberios Archaniotis was born on 24 December 1940 and has been a baker. He is at present in custody in Usumbura Prison.

The Chairman explained that the interview was being conducted solely for the Commission's own information and that nothing that Mr. Archaniotis might say would be used in any way by the judicial authorities.

Archaniotis said that he had been arrested because he associated with Ntindendereza.

Even before the elections, he had heard members of the Front commun say that Rwagasore had to be got rid of. He suggested that the Commission should look up his statements on the subject, as recorded in the judicial file.

Replying to various questions, he stated that it had been said that Rwagasore should keep out of politics and that unless he disappeared from the political scene the entire country would be in a state of upheaval. He refused to mention any names. He persisted in referring the Commission to his earlier statements. He said that on the morning of 13 October he had been with Ntindendereza, to whom he often acted as chauffeur. He had not seen him after four o'clock. He had had no knowledge of the plot. He said that he knew nothing about Mr. Iatrou's political views.

As to how he earned his living, he stated that he had worked at the Hotel Paguidas and was now living on his savings, which would last for another four or five months, especially as the Greek community was always willing to help its members when they were in difficulties.

When asked about the actual tragedy, he said that he would answer no more questions and asked permission to withdraw.

ANNEX XIII

Interview with Mr. Jean-Baptiste Ntindendereza Baranyanka

1 November 1961

Jean Baptiste Ntindendereza was born in 1926. He is Chairman of the Parti démocrate chrétien and of the Front commun. He is at present in custody, in Usumbura Prison.

The Chairman stated the reasons why the Commission would like to interview Mr. Ntindendereza Baranyanka. He assured him that nothing he might say would be used in any way by the judicial authorities.

Ntindendereza said that he had been arrested after a weapon, similar to that used in committing the crime, had been discovered on his property, during his absence. He had no knowledge of the circumstances of the murder. After the election results had been made public, he had worked hard with the leading members of the PDC and the Front commun to prepare a dossier which he intended to send to the United Nations. He protested against his arrest, which was apparently based largely on an alleged antagonism between the Front commun, of which he was Chairman, and UPRONA, as also on the antagonism which really belonged to the past much more than to the present, between his family and that of Mr. Rwagasore.

When questioned on how he had learnt of Mr. Rwagasore's death, he replied that he had been at the Stavros restaurant with some friends on the evening of 13 October, when Mr. Kageorgis had come up to him and told him that he had been stranded, together with the two Ntakiyica brothers and Nihimana, when they had run out of petrol on the way to Kitega.

When he had left with his friends to attend to the car in question, Mr. Kageorgis who was travelling with him, told him that he had just fired, by accident, on the group of Ministers who had been dining at the Tanganyika restaurant and that he thought that he had hit Mr. Rwagasore. Ntindendereza had immediately exclaimed that that was a most stupid thing to do. After attending to the car, he had returned to Usumbura and they had all gone to their respective homes. He explained that Kageorgis was only an acquaintance of his, not a friend. He had attended to the car, even after Kageorgis had told him of

what he had called an accident, and he had not notified the police, mainly because there had been members of his family in that particular car.

When questioned about what explanation the culprit and his accomplices had given, he said that Kageorgis had always referred to the murder as an accident and that Ntakiyica, whom he had seen the day after the event, had told him that they had set out on a hunting expedition; that was why they had had fire-arms with them. In reply to various questions, he said that he had known Kageorgis since 1951, that he was not a friend of his, that he only saw him occasionally and that he had practically never been to his house but had seen him several times at the house of Mr. Iatrou and when he had been to buy groceries at "La Mascotte". Kageorgis had once called on Ntindendereza at Kitega. There was neither friendship nor enmity between them.

The Commission went on to ask what reasons he thought Kageorgis could have had for implicating him in the affair if he did not harbour any enmity towards him. Ntindendereza replied that he was not aware that he had been implicated by Kageorgis.

The day after the event, he had left with Nahimana, Biroli, Nsabimana and Kaja for Kayanza. He had stopped to see his father and had stayed there for about an hour. The Provincial Administrator had been at his father's house. Ntindendereza had therefore not thought it advisable to tell his father there and then of what he had heard from Kageorgis and the conversation had been confined entirely to the news that had been given out over the radio. After the Provincial Administrator had left, they had stayed on for a while and then Ntindendereza had left with Biroli, Kaja and Nsabimana, while Nahimana had gone to see his family. He had passed through Ngozi and Kirunda and then returned home. In the meantime his house had been searched, and upon his arrival he had been arrested. He said that it was at his request that his wife had gone to look for a weapon that had been placed there during his absence and that she had handed it over to the police. They had not been able to find the weapon during the house search and he considered that his gesture proved that he was ignorant of the crime and had had no part in the affair. The Commission pointed out that since he had driven Kageorgis, with his weapon, on the night of the crime, he

must have known that it was not the gun that had been used to kill Mr. Rwagasore. When questioned concerning his relations with Iatrou, he explained that he was a big local tradesman, that he had known him for a long time but could hardly describe him as a friend. Iatrou was interested in the policies of the Front commun, which was a moderate party, but the leaders of the party would not have thought of enlisting his aid. He certainly had more to do with Iatrou than with Kageorgis, who was a mere shop assistant. As for Archaniotis, he was Iatrou's nephew and relatively insignificant. He occasionally visited Ntindendereza and sometimes drove his car, in return for which Ntindendereza sometimes gave him money. Archaniotis could not possibly know of any discussions regarding the policy of the PDC or the Front commun before or after the elections. As for Kageorgis, he had once called at Ntindendereza's house at Kitega and had left immediately. He had been with several other persons.

When questioned about the possible origins of a movement against Prince Rwagasore, he replied that one could only form very flimsy theories, taking into consideration the existence of various sections among the population: the Front commun, the European section, the business section and others. He stressed the fact that the Front commun had no reason for wishing to get rid of Mr. Rwagasore. On the contrary, it was in the interests of the State that everyone should be able to co-operate, especially until the General Assembly could verify the validity of the elections. He could not, of course, speak for the other sections. He said that he had never uttered any threats against the Prince, and, even in his political writings, had never resorted to personal threats. The Front commun had always been in favour of evolution, not revolution, as was proved by the documents which he had sent to or prepared for the United Nations and the Administering Authority. If it was true that Kageorgis had deliberately committed the murder, he had no idea who could have instigated him, nor did he know anything of an alleged promise of money made by Iatrou to the murderer.

When questioned about the state of his bank account, he said that he had some money for the party in the Bank of Ruanda-Urundi, but that there were no funds at present in the various accounts he had. The only recent banking transaction he could recall had been in connexion with the campaign. He could

not give the figures offhand, but could affirm that they had never exceeded 500,000 francs at the most. The salary he received from the party had not been paid since September, the month of the election. He had little personal income and had never engaged in trade.

When questioned about his earlier activities, he stated that he had been appointed Chief two years after leaving school and later a member of the Interim Commission; he had subsequently entered the Provisional Government and had never had time for any activities other than his official duties.

Concerning Mr. Iatrou, he confirmed that the latter was in sympathy with the Front commun, which he considered to be a moderate party, and recalled that he claimed to have been attacked by young members of UPRONA. Iatrou had said that the attack was a bad omen. It was to be connected with the death of Mr. Sum, of another tradesman who had been killed in strange circumstances, and of the old woman who had recently been killed in her house - murders which rumour attributed to the same party.

In reply to a question, he said that the fact that Prince Rwagasore was in power could only be detrimental to the PDC in so far as the latter was now a minority party, prepared to act in that capacity.

When asked by one of the members of the Commission how the Parquet, which was normally quite impartial, could have gone to the length of arresting him if he was really innocent, he replied that this particular death was not without consequence and that it was necessary to find the motives for it. It was thus only natural for the inquiry to be directed against those who were in opposition. That was evident from the fact that he had been arrested even before the murderer. Numbers of other people besides himself had seen the murderer before the event. But those who had visited Ntindendereza on the Friday evening had been the first to whom attention had been given.

When asked whether, on the day after the event, when he had been at his father's house with various other persons, an oath had been taken, he replied that his brother, Joseph Biroli, had indeed promised, at his father's request, not to get drunk any more, as he had been in the habit of doing. Ntakiyica too had vowed to behave in a more orderly manner, for he had had several brushes with

the police. Similarly he and the others had taken an oath, each undertaking to do his best. The family ceremony had taken place at the request of his father, whose patriarchal authority was profoundly respected.

In spite of repeated questions regarding the names of persons who might have tried to "frame" him, Ntindendereza said that such a thing was quite likely but he refused to mention anyone by name, merely saying that all politicians had their enemies.

ANNEX XIV

Interview with Mr. Joseph Biroli Baranyanka

1 November 1961

Joseph Biroli is the brother of Jean Ntindendereza, Chairman of the PDC and the Front commun. He is at present in custody in Usumbura Prison.

The Chairman explained why the Commission wanted information about the affair. He assured Mr. Biroli that nothing he might say would be used in any way by the judicial authorities.

Biroli said that he had first learned of the accident the following morning, Saturday, both from one of his friends and over the radio. He had been arrested on the evening of Saturday, 13 October. His relations with Kageorgis had been no more than those of simple acquaintance. Before the accident, he had seen Kageorgis at "La Mascotte" and also at the house of Mr. Iatrou, who was an old friend of the family.

Asked why Kageorgis, who had had nothing against him, should have mentioned his name, he replied that if a member of the Mwami's family was killed, public opinion was always likely to be satisfied if the responsibility was attributed to someone in the Baranyanka family. That was, incidentally, an additional argument in favour of the Baranyanka family's innocence of that death, for it was quite obvious that a murder of that nature could only complicate things for them. As for the Front commun, it would have meant barring its own way to any chance of political opposition without giving UPRONA the time to encounter the difficulties which it was bound to meet by assuming power in the present circumstances. Neither did business circles stand to gain anything from it, for they took fright whenever violence appeared. Biroli himself, in particular, had nothing to gain by Mr. Rwagasore's disappearance, for the latter had just instructed him to draft a text for the Economic Commission which he was in the process of setting up. Biroli had been working on that text, which was to have been ready a week later. That was why the murderer's story that it had been some sort of an accident had seemed plausible to him.

As for Mr. Iatrou, he certainly had no political ambition and Biroli said he knew nothing about the alleged promise of a million.

The oath which had been mentioned had indeed been taken. Mr. Baranyanka, finding that his sons did not always behave well, had insisted that he, Biroli, should undertake to behave better. As always happened in their family, where paternal authority was highly respected, those who were present and members of the family joined in an oath of that kind. Those who had taken part in the oath had in no way gone to Mr. Baranyanka's house specially on that day. It had simply happened that Mr. Baranyanka had long been meditating the plan and had taken the opportunity of a family reunion to carry it out.

Asked about the plausibility of the argument that the murder had been "an accident", Biroli replied that accidents were often unconvincing and that he himself was not in a position either to substantiate or to invalidate that argument.

He had had no reason to go to the police to report the fact since it had not been until the next morning that he had learned of it from the radio and third parties. Moreover, there had been some people of his family in Kageorgis's car and it was no business of his to report them to the authorities, even for simple investigation. It had in any case seemed obvious to him that once Mr. Rwagasore had been killed, and the group involved included Kageorgis and members of the Baranyanka family, suspicion would automatically fall on the latter.

He denied that on the Saturday morning the members of the Baranyanka family had asked their father's advice on how they should behave with regard to that tragic death; they had simply decided among themselves to refrain from all comment.

In reply to the question who had visited his house during the day of Friday, 13 October, he said that when he had arrived home at about 6 p.m. he had seen Mr. Kaja, Mr. Iatrou, Mr. Cimpaye and Mr. Pincemaille, who was an official in the Administration whom he knew personally.

As for Archaniotis, he was a young man who was known to the family and performed no other services than that of driving the car of one or another of them. He had taken no part in the deliberations on the party's policy. The members of the group to which he had attached himself had distrusted his imagination and his aptitude for making up stories.

ANNEX XV

Interview with Mr. Pascal Bigirindavyi

1 November 1961

Pascal Bigirindavyi, born on 24 April 1935, co-operative manager. At present in custody in Usumbura Prison.

The Chairman explained to Mr. Bigirindavyi why the Commission wanted an interview with him. He assured him that nothing he might say would be used in any way by the judicial authorities.

Bigirindavyi said that he had arrived at Usumbura by car on 13 October and had gone to Ntakiyica's house. He had gone to the cafe "le Stavros" with Ntindendereza. At about 1 a.m. Kageorgis had arrived, saying that he had run out of petrol with friends on the Kitega road. Bigirindavyi had left with Kageorgis and Ntindendereza in the latter's car. They had obtained some petrol from a garage. It was after that that Kageorgis had announced that he had been at the Tanganyika restaurant, where he had seen a group of ministers sitting at table; he had "fired on them". When they had got the car going, each of them had returned home to Usumbura.

He had been arrested at Kayanza the following day, 14 October. In the course of the ensuing interrogation, admissions had been extorted from him pointing to the Baranyanka family as having organized the affair. Those statements had been obtained by violence.

In reply to questions by the Commission, he stated that it was he who had driven Ntindendereza's car when they had gone to pick up that of Kageorgis. He had therefore been with Ntindendereza, Kigoma and Kageorgis when they had driven out to the abandoned car. The same passengers had been in the car on the way back, but Kageorgis had taken his rifle with him. When questioned on the afternoon of Saturday, 16 October, he had not revealed Kageorgis' name, for he had felt that it was not for him to speak; moreover, Kageorgis had been with members of his family when the incident had taken place and the Baranyanka clan would inevitably have come under direct suspicion. The following morning he had gone up to his place at

Kayanza and had called on Baranyanka, who had been alone and had already known about the matter. He said that it was possible he might have been at Kitega on 22 September, but that he did not remember exactly. The statements which the authorities had managed to collect on the affair had been extorted by ill-treatment. Questioned about who might have stood to gain by killing Mr. Rwagasore, he said that one could only make conjectures about that, all more or less hypothetical. He mentioned extremist factions, in both the Front commun and UPRONA, or even personal enemies of Mr. Rwagasore. He asserted that nobody had worked out a common defence for all the accused and that the latter had had no contact among themselves.

ANNEX XVI

Interview with Mr. Jean Kigoma

1 November 1961

Jean Kigoma, born in December 1919, is a former Chief. He subsequently held a post in the Prime Minister's Office, in which he was retained by Mr. Rwagasore when the latter became Prime Minister. He is at present in custody in Usumbura Prison.

The Chairman explained why the Commission wanted to obtain information on the matter. He assured Mr. Kigoma that nothing he might say would be used in any way by the judicial authorities.

Kigoma said that he had arrived at Usumbura on 11 October, where his wife had undergone an emergency operation. He had remained at the hospital until 13 October to look after his wife. On 13 October he had returned to town and that afternoon had asked Ntindendereza to lend him his car to go to the hospital again, to which the latter had agreed. At 7 o'clock that evening Ntindendereza had taken his car back and Ntakiyica had then lent Kigoma his. In the evening Kigoma had driven past the Tanganyika restaurant. He had seen Jean Ntakiyica's car parked there. He had said good evening to the latter, who had answered him. There had been no further conversation and he had left immediately. He had then gone to Jean Ntakiyica's house where he was to spend the night. Together with Bigirindavyi, whom he had met, he had then gone to "le Stavros", where he had stayed to have a drink with Ntindendereza. Some time later Kageorgis had arrived and had asked Ntindendereza to come and fetch his car, which had broken down on the Kitega road. They had all left with Ntindendereza and it was after they had obtained some petrol from a garage that Kageorgis had announced that he thought he had shot the Prime Minister. Kigoma had been thunderstruck by the news. He had said nothing further until they had returned and he had then slipped away. When he had heard that, Jean Ntindendereza had said to Kageorgis: "What you have done is really stupid". The following morning Kigoma had gone back to the hospital to see his wife and had then learnt that Mr. Rwagasore's body had been

taken to Kitega. He himself had gone up to Kitega and had gone to pay his respects to the mortal remains and had then attended the funeral service. He had been arrested the following Friday, 20 October. He had not thought it necessary in the meantime to go and tell the police what he knew, since the latter had seemed to him to be on the right track, having arrested Kageorgis. He was in any case expected to be interrogated himself.

From the moment when Kageorgis had announced the incident in the car, everybody had remained silent. Kigoma had not subsequently seen any of those who had been told about the incident first-hand. His impression was that that act had been an isolated one and not the result of a plot. In reply to the question of what Kageorgis had said when he had announced the incident, Kigoma said that as far as he remembered he had said "I think I have shot Rwagasore". He considered that Mr. Rwagasore's death could be of advantage to no one, least of all to members of the Baranyanka family, who would obviously be the first to be questioned in an affair of that kind.

ANNEX XVII

Interview with Mr. Joseph Cimpaye

2 November 1961

Joseph Cimpaye, former Prime Minister in the previous Government. Chairman of UPP, a party affiliated to the Front commun.

Mr. Cimpaye said that he had come from Kitega at the Commission's request.

He had learnt of the murder on the very night of the incident; he had been in the Beaulieu restaurant. The news had taken him entirely by surprise. That same morning he had seen Jean Ntakiyica, who had seemed to him completely "as usual".

He had known Louis Rwagasore well and was to have met him the day after the incident and again the day after that, Sunday, 15 October, when a luncheon was to have taken place with the Mwami, the Prince and a Frenchman who was engaged in setting up a radio station at Usumbura. The final agreement on that enterprise was to have been signed that day.

Mr. Cimpaye said that he was to have undertaken the management of that business, in which important interests from different countries such as France, Germany and Belgium were to be represented. Prince Rwagasore had given his full agreement to the appointment of Mr. Cimpaye to that post although he had been his political opponent.

In that connexion Mr. Cimpaye stressed the fact that the political opposition between leaders of UPRONA and of the Front commun was first and foremost political opposition, not personal hostility.

In reply to questions by the Commission, he said he had no idea whatever who could have stood to gain from the Prime Minister's disappearance. The great success UPRONA had had in the elections had assuredly made a successful coup d'état inconceivable, especially one carried out before the United Nations had pronounced on the validity of the election results.

Mr. Cimpaye then said that he knew almost all those who were implicated in the affair. He was most closely acquainted with Mr. Ntindendereza and the PDC leaders. He refused to believe them capable of having instigated the assassination

of the Prince. Furthermore, he knew that they had not had the funds at their disposal to pay the sum of which Kageorgis was alleged to have spoken. Neither did he believe that Mr. Iatrou had had such funds at his disposal.

He had known Kageorgis as a quiet boy without political affiliations. As far as he knew he had never done anything to invite comment, either good or ill.

ANNEX XVIII

Interview with Mrs. Belva

2 November 1961

Mrs. Belva is of Belgian nationality. She was a welfare worker in Belgium, then came to Africa with her husband, who is now in the Congo.

Mrs. Belva said she knew Mr. Ntindendereza and had helped to bring up his children; she had been the secretary of PDC, then of the Front commun on a voluntary basis until eight days previously.

She stated that to her knowledge there had been no programme in existence for a coup d'état and that the murder could not be explained as a planned political act.

She described Ntindendereza as a man of very equal temper, very patient, always ready to help others, starting with his eleven brothers and sisters and continuing with others whose political opinions were sometimes entirely different from his. His opinions had of course differed from those of Mr. Rwagasore, but there was absolutely nothing in Mr. Ntindendereza's character which could lead one to believe that he might have conceived of arranging a murder, political or otherwise, or even of allowing a murder to be committed.

Biroli was a different type of man. He lacked the balance of his brother Ntindendereza. Although he was intelligent and successful in his studies, his character was weaker. He had been through crises of neurasthenia which had led him to drink a great deal. At the request of his family he had already undergone cures for alcoholism in Europe but had taken to drink again since his return. His bouts of drunkenness, however, were never violent; he would cry like a child, complaining that the others were hard on him.

When asked whether the other leaders of the Front commun behaved like Ntindendereza, Mrs. Belva replied that some of them were certainly less calm than Ntindendereza. As for Mr. Baranyanka, he was an elderly man who maintained his family authority to the full but, as he did not speak French and took little part in the public life of the State, he could hardly be regarded as an active political leader.

In reply to questions about the oath which was alleged to have been taken at Mr. Baranyanka's house on Saturday, 14 October, the day after the murder, she stated that she knew that Mr. Baranyanka had for some time had the intention of holding that family ceremony on the first possible occasion. It was a question of trying to stop Biroli, who had been drinking more and more. As custom required in important circumstances, and in order to give the promise greater solemnity, Biroli's promise to stop drinking was to be made before the assembled members of the family. Ntakiyica, who had just been in prison for a minor offence (probably misbehaviour when drunk), had also had to undertake to behave better and the other members present had probably taken part in the oath.

Questioned about the state of the finances of the PDC and the Front commun, which she was in a position to know as secretary, Mrs. Eelva replied that their financial situation had totally collapsed.

Lastly, she stated that shortly after the elections an officer of the security police had warned her that she was in danger of being murdered for the purpose of provoking reprisals by members of the Front commun.
