

Arusha, the 6<sup>th</sup> of October, 2008

From: the Political Prisoners of the UN,  
at the UN Detention Center (UNDF),  
Arusha – Tanzania

To: The President of the UN Security Council  
The Secretary General of the UN  
The President of the ICTR

**Subject:** Reaction to the Rwandan Government's report accusing  
France of being complicit in the genocide

Dear Sirs,

We, the UN political prisoners in Arusha signatory to this letter, have the honor of sending you our reactions to the Report of the 'National Independent Commission charged with gathering evidence to show the implication of the French government in the genocide perpetrated in Rwanda in 1994', hereafter referred to as the 'Mucyo Commission'.

As to the context of this Report, you will recall that the establishment of this Commission by the Rwandan government was made public five months after the journalist Stephen Smith, writing in the French daily *Le Monde* of 9 March 2004, revealed the results of the investigation conducted by Judge Jean-Louis Bruguière, which held that General [Paul] Kagame had ordered the attack of 6 April 1994. It also appears that, for all practical purposes, the Mucyo Commission began its work after the publication of the judicial order by Judge Bruguière in November 2006. In February 2008, Spanish Judge Fernando Andreu Merelles issued arrest warrants against forty military officers of the Rwandan Patriotic Front (RPF) for the parts they played in the genocide and for other crimes against Humanity they committed in Rwanda. So this Report against France is an attempt to distract the attention of the national and international public from the criminal indictments against President Kagame and his closest collaborators issued by French Judge Jean-Louis Bruguière and Spanish Judge Fernando Andreu Merelles.

As should have been expected, this Commission, set up by and in the interests of the RPF regime in Kigali, could not be independent. Indeed, its obvious purpose is the rewriting by the RPF of the ancient and modern history of the Rwandan experience so as to legitimate the power it gained through the provocation of chaos and the spilling of blood, and to impute to others their own responsibilities for the tragedy that they visited on Rwanda after October 1990. Over all, the Report's detailed analysis makes it clear that it contains a sufficient quantity of false facts [i.e., lies], of testimony made up from whole cloth, of erroneous

interpretations and of brazen manipulations, to seriously impeach its credibility. This is why we have taken it upon ourselves to denounce it vehemently. Our critique is contained in the memorandum attached to this letter.

The Mucyo Commission Report hinges on the thesis that the RPF has called the 'planned Tutsi genocide' by the former Rwandan regime. It accuses France of being complicit in this planning. But, in spite of his immense efforts and colossal means, the ICTR Prosecutor has not been able to demonstrate his thesis by presenting any concrete or pertinent evidence. Due to this singular lack of proof, his theory of 'a planned killing' has melted away like snow in the noonday sun. The Appeals Chamber at the ICTR had to rush to the Prosecutor's aid by filing an order that the Court take 'judicial notice' of a fact, 'the Rwandan genocide', that is still being vigorously contested.

While the Mucyo Commission stresses this theory of a 'planned Tutsi genocide', a notion that has not found any vitality before the ICTR, it avoids speaking of the disastrous consequences of the war of aggression against Rwanda, or of the terrorist acts and subversive activities conducted inside Rwanda, or of the refusal to compromise and the many violations by the RPF of the Arusha Peace Accords signed 4 August 1993, or of the attack on 6 April 1994 against President Habyarimana's plane and their refusal of any cease-fire after the 6<sup>th</sup> of April 1994. All these actions that the Mucyo Commission fails to bring up were initiated by the RPF in its plan to take state power by force of arms. It is these actions that led to the Rwandan tragedy and not what the RPF regime has termed 'indications of planning'.

Contrary to the propaganda of the RPF regime, which would have us believe that only Tutsis and moderate Hutus were killed, during the tragic events of 1994, hundreds of thousands of Hutus and Twas, from every social category and political affiliation, also had their lives taken. While conducting its campaign to take power, the troops and militias of the RPF committed large scale massacres, directed primarily against the Hutus and causing a massive displacement of the Rwandan population, which greatly ramped up the violence in the country. On 5 June 1994, the RPF decapitated the Catholic Church by assassinating 11 members of the clergy, including 3 bishops, at Gakurazo, near Kabyayi. After July 1994, the soldiers of the RPF continued to carry out massacres so as to destabilize the Democratic Republic of Congo (DRC). In fact, thousands of people died each day in the eastern DRC because of the war undertaken by the RPF regime with an eye toward ripping off the vast riches of this country.

In its strategy to reverse accusations and rewrite Rwandan History, the RPF is desperately trying to assign itself the status of innocent victim and to impute responsibility for its own crimes to others. Also, the RPF regime is seeking to lay guilt on the international community, especially on France, by trying to claim reparations, which would only benefit a small number of the victims of the Rwandan tragedy, while the Hutu victims (the vast majority) go practically unrecognized.

The RPF regime harbors no illusions about the possibility of its winning a judgment against the French state in any national or international jurisdiction. On the other hand, it has invested a great deal in the Mucyo Commission Report as a way to intimidate the French

government or, at least, to get the French to cut a deal canceling the international arrest warrants issued against some high military officials of the RPF by French magistrate Jean-Louis Bruguière for their implication in the attack on 6 April 1994 against the plane carrying President Habyarimana.

The International Community must not allow itself to be taken advantage of by a criminal organization. The world must put an end to the impunity enjoyed by the RPF and insist on the reestablishment of Truth and Justice for all the victims of this tragedy so as finally to bring a lasting peace to the Great Lakes region of Africa and to encourage national reconciliation.

With our sincerest best regards,

See the annex for the list of signatories:

CC:

- - The French Ambassador to the UN;
- - The Rwandan Ambassador to the UN;
- - The Honorable Judges of the ICTR (all);
- - Monsieur le Greffier du TPIR, à Arusha ;
- - The Clerk of the Court of the ICTR;
- - The Defense Counsels (all) ;
- - The President of ADAD in Arusha;
- - The President of the European Union;
- - The President of the African Union;
- - The Geneva Human Rights Commission;
- - The Geneva Commission on International Jurists;
- - The American Association of Jurists;
- - The International Association of Democratic Jurists in New Delhi;
- - The European Court of Justice;
- - The European Court of Human Rights in Strasbourg;
- - The African Court of Human Rights;
- - Amnesty International, London;
- - The Families of the Signatories;
- - The Center for the Struggle Against Impunity and Injustice in Rwanda, Brussels;
- - United Democratic Forces (UDF);
- - The Dukomere Association, Brussels;
- - Lawyer Without Borders, Paris;
- - FIDH, Paris;
- - Human Rights Watch;
- - The Press.

Annex to the letter of 6 October 2008

## **MEMORANDUM**

**By the Political Prisoners of the United Nations**

**ICTR – ARUSHA – TANZANIA**

**AN ANALYSIS OF THE REPORT OF THE “INDEPENDENT NATIONAL  
COMMISSION FOR THE GATHERING OF EVIDENCE IMPLICATING THE  
STATE OF FRANCE IN THE GENOCIDE PERPETRATED IN RWANDA IN 1994”**

**PUBLISHED IN KIGALI, THE 5<sup>TH</sup> OF AUGUST 2008**

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# **INTRODUCTION**

All objective and independent observers are aware that the Rwandan Patriotic Front (RPF) have undertaken to rewrite the history, both distant and recent, of Rwanda. To legitimate its power, the RPF needs to fool national and international public opinion about its essential role in the tragedy that has shaken Rwanda and the Great Lakes region of Africa since 1990. For a certain time, the RPF mobilized ideologists and intellectuals drawn to its cause to take part in this operation. The Report of the “Independent National Commission for gathering evidence implicating the State of France in the Rwandan genocide of 1994,” hereafter referred to as the “Mucyo Commission”<sup>1</sup> fits perfectly into this tendency. It is the job of this group of men and women to obscure the truth of the tragic events that occurred in Rwanda beginning in 1990. Also, it would be naïve to believe that this is an independent commission to which one could give the least credibility.

The RPF pretends to have led a war of liberation since October 1990; that it then proposed a negotiated solution to the conflict, but that the ‘extremists leading the governing party’ rejected the Peace Accords signed in Arusha on 4 August 1993, and that these ‘extremists’ then assassinated President Habyarimana on 6 April 1994 in order to be able to carry out the genocide they had planned in advance. This is the thesis that the RPF continues to propagate despite the existence of irrefutable proof to the contrary. The RPF has intensified its campaign as the overwhelming evidence of its involvement in the attack against President Habyarimana’s plane on 6 April 1994 has grown and, especially, since French Judge Jean-Louis Bruguière and Spanish Judge Fernando Andreu Merelles issued international arrest warrants against high military officials of the RPF. It is in this context that one must read the report of the “Mucyo Commission” accusing France of involvement in the “Rwandan genocide.”

The setting up of this commission by the Rwandan government was made public on 1 August 2004<sup>2</sup>, six months after the journalist Stephen Smith, writing in the French daily *Le Monde* (9 March 2004), revealed the results of the investigation conducted by Judge Jean-Louis Bruguière, which charged General [Paul] Kagame with having ordered the attack of 6 April 1994. It also seems that the Mucyo Commission began its work, for all practical purposes, after the publication of the court order by Judge Bruguière in November 2006. We should remember that in reaction to this order, the RPF regime immediately broke off diplomatic relations with France. The Report of the Mucyo Commission is thus a gambit by which the RPF can shift its responsibilities to others and distract national and international public

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<sup>1</sup> Mr. Jean de Dieu Mucyo, President of the ‘Independent National Commission to gather evidence of the involvement of the State of France in the genocide perpetrated in Rwanda in 1994’, is a former officer in the Rwandan Patriotic Army (RPA, the armed branch of the RPF). Many witnesses have accused him of taking part in massacres and committing exactions against Hutus in the former districts of Butare and Gitarama in 1994 (see André Guichaoua, *Rwanda 1994, Les politiques du génocide à Butare* [The Politics of Genocide in Butare]. Éditions Karthala, 2005, p. 306-307). He was Minister of Justice and General Prosecutor in the RPF government before being appointed President of this Commission.

<sup>2</sup> Report of the Mucyo Commission, p.1.

opinion from the importance and gravity of the accusations made by French Judge Bruguière and Spanish Judge Merelles against President Kagame and his closest collaborators.

The RPF is acting as if the fact that it won the war absolves it of the crimes it committed and gives it the right to vent its anger against the rest of the world, especially its enemies, real and imagined, by accusing them of all the evil deeds that occurred, including those they, themselves, committed. The International Community cannot allow itself to be abused by the arrogance of such a criminal organization. It must insist on the restoration of Truth and Justice for all the victims of the Rwandan tragedy. Indeed, the truth demands that the facts be considered in chronological order, to define the role of each actor and his responsibilities at different moments, from October 1990 until the present.

Such an approach has the advantage of laying bare the illegal and criminal actions of the RPF throughout the Rwandan conflict and up to the present day. Because the truth can be summed up in the following points which today are incontestable:

- It is the RPF that started the war on 1 October 1990. This invasion, carried out from, and with the open assistance of, Uganda, is a crime against the Peace and a violation of several international conventions.
- In violating these conventions, the RPF has been continuously supplied with arms and other war materiel by Uganda. It benefited directly or through third parties from the Ugandan government and from the aid of certain Anglo-Saxon countries, while Rwanda experienced every imaginable difficulty in finding adequate means to guarantee the legitimate defense of its territory, of its people and its institutions.
- Since 1991, the RPF has conducted terrorist and subversive actions inside Rwanda to destabilize the country, to break the national cohesion and ratchet up the climate of fear, distrust and violence within Rwanda. The RPF is also responsible for multiple cease-fire violations and, by its attacks, has caused thousands of deaths, widespread destruction, and the massive displacement of the population.
- It is now known, and fully supported by the evidence, that it was the RPF that shot down the plane carrying President Habyarimana on 6 April 1994, a terrorist act considered by all impartial analysts as the event that triggered the massacres of 1994, and that the RPF immediately resumed the war in violation of the Arusha Accords, signed on 4 August 1993 and dedicated to bringing an end to the war.
- It is the RPF that refused to stop the fighting and allow the internal security forces effectively to reestablish peace and order in the country after it was thrown into chaos by the assassination of President Habyarimana and the murderous attacks launched by the RPF on all fronts, including in the capital, Kigali. And with its ultimatum of 9 and 10 April 1994, the RPF prevented the International Community from intervening in any way to end the horrors.

- It is now known, and fully supported by the evidence, that in the zone under the control of the RPF there was horror and desolation: the RPF troops committed horrible crimes in 1994.
- It is also known that terrible selective killings were committed against the Hutu population by the same RPF after it had seized power through blood and chaos.

The Mucyo Commission Report willfully avoids mentioning these events in any objective manner so as not to raise the question of the RPF's responsibility for having planned the "Rwandan tragedy," from the military invasion of Rwanda to the assassination of President Habyarimana and the resumption of the war in April 1994, and thereby creating the appropriate climate of chaos for it to take power by force of arms. In October 1990, the RPF could not have initiated its aggression against Rwanda from Uganda without having planned it in advance. In April 1994, it would not have resumed the war on all fronts after assassinating President Habyarimana without first having carefully prepared every detail. This is what explains the RPF's categorical refusal, in March 1994, to participate in the ceremonies to install the transitional government institutions called for by the Arusha Peace Plan, as well as its refusal of all offers of ceasefire meant to reestablish peace and order in the country, and then its ultimatum of 9-10 April 1994 demanding that all foreign forces leave Rwanda. The RPF calculated that an end to the fighting and the chaos after the assassination of President Habyarimana would compromise its plan to seize state power through military violence.

The Report of the Mucyo Commission is based on the RPF's thesis of "the planned genocide of the Tutsis" being carried out by the old regime.<sup>3</sup> It accuses France of being an accomplice in this planning.<sup>4</sup> The Mucyo Commission presents the following as evidence of what the RPF regime calls "indications of planning": the civil defense, the distribution of weapons, road blocks, the definition of the enemy, the creation of party youth groups and their military training, the compilation of lists of people to be killed, the ordering of machetes, the creation of the CDR and media organs RTLM and Kangura. It is important to stress here that the Commission foments confusion and misunderstanding. Besides being totally invented allegations, it should be noted that certain of these imagined indications of planning are

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<sup>3</sup> By the old regime what is meant is the Habyarimana government (1973-1992) and the successive governments of the multi-party era (1992-1994)

<sup>4</sup> However, in a letter dated 28 August 1994, to President Mitterand, the RPF expressed its gratitude to France for its role as an observer at the Arusha negotiations without making the slightest allusion to the grave accusations contained in the Mucyo Commission Report.



legitimate responses by a sovereign state to a war of aggression.<sup>5</sup> This is the same evidence that the Rwandan government presented to the Prosecutor for the International Criminal Tribunal for Rwanda (ICTR) to support its thesis of planning for the genocide by the former regime. But, despite his enormous efforts and unlimited means, the Prosecutor was not able to support this thesis by coming up with any concrete and relevant evidence. So his thesis of planning melts like snow in the noonday sun for want of any proof. The Appeals Chamber of the ICTR had to rush to his aid by filing an order calling for taking ‘judicial notice’ of the still very controversial events called the “Rwandan Genocide.”<sup>6</sup>

Beside this false thesis, the Mucyo Commission Report carries other flagrant lies and manipulations that seriously affect its credibility.

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<sup>5</sup> Civil defense can in no way be likened to planning for genocide and is not even peculiar to Rwanda. The Civil Defense program was initiated by a directive from Prime Minister Kambanda dated 25 May 1994. Due to time and material constraints, this program was never applied. On the other hand, the populations of regions near the front had been taking part in their own defense since the invasion of Rwanda, with the goal of stopping infiltration and massacres. It is in this context that community police were rearmed to permit the people to participate in their own civil defense with more or less adequate means. Neither civil defense nor self defense by the population can be used as evidence of planning for genocide. Likewise, the rearmament of the police in order to allow the people to participate in their own defense can also not be construed as evidence of planning for genocide. As for road blocks, they had been in place as part of night-watch security since the beginning of the war in October 1990 to counter the criminal activity of RPF infiltrators and all kind of banditry that could violate the national security. The roadblocks can also not be cited as proof of planning for genocide [for details see section 3.2 below on Civil Defense]. As to the definition of ‘the enemy’, this is the normal function of all military commands, in all the armies of the world. There is nothing criminal about it, and it is not specific to Rwanda. What is more, the fact that officers like Cyiza and Gatsinzi, who had joined the RPF directly after the war in 1994, were not accused of planning the genocide while they were members of this commission charged with a strategic analysis of the events demonstrates that this allegation is unfounded. Brigadier General Gatsinzi was subsequently promoted to Major General, then to Lieutenant General by the RPF regime. He is currently the Minister of Defense. Major Cyiza was promoted to Lt. Colonel and was Chief Justice of the Supreme Court before being assassinated by the RPF in 2003.

As for the political party youth groups, they were created within the framework of the newly established multi-party political system, dictated by the constitution of 10 June 1991. Contrary to popular opinion, there was never any military training of the political party youth groups, and the Army never trained the Interahamwe. The erroneous presentation by General [Romeo] Dallaire of Jean Pierre Turatsinze as chief of the Interahamwe, in charge of their military training, leaves no doubt. The Defense at the ICTR showed that the famous Dallaire fax of 11 January 1994 was a fake, or, at least, not credible. A great deal of credible evidence presented before the ICTR and demolition of this affair shows that the alleged military training of the Interahamwe was an accusation made up of falsehoods and without foundation.

The alleged compilation of lists of people to be killed is a pure invention. Not a single piece of credible evidence supporting this allegation has ever been presented. For the first time, the RPF has contended that the Centre de Recherche Criminelle et de Documentation (CRCD)[The Center for Criminal Research and Documentation] of the Gendarmerie Nationale compiled these lists of Tutsis to be killed. Again, there is no credible evidence to support this allegation.

On the subject of ordering machetes, this allegation is simply ridiculous, because there is nothing to justify the sort of attention given to this accusation. The machete, like the hoe, is a domestic farm implement indispensable to any Rwandan family. Félicien Kabuga, sought by the ICTR, was not the only one who ordered machetes. For example, the SHILLINGTON factory made machetes inside the country while the RWANDEX and BENALCO companies imported them and still import them today. The fury of the RPF regime against Félicien Kabuga has other causes than just the ordering of machetes.

As for the CDR, the RTLM and Kangura, the judgment in the case of the Prosecutor v Nahimana et al - ICTR 99-52-A, of 27 November 2007, established that the creation of the CDR and the press organs, RTLM and Kangura, is not criminal.

<sup>6</sup> The Decision of 16 June 2006 in the case of Prosecutor v Karemera et al (ICTR-98-44-T). It is appropriate here to stress that the Judges of record in the Trial Chambers had systematically rejected all demands by the Prosecutor on this subject in several cases.

## **2. THE THESIS OF A PLANNED GENOCIDE BY THE OLD GOVERNMENT IS TOTALLY UNFOUNDED**

While the Mucyo Commission has invested a great deal in unsubstantiated allegations of planning for the “Tutsi genocide” which have not done well before the ICTR, it avoids all talk of the disastrous consequences of the war of aggression inflicted on Rwanda by the RPF, of the massive displacement of the population following massacres by the RPF, of the terrorist acts and subversive activities conducted inside Rwanda, of the RPF’s refusal to compromise and its violations of the Arusha Peace Accords signed 4 August 1993, of the attack on 6 April 1994 against the plane carrying President Habyarimana and of its systematic refusal to accept a cease fire after 6 April 1994.

Furthermore, it is common knowledge that throughout the war, the RPF maintained the initiative while the ruling party could only endure and react to the aggression and its consequences.

All these actions that the Mucyo Commission avoids addressing were initiated by the RPF as part of its plan to seize power through force of arms. It is these actions that led to the Rwandan tragedy and not what the RPF regime chooses to call “indications of planning.” The story about the alleged “planning of the 1994 genocide” by the old regime is thus false. It is full of lies, of totally fabricated testimony, of tendentious and erroneous interpretations of events and of purely dogmatic or propagandistic statements.

### **2.1 By attacking Rwanda in October 1990, the RPF caused a breach of the peace that had prevailed in the country**

The Rwandan tragedy began on 1 October 1990 with the war of aggression launched against Rwanda by the RPF from Uganda, with the aid of the Ugandan national army, in violation of international customs and the general principles of international law<sup>7</sup> and conventions.<sup>8</sup> By attacking Rwanda, the RPF committed a crime against the Peace and had a hidden agenda to take power by force. The Mucyo Commission confirmed, on page 22 of its report, that the extremists among the community of Tutsi refugees imposed a radical agenda aimed at taking power in Rwanda by force of arms. The leaders of the RPF went as far as to advocate the annihilation of the Hutus of Rwanda, especially by exiling them. In a poem dedicated to General Fred Rwigema, the first military chief of the RPF who was killed on the battlefield at the beginning of the war, Professor Alexandre Kimenyi wrote: “Usize imena imonyo

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<sup>7</sup> Cf: UN GA Resolution 375 (IV); UN GA Resolution 3314, 14 September 1974; Declaration relative to the principles of International Law treating amicable relations between States (1970).

<sup>8</sup> Cf: UN Charter (art. 2); OAU Charter (art. 3); UN Convention relative to the Status of Refugees, 28 July 1951 (art. 1); OAU Convention concerning the proper treatment of refugee problems in Africa, 10 September 1969 (Article III); Commitments made at the Summit of heads of state of Rwanda, Uganda and Zaire, held in Gbadolite, Zaire, 25 May 1990 (points 5 & 6) and in Kampala, 11 September 1990 (points III & IV).

tuzazimenesha” (You left the heros [Tutsis], the ant-like corpses [the Hutus], we will kick them out [of Rwanda])<sup>9</sup>.

For propaganda reasons, the RPF advanced the problems of refugees’ right of return and the installation of Democracy in Rwanda to justify their attack. On this subject, many observers, including those sympathetic to the RPF, have agreed that the RPF attacked just at the moment when the refugee question was finally being definitively addressed and the problem of democratization was beginning to be resolved in the country<sup>10</sup>. On the eve of the outbreak of war, the extremist Tutsis working for the RPF sabotaged the census of Rwandan refugees living in Uganda being conducted by the UN High Commissioner for Refugees (HCR) with the aim of bringing about their return to Rwanda.<sup>11</sup> A delegation of Rwandan refugees expected to visit Rwanda on 28 September 1990, to evaluate the infrastructures in place to receive them, never showed up<sup>12</sup>. Instead, soldiers of the RPF, supported by the Ugandan Army, invaded the country on 1 October 1990, with the aim of conquering state power by force of arms.

The vast majority of the population, including Tutsis inside Rwanda, condemned the war imposed by the RPF.<sup>13</sup> So the RPF was not received as a liberator.<sup>14</sup> After they had launched their war, the RPF could only spread fear, terror, violence and death in a country that until then had been considered a haven of peace in Central Africa.<sup>15</sup> The RPF constantly took the initiative in the war, from the time of the invasion of the country until its victory against the Rwandan people in July 1994. Objective observers agree that, without this unjust and murderous war, the Rwandan tragedy would not have happened.

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<sup>9</sup> The journal IMPURUZA, no. 17, December 1990. Kimenyi insults the Hutus by describing them as ‘ant-like corpses’.

<sup>10</sup> According to Prunier ‘The eventual development of a democratic government in Kigali posed a risk of removing the principal argument for the RPF’s war, that of its opposition to a monolithic dictatorship. As to the process of repatriation of refugees, this threatened to remove the RPF’s most powerful psychological rationale for its action.’ [Prunier, G., October 1993. – Elements pour une histoire du Front patriotique rwandais – in POLITIQUE AFRICAINE no 51.]

<sup>11</sup> Serge Desouter, Rwanda: The Trial of the RPF. Focus on History. Éditions L’Harmattan 2007, p. 103.

<sup>12</sup> Ibid., p. 104.

<sup>13</sup> See La Relève No 148 of 16 to 22 November 1990: A group of Rwandan Tutsis speak out about the pseudo-problem of ethnicity.

<sup>14</sup> Serge Desouter. Rwanda: The Trial of the RPF. Focus on History. Éditions L’Harmattan 2007, p. 107.

<sup>15</sup> Besides the thousands of victims of the war, there were inside the country, by March 1994, about a million displaced persons, leaving about 1/7 of the entire population of Rwanda living in horrible conditions. Fear, anger, hunger, anxiety, exasperation, desolation and all manner of frustrations engendered by this state of war led to uncontrollable, violent reactions on the part of the population following the assassination of President Habyarimana and the final escalation to total war by the RPF.

## **2.2 Terrorist acts and subversive activities carried out by the RPF destroyed the national cohesion and enflamed a climate of mistrust and violence in the country**

Taking the lessons of failure from its first offensive in October 1990, the RPF adopted a guerilla strategy and intensified its use of terrorism and subversive activities throughout the country, to terrorize the people who did not accept it, to destabilize the country and, thus, to break national cohesion, all by accusing the governing party of being responsible for this acts. Thus, the RPF set up a strategy of deterioration, exploiting the structural weaknesses of Rwandan society and the country linked especially to poverty and political, ethnic and regional divisions. The malicious exploitation of these weaknesses, made much easier by the alliance struck between the FDC and the RPF at a meeting in Brussels from 29 May to 3 June 1992<sup>16</sup>, gave the RPF free rein to tear Rwandan society apart and completely to destabilize the country. The propaganda to demonize President Habyarimana and his government greatly fed the psychological and media war waged by the RPF, with the aim of weakening the Rwandan government's capacity to resist the aggression from Uganda.<sup>17</sup> This campaign of lies, scandal mongering, and demonization of the government was the principal source of information to the International Investigative Commission of March 1993.<sup>18</sup> In using this Report, the Mucyo Commission has confused information to falsely accuse the old government and to enlarge the lies contained in the Report. For example, the Mucyo Commission contends that the speech given by [Dr. Léon] Mugesera led to interethnic confrontations in the Gisenyi Préfecture in January 1993.<sup>19</sup> But this is totally false because the troubles of January 1993 had their origins in the outbreaks of violence during the political demonstrations against the power-sharing protocols negotiated in the Arusha Accords.<sup>20</sup>

The conclusions of the report of the International Investigating Commission were essentially based on lies and manipulations. Because of its bias, this commission did not even listen to some of the people named in the report as these witnesses had come out against the intentions of the investigators. As was pointed out by the inter-ministerial commission set up by the Council of Ministers on 10 March 1993, "*the gaps in the report are not necessarily the results of chance but are rather aimed at valorizing the thesis that the Investigative Commission is trying to defend, that the violations of Human Rights in Rwanda were the responsibility of the*

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<sup>16</sup> See the attached communiqué issued by the Brussels meeting between the FDC and the RPF, signed 3 June 1992. See also Pierre Péan, 'Noires fureurs, blancs menteurs', éditions Mille et une nuits, pp. 107-109.

<sup>17</sup> Mr. André Louis, Vice President of the Christian Democratic International (CDI), well described the RPF's strategy in its document, entitled The Strategy of the RPF, and dated 13 April 1993. See also the testimony of Antoine Nvetera, a Tutsi of royal lineage, before the ICTR in the case of the Prosecutor v Renzaho – ICTR-97-31-T, 5 July 2007.

<sup>18</sup> The International Investigative Commission that traveled to Rwanda from 7 to 21 January 1993 based its findings on lies and fantasies. It produced an incomplete report, biased and partial to the RPF. The members of the Commission erred because of their incredible parti pris, like that expressed by Mr Waly Bacre Ndiaye, often cited in the Mucyo Commission Report.

<sup>19</sup> Mucyo Commission Report, p.72.

<sup>20</sup> See the report of the Ministerial Council on Security send to the Prime Minister by letter dated 3 February 1993, and signed by Augustin Iyamuremye, Chief of the Intelligence Services.

*Rwandan government, and this was meant to cut Rwanda off from all outside aid and to make it even more the easy prey of the RPF-Inkotanyi.*<sup>21</sup>

The Rwandan government responsibly managed the consequences of the war and terrorist and subversive activities. It intervened to pacify the regions affected by the politico-ethnic troubles and pursued those who instigated the troubles, especially in the community of Kibilira and around Bugesera.<sup>22</sup> So, it is false to say that the government did nothing to keep the peace in Rwanda, or that it was complicit in, or even was the author of these troubles. Once again, the charges made in March 1993 against the government by the International Investigative Commission were unfounded.<sup>23</sup>

From 1991 RPF death squads infiltrated every corner of Rwanda, spreading murder, terror and devastation. In his 1993 book, Mr. François Xavier Nsanzuwera, former State Prosecutor in Kigali, speaks of this terrorism during the period July 1991 to December 1992.<sup>24</sup> Mr. Gaspard Musabyimana counted more than 60 incidents of attacks by exploding mines, bombs or grenades between July 1991 and September 1993.<sup>25</sup> We know that these acts of terrorism continued until 1994.

Certain members of the RPF, testifying before the ICTR, confirmed that the waves of attacks that ravaged the country after 1991 were effectively the work of the RPF.<sup>26</sup> These witnesses corroborated the findings of the investigations carried out by the Centre de Recherche Criminelle et de Documentation (CRCDD) of the Rwandan Gendarmerie with the assistance of a team of French technicians directed by Colonel of Gendarmes Robardey.<sup>27</sup> It is easy to understand why the Mucyo Commission set itself against the CRCDD and this French Colonel and accused them, without a shred of evidence, of having stuck it to the Tutsis.<sup>28</sup>

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<sup>21</sup> The letter of 20 March 1993, which sent to the Prime Minister the report of the Inter-Ministerial Commission, set up by the Council of Ministers on 10 March 1993, with the aim of examining the report of the International Investigative Commission.

<sup>22</sup> The Council of Ministers, in a press release on 6 February 1993, even asked to 'bring to the public's attention the results of investigations into the burning issues that continue to tarnish the image of the country, to perpetuate a climate of suspicion among Rwandans and disrupt negotiations. The primary concern is with issues relating to the planting of mines, to death squads, to the events in Bugesera . . .'

<sup>23</sup> In a statement jointly signed by President Habyarimana and the Prime Minister, Dismas Nsengiyaremye, on 7 April 1993, the Rwandan government refuted the conclusions of the report by the International Investigative Commission.

<sup>24</sup> François Xavier Nsanzuwera. La magistrature rwandaise dans l'état du pouvoir exécutif.

<sup>25</sup> Gaspard Musabyimana. Le Rwanda entre la guerre et la démocratie.

<sup>26</sup> See the testimony before the ICTR in the case of the Prosecutor v Bagosora et al. – ICTR-98-41-T: Witness Joshua Abdul Ruzibiza, 9 March 1994; witness BRA, 5 April 2006 (testimony in closed session); witness ALL-42, 8 November 2006 (testimony in closed session).

<sup>27</sup> Deposition of Professor Bernard Lugan before the ICTR in the case of the Prosecutor v Bagosora et al. – ICTR-98-41-T, 6 November 2006.

<sup>28</sup> The Mucyo Commission Report states, on page 78, that a commission established on 14 September 1992 and including, in particular, Mr Augustin Iyamuremye and Major Venant Hategekimana, had come to different conclusions from those of the French regarding the terrorist attacks, and that the investigation carried out by this commission did not permit the identification of those who planted the explosives or their motives. How could it explain that this alleged commission, established on 14 September 1992, had taken a whole year to produce, on 23 September 9 1993, a note rather than a report? We acknowledge that the Commission, of which Major Venant Hategekimana was a member, was the one established by the Council of Ministers on 3 February 1993, and issued its report on 3 April 1993. In its report, this Commission never implicated the CRCDD or asked questions about those who had planted the mines. Through this manipulation, the RPF regime tried to sow doubt and confusion as to its responsibility in these attacks.

The RPF carried out operations that deteriorated Rwanda's internal conditions by using its easily manipulated insurrectionary strategy and creating an enormous potential for violence among the population and within the political domain, so it could explode the country at any moment it chose. On the eve of the signing of the Arusha Peace Accords, the RPF assassinated Mr. Emmanuel Gapyisi, an influential member of the leadership of the principal opposition party, the MDR (Mouvement Démocratique Républicain).<sup>29</sup> During the night of 25-26 August 1993, Mr Fidèle Rwambuka, Mayor of the Kanzenze commune, and a member of President Habyarimana's party, the MRND (Mouvement Républicain National pour la Démocratie et le Développement), was assassinated<sup>30</sup>. After the signing of the Arusha Accords, the RPF intensified its campaign of destabilization aimed at silencing the political forces that would not submit to its domination or that sought to free themselves from its influence. It is in this deleterious atmosphere that the massacres at Kirambo took place in November 1993, with the systematic elimination of elected officials from the MRND and their families by RPF death squads, as well as the massacres in the commune of Mutura in the same month<sup>31</sup>. On 21 February 1994, an RPF commando assassinated government Minister Félicien Gatabazi. Immediately afterward, this terrorist organization rushed to accuse President Habyarimana of the murder.<sup>32</sup> This assassination was followed by that of Mr .Martin Bucyana, President of the CDR (Coalition pour la Défense de la République), on 22 February 1994, in Butare. His elimination was then presented as an act of revenge for the death of Gatabazi. But, in reality, he was lynched by RPF infiltrators.<sup>33</sup> By assassinating these political figures, the RPF showed that it was not ready to play the democratic game, but would rather impose its rule by force of violence. And at this time, the country was ready to implode because of these successive assassinations of Hutu political leaders.

Of course, the RPF did not only attack political leaders. I also attacked Hutu intellectuals and just simple peasants who did not figure among its partisans. Among such attacks, one could point out the massacre of executives at the tea factory in Cyohoha Rukeri and their families, in March 1994, and many other killings that were perpetrated in the DMZ that the RPF wanted to depopulate to make room for Tutsi refugees brought chaotically and unilaterally

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<sup>29</sup> Testimony of Jean Pierre Mugabe on the assassination of President Habyarimana, 21 April 2000.

<sup>30</sup> Testimony of Abdul Joshua Ruzibiza before the ICTR in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T. Report from the public session of 9 March 2006, p. 35, and in his book, Rwanda: Histoire secrète, Editions du Panama, p. 209.

<sup>31</sup> See the cable from the UNAMIR, dated 6 January 1994, and the report of the investigation by the UNAMIR (evidence marked DNT1 submitted in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T). See also the testimony of Abdul Joshua Ruzibiza before the ICTR in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T. Report from the public session of 9 March 2006, p. 37-38 and his book, Rwanda: Histoire secrète, Editions du Panama, p. 208-209. The RPF was badly defeated in the elections organized in the Demilitarized Zone (DMZ) when it was the only party to have campaigned. The MRND won them by a wide margin.

<sup>32</sup> Outgoing coded cable from [Jacques Roger] Booh-Booh, UNAMIR, Rwanda, to [Kofi] Annan, UN New York, dated 1 March 1994. Number MIR-451 Subject: Report of the meeting of the SRSG with the RPF in Mulindi on 1 March 1994 (Evidence marked DNZ-395 filed in the case of the Prosecutor v Karemera et al – ICTR-98-44-T).

<sup>33</sup> Testimony of Jean Pierre Mugabe on the assassination of President Habyarimana, on 21 April 2000.

from Uganda<sup>34</sup>. Today, the truth is known. All these terrorist acts were committed by the RPF to create chaos and pave the way for their taking state power by force.

## **2.3 The RPF blocked the establishment of transitional institutions and assassinated President Habyarimana**

### **2.3.1 Blocking the establishment of transitional institutions**

Contrary to what the Mucyo Commission sets forth, it is the RPF that obstructed the establishment of broad-based transitional institutions by rejecting all delicately negotiated compromises on the most contentious points. According to the Arusha Accords, five internal political parties (MRND, MDR, PSD, PL and PDC) along with the RPF were to participate in the Broad-Based Transition Government (BBTG), while all parties officially recognized in Rwanda at the time of the signing of the Arusha Accords and the RPF were to have seats in the National Transitional Assembly (NTA) as allocated by the Accords. In March 1994, when all remaining obstacles to the establishment of transitional institutions had been overcome, the RPF rejected the compromise reached and adhered to by all the other parties, including its allies.<sup>35</sup> More precisely, the RPF rejected the distribution of ministerial posts and the seating of legislators agreed to between the two factions of the PL, and opposed the participation of the CDR in the National Assembly, limited to just the one legislative seat reserved for it by the Arusha Accords.<sup>36</sup> The compromise between the factions of the PL was reached after a meeting of all the political parties in the Habyarimana government coalition held between 25 and 27 February 1994.<sup>37</sup> The CDR's taking its seat in the legislature was supported by the ambassadors of the nations acting as observers at the Arusha negotiations (the US, France, Belgium, Germany, Zaire, Burundi, and Uganda), the Facilitating Representative (Ambassador of Tanzania), the Apostolic Nuncio and the Special Representative of the UN Secretary General in Kigali, Mr. Jacques Roger Booh Booh.<sup>38</sup> Ms Prudence Bushnell, posted to Rwanda during March of 1994, reiterated the same recommendations that the diplomats put

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<sup>34</sup> Witness ALL-42 before the ICTR in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T, on 8 November 2006 p. 35. (Heard in closed session). See also the communiqué from the MRND and from the President of the Republic on 17 March 1994.

<sup>35</sup> See *Outgoing coded cable from Jacques Roger Booh-Booh, UNAMIR, Rwanda, to Kofi Annan, UN New York, dated 28 February 1994, Number MIR-441, Subject: Reports to Break the Impasse on Installation of Transitional Institutions* (Filed in evidence as DNT-176, in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T. This same evidence was filed in the case of the Prosecutor v Karemera et al – ICTR-98-44-T as DNZ-394); *Outgoing coded cable of 19 March 1994 from Booh-Booh to Annan/Goulding: Latest political developments* (Evidence filed as DNT-244 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T. This same evidence was filed in the case of the Prosecutor v Karemera et al – ICTR-98-44-T as DNZ-397).

<sup>36</sup> *Outgoing coded cable of 25 March 1994 from Booh-Booh to Annan/Goulding, Efforts to Install the Transitional Institutions* (Evidence filed as DNT-178 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T. This evidence was also filed in the case of the Prosecutor v Karemera et al – ICTR-98-44-T as DNZ-399).

<sup>37</sup> See the communiqué of 27 February 1994 (Entered in evidence in the case of Ntagerura et al – ICTR-99-46-T as DAN-66).

<sup>38</sup> *Joint Communiqué by Western diplomats in Kigali and the UNAMIR on 28 March 1994 announcing the RPF's responsibility for the impasse in the installation of transitional institutions* (Filed in evidence as DNT-32 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); *UN Coded cable MIR 672 of 28 March 1994 from Booh-Booh to Annan/Goulding* (Evidence filed as DNT-104 in the case of the Prosecutor v Karemera et al – ICTR-98-44-T as DNZ-123).

forth and demanded that the RPF give peace a chance by not excluding the other political parties from participation in the transitional institutions.<sup>39</sup>

In a statement made on Radio Rwanda on 22 and 23 March 1994, the Prime Minister, Agathe Uwilingiyimana announced that all obstacles to the establishment of the Broad-Based Transitional Government had been removed, especially the question of the CDR, and that the BBTG and the National Transitional Assembly were expected to be functioning by 25 March 1994. On this date, all the parties except the RPF were to present themselves for the installation ceremonies. After representatives of the RPF in Kigali demanded a UNAMIR escort to bring their colleagues in Mulindi to the ceremonies, the Mulindi contingent of the RPF refused to come to Kigali.<sup>40</sup>

Mr. Jacques Roger Booh Booh described the attitude of the RPF thus: *“The mask came down. It had hidden the RPF’s game for a long time. But this time things became clear. This party certainly had no desire to initiate the peace process. It is very surprising to note that each time a solution was negotiated with the MRND, the RPF came up with new demands and new conditions that were more difficult to meet. There were indications that this movement was actually against peace.”*<sup>41</sup>

### **2.3.2 The Attack on President Habyarimana’s Plane.**

On 6 April 1994, President Juvénal Habyarimana, on his return from the Summit in Dar es Salaam, was to announce the date of the establishment of the broad-based transitional institutions.<sup>42</sup> It was not known that the RPF had already made the decision not to play the “democracy game” and that its plans to provoke chaos and launch a final attack to take power by force of arms were set.

On returning to Rwanda in the evening of 6 April, at about 8.30 p.m., the President’s plane was brought down by two missiles as it approached the Kigali airport. All the passengers on board, President Juvénal Habyarimana of Rwanda, President Cyprien Ntaryamira of Burundi, their respective entourages, as well as the French flight crew, were killed. In the ensuing disorder, the RPF resumed hostilities on all fronts, including in the capital city of Kigali.

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<sup>39</sup> US document from the US Embassy in Kigali to the Secretary of State (Washington, D.C.); 25 March 1994; subject: Demarche request on CDR participation (Evidence filed as DNT-286 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); US document from the US Embassy in Kigali to the Secretary of State (Washington, D.C.); 28 March 1994; subject: CDR issue proves intractable (Evidence filed as DNT-287 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T).

<sup>40</sup> Outgoing code cable of 25 March 1994 from Booh-Booh to Annan/Goulding. Efforts to install the transitional institutions (Evidence filed as DNT-178 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T. This same evidence was filed in the case of the Prosecutor v Karemera et al – ICTR-98-44-1 as DNZ-399).

<sup>41</sup> Jacques Roger Booh-Booh. Le patron de Dallaire parle. Révélations sur les dérives d’un general de l’ONU. [Dallaire’s boss speaks out. Revelations on the devolution of a UN General.] Editions Dubois 2005, pg. 115.

<sup>42</sup> April 1, 1994, Code Cable from U.S. Ambassador Rawson in Kigali to U.S. Embassy in Kampala, Uganda. (Evidence filed as DNT-121 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T).



Without delay, the RPF mounted the battlements and accused what they called “extremists within the MRND, the CDR and the Rwandan Army” of being responsible for this attack.<sup>43</sup>

But the available evidence today shows that it was a commando unit of the RPF under orders from Paul Kagame, himself, that was responsible for this terrorist attack. What is more, the French Judge Jean-Louis Bruguière and the Spanish Judge Fernando Andreu Merelles both concluded after several years of investigation that Paul Kagame had ordered this attack.

That the Mucyo Commission dares to suggest that the formation of an interim government was an expression of a coup against the Arusha Accords reveals its essential bad faith.<sup>44</sup> As we have emphasized above, it was, in fact, the RPF that struck a blow against the Arusha Peace Accords and plunged the country into darkness by immediately resuming the war after assassinating President Habyarimana. The Mucyo Commission’s assertion directly reverses the charges.<sup>45</sup>

Furthermore, the aftermath of the events clearly showed that this attack on President Habyarimana’s plane by the RPF was not an isolated act of terrorism.

#### **2.4 By rejecting offers of ceasefire from the Interim Government, the RPF confirmed its disdain for peace and its disregard for the lives of the people.**

The assassination of President Habyarimana and the resumption of hostilities by the RPF provoked the massacres within the civilian population, in the capital of Kigali and elsewhere in Rwanda. From its establishment on 9 April 1994, the Interim Government, in conjunction with the FAR (Rwandan Armed Forces)<sup>46</sup>, called on the UNAMIR to order an immediate and unconditional ceasefire to be able to stop the killing and to reengage the Arusha Peace process with the RPF. This is confirmed by many UN documents. The FAR affirmed that they did not have the capacity to deal, at the same time, with the violent and deadly attacks from the Rwandan Patriotic Army (RPA—the armed branch of the RPF) and the widespread violence inside Rwanda. They further concluded that it was these military confrontations that most encouraged

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<sup>43</sup> Outgoing code cable from Annan, UN New York, to Dallaire, UNAMIR, Kigali, dated 31 May 1994. Number 1765. Subject: Report; Outgoing code cable from Riza; UNAMIR, Kigali to Annan, UN, New York, dated 25 May 1994. Number MIR 1034. Subject: Rwanda. See also Daily Telegraph of 12 April 1994.

<sup>44</sup> Report of the Mucyo Commission, p. 144.

<sup>45</sup> In reality, the RPF bet on the governing party’s inability to control the crisis and banked on taking advantage of the absence of any interlocutor to drive around the Arusha Peace Accords.

<sup>46</sup> From 7 April 1994, the FAR demanded, with UN General Dallaire as their intermediary, that the RPF cease all combat in order to defuse the situation. The FAR even invited the RPF to participate in the pacification, since the situation in the zone under its control was also a horror.

the civilian massacres. This judgment by the FAR is supported by documents from the UN and the US government.<sup>47</sup>

Despite the UNAMIR intervention and the offers by certain countries to use their good offices to mediate a ceasefire between the belligerents, the RPF insisted on pursuing the war with a view toward reaching its objective of a total conquest of power through force of arms. By inciting civilian massacres in the country, the RPF sought to create a justification for their resumption of hostilities and a legitimating of the power it has seized through violence.

On 10 April 1994, the RPF presented an ultimatum demanding the immediate withdrawal of all foreign troops<sup>48</sup>, including those of the UNAMIR, at the moment when the Rwandan people had the greatest need of them<sup>49</sup>. At the very moment Rwanda's permanent representative to the UN had demanded that the Security Council intervene to safeguard human lives and restore stability<sup>50</sup>, 12 April 1994, the RPF reiterated its ultimatum<sup>51</sup>. The RPF also opposed the deployment of the UNAMIR II authorized by the Security Council in its Resolution 918 of 17 May 1994<sup>52</sup>. In fact, the presence of foreign troops was an obstacle to the realization of the RPF's objective of taking power from the chaos and bloodshed they had created.

Contrary to what the RPF and its supporters were feeding public opinion, the extent of the massacres was linked to the war and the general chaos that prevailed throughout the country. This was confirmed by documents produced by the UN at the time.<sup>53</sup> Since April 1994, the US Administration had demanded an immediate ceasefire which they judged to be of primary importance in ending the suffering of the Rwandan people and avoiding the destabilization of the region. For example, the document of 20 April 1994 clearly indicated that the American government had reiterated its demand to the RPF, through its representative in Washington, Charles Muligande, immediately to cease all hostilities without further pretext to stop the suffering of the

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<sup>47</sup> The telegram sent by General Dallaire on 30 March 1994 (Evidence entered as DNT-128 in the case of the Prosecutor v Bagosora et al – ICTR-98-44-T. This same piece of evidence was filed in the case of the Prosecutor v Karemera et al – ICTR-98-44-T as DNZ-127), describes the Gendarmes of the FAR as being completely non-operational after the long war. They were incapable of dealing with the ordinary problems of maintaining law and order and, even to a lesser degree, to control the widespread violence that had created a chaotic situation similar to the one in Burundi after the assassination of that country's President, Melchior Ndadaye, in October 1993.

<sup>48</sup> There were Belgian, French and Italian troops that had come to evacuate their nationals after the assassination of President Habyarimana and the resumption of the war by the RPF. There were also 350 US Marines stationed in Bujumbura, the capital of Burundi.

<sup>49</sup> See Brigadier General Henry Kwami Anyidoho, Deputy Force Commander and Chief of Staff of the UNAMIR Forces in Rwanda, in his book, *Guns over Kigali*, pp. 32 & 41. See also the declassified document from the US administration dated 10 April 1994 (Situation Report No. 19 as of 0500 EDT, 10/04/94). See also the book by Colonel Luc Marchal, *Rwanda: La descente aux enfers*, Editions Labor 2001, p 248.

<sup>50</sup> See the letter from the Rwandan Representative to the UN addressed to the President of the Security Council, on 2 May 1994, and Outgoing Code Cable from Annan, UN NY, to the Secretary General, Geneva, 9 April 1994, No. 1059. Subject: Rwanda.

<sup>51</sup> Document from the Belgian General Intelligence Services, dated 12 April 1994, filed as No. K0082772-K0082773 in the archives of the ICTR.

<sup>52</sup> See Press Release from the RPF dated 17 May 1994, signed by General Gahima.

<sup>53</sup> Alexander Zahar and Susan Rohol. *The United Nations International Criminal Tribunal for Rwanda (ICTR) in Genocide at the Millennium. Genocide: A Critical Bibliographic Review*, Volume 5, p. 216-217.

population.<sup>54</sup> In the document of 29 April 1994 (addressed to Shattuck from Bushnell), the US Administration stated:

“We believe that an immediate ceasefire is of primary importance. Continued fighting between the Government of Rwanda and RPF forces will only prolong the suffering of the Rwandan people and lead to instability within the region.”<sup>55</sup>

But after 6 April 1994, the RPF refused all proposals for a ceasefire and undermined all efforts toward pacification within the country, much to the detriment of human life.

## **2.5 There is no evidence for the planning of a genocide by the former Rwandan government**

As we have pointed out above, it was the RPF that carried out the attack on President Habyarimana’s plane, and this was done in an atmosphere of extreme tension maintained by its terrorist acts and subversive activities carried out within a country which had been at war for the last four years. As they had planned, immediately after the attack, General Kagame gave the order to his troops to resume the war on all fronts with a special concentration of forces on the capital, Kigali. But he was not unaware of the dramatic consequences that his decision would cause. American Ambassador Robert Flatten testified before the ICTR that he had warned President Habyarimana and General Kagame that which ever of them resumed hostilities would bear the responsibility for the massacres that would certainly result, as they had in neighboring Burundi after the assassination of President Melchior Ndadaye.<sup>56</sup>

Thus, the explosion of the country was so predictable that Prudence Bushnell, US Undersecretary of State for African Affairs, stated during the night of 6 April 1994 in Washington, DC (it was already 7 April in Kigali), that mass killings would probably take place in both Rwanda and Burundi if it was confirmed that President Habyarimana’s plane had been shot down.<sup>57</sup> Her evaluation of the situation was quite correct as it concerned Rwanda. She had not alluded to any plan by “extremists within the governing party.” Furthermore, the famous Dallaire telegram of 11 January 1994, brandished by the Mucyo Commission in support of the existence of a plan to

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<sup>54</sup> Document of 20 April 1994. Subject: Department tells RPF to stop the fighting now (Evidence filed as DNT-291 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T).

<sup>55</sup> Document of 29 April 1994 (From Bushnell to Shattuck).

<sup>56</sup> Deposition of Ambassador Robert Flatten in the case of the Prosecutor v Bagosora et al. Transcript of 30 June 2005, page 74.

<sup>57</sup> US Document dated 7 April 1994. Subject: Rwanda/Burundi: Air crash (Evidence filed as DNT-315 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T). From a telegram sent by Ambassador Prudence Bushnell: “If, as it appears, the two Presidents were killed, it is highly probable that widespread violence will break out in both countries, and especially if it is confirmed that the plane was shot down.”

exterminate Tutsis, was cast into serious doubt by the ICTR.<sup>58</sup> This telegram does not exist in the files of the UN. The Commission of Inquiry set up by SHAHRAYAR M. KHAN, Special Representative of the UN Secretary General for Rwanda, at the order of Kofi ANNAN, to see if there was any evidence for the planning of this genocide in the files of UNAMIR, confirmed that there was no such information or any indication of the existence of such a plan.<sup>59</sup> Likewise, the declassified US Administration document is emphatic: There is no proof of a plan to kill the Tutsis<sup>60</sup>. So, this telegram is false or, at least, not credible.<sup>61</sup>

In its strategy of reversing the charges, the RPF, after its ignoble deed, described members of the Habyarimana family and the President's political entourage as "Extremists of the MRND and the CDR", and accused them of having assassinated the Rwandan head of state to be able to carry out the genocide they had been planning for a long time.<sup>62</sup> After seizing power, the RPF politically and ideologically decreed that there had been a genocide of the Rwandan Tutsis and that the Rwandan Hutus would have to answer for it. The RPF regime led a strong campaign to establish credibility for its thesis by broadcasting what it called "indications of planning," but the Rwandan judiciary never looked into proving the existence of this plan. The Prosecution at the ICTR and its experts followed in these footsteps and, from the first trials, used these same "indications of planning" as their battle-wagon for convicting the accused Hutus. However, despite all its efforts and the vast amount of human and material resources they had at their disposal, the Prosecution was not able to demonstrate this presumed plan to exterminate the Tutsi.<sup>63</sup>

Nevertheless, in an ultimate attempt at manipulating national and international opinion, the RPF regime undertook a Machiavellian tactic by accusing France of being complicit with the old regime in planning the "Tutsi genocide" by brandishing those "indications of planning" that had, by then, lost all credibility with the ICTR. Concerned by the testimony of several direct witnesses who named them as the arsonists who ignited the Rwandan tragedy, the RPF tried to shed its responsibilities

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<sup>58</sup> See the depositions of the following witnesses before the ICTR in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T: General Dallaire on 26-27 January 2004; Major Beardsley on 5 February 2004; Col. Frank Claes on 8 April 2004; col. Luc Marchal on 30 November 2006.

<sup>59</sup> Outgoing code cable from Annan, UN, New York, to Shahrayar Khan, UNAMIR, Kigali, dated 27 March 1995, No. 963. Subject: Massacres in Rwanda April July 1994 (Evidence filed as DNT-252 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T) and Outgoing code cable from Shahrayar Khan, UNAMIR, Kigali to Kittan/Goulding/Hansen, UN, New York, dated 20 November 1995, No. MIR-3961. subject: Warnings of genocide to UNAMIR (Evidence filed as DNT-195 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T).

<sup>60</sup> AF Press Guidance of 14 June 1994.

<sup>61</sup> See Charles ONANA: Les Secrets de la justice internationale. Enquêtes truquées sur le génocide. Éditions Duboiris 2003.

<sup>62</sup> Outgoing code cable from Annan, UN, New York, to Dallaire, UNAMIR, Kigali, dated 31 May 1994. Number 1765. Subject: Report: Outgoing code cable from Riza, UNAMIR, Kigali to Annan, UN, New York, dated 25 May 1994. Number MIR-01034. Subject: Rwanda.

<sup>63</sup> Professor Bernard Lugan in UPI, Paris, of 6 May 2004, and in his deposition before the ICTR in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T, 16 November 2006, p. 6-20. See Professor André Guichaoua in Le Monde of 27 June 2005. See also Charles ONANA: Les Secrets de la justice internationale. Enquêtes truquée sur le génocide. Éditions Duboiris 2003, p. 255-256.

by shifting blame onto others, while desperately trying to claim innocent-victim-status for itself.<sup>64</sup>

## **2.6 The assassination of President Habyarimana, the resumption of the war, the depopulation of certain regions of the country and massacres of the population all being parts of the RPF plan to seize power by force of arms**

### **2.6.1 The RPF Plan**

It is common knowledge that the attack against President Habyarimana's plane was the signal that set off the hecatomb of April to July 1994.<sup>65</sup> This attack was carried out as part of a vast plan to seize power through the destabilization of the country, the creation of chaos and the instigation of a bloodbath.

In an unsigned document undoubtedly belonging to the RPF<sup>66</sup>, the assassination of President Habyarimana was part of Scenario No. 4 and had to go down at the most advantageous moment for the RPF. This is certainly what is indicated in point 4 of this scenario: "*Violation of the Arusha Accords and the formation of a government excluding the armed forces and the popular support for Habyarimana and his allies, during a period not to exceed nine months from the date of the signing of the Peace Accords.*" Thus, the RPF blocked the establishment of the BBTG, while it prepared a final offensive to seize power by armed force, as the subsequent events illustrated. At the same time as the FAR was resolutely engaged in demobilization within the framework of the plan to integrate the two forces, the RPF were involved in a minutely detailed preparation for a final assault.<sup>67</sup>

General Kagame was well aware of the consequences of his actions. He was even warned by the US Ambassador to Rwanda, Robert Flaten, that there were grave risks

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<sup>64</sup> Mucyo Commission Report, p. 307.

<sup>65</sup> All impartial observers, and even experts from the UN and the ICTR Prosecution, agree that the attack on President Habyarimana's plane is the element that triggered the genocide of 1994. (See the Report on the Human Rights Situation in Rwanda by Mr. R. Degni-Segui, Special Reporter for the Human Rights Commission dated 28 June 1994; the Report from the UN Commission of Experts, Doc. S/194/1405 of 9 December 1994; the Depositions of Expert Witnesses before the ICTR, especially Bernard Lugan, Helmut Strizek, Serge Desouter, Filip Reyntjens and André Guichaoua.)

<sup>66</sup> See the extract from the document 'L'environnement actuel et l'avenir de l'organisation' ['The current environment and the future of the organization'] published in the book by André Guichaoua: *Les crises politiques au Burundi et au Rwanda, [Political crises in Burundi and Rwanda]*, Éditions Karthala 1995, p. 656-658.

<sup>67</sup> All the witnesses to the events of 6 to 7 April 1994, including members of UNAMIR, are unanimous in confirming that the governmental forces (FAR) were totally disoriented after the attack (See for example the deposition of Colonel Luc Marchal, an officer in the UNAMIR and commander of the City of Kigali Sector, before Trial Chambers I & III of the ICTR in the cases of the Prosecutor v Bagosora et al – ICTR-98-41-T and the Prosecutor v Nindijiyimana et al – ICTR-00-56-T, respectively, in which the events seemed not at all to have been expected and, even less, to have been planned. On the contrary, testimony by members of the RPF before the ICTR in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T confirms the planning for these events by the RPF [Witness Joshua Ruzibiza on 9 March 2004, witness BRA on 5 April 2006 (testified in closed session), witness ALL-42 on 8 November 2006 (testified in close session)].

that the country would explode if the war were resumed.<sup>68</sup> Kagame totally ignored this warning and deliberately provoked the cataclysm that he needed to take power by armed force and in violation of the Arusha Peace Accords. It is this that General Kagame alluded to in a meeting with General Dallaire in Mulindi on 2 April 1994. Here is how General Dallaire reported this meeting:

Finally, I asked him if he had any questions for me. He wanted to know what had happened regarding the proposal to admit the CDR and the PDI. I looked at his face. Never had I seen him so somber. He only added that we were on the verge of a cataclysm and that once it had begun, there would be no way to control it.<sup>69</sup>

Regarding the cataclysm Kagame had called for on 2 April 1994, Professor Filip Reyntjens, a witness for the Prosecution at the ICTR, stated:

If it is then the RPF who brought down the plane, they knew perfectly well what the consequences would be, and here, in a statement I made before, I feel that the RPF was not at all concerned about the survival of the Tutsis of Rwanda, they were prepared to accept a great human sacrifice—this was the expression used by General Kagame who, at that time, was a General, and who is, at present, the President—because they all knew what the consequences would be. And, in other words, the chief concern for the RPF was a military victory and the seizure of power.<sup>70</sup>

So, the Rwandan tragedy would not have happened without this plan by General Kagame. The attack on President Habyarimana and the resumption of the war took place at a time of great tension within the country, principally caused by four factors: (1) three years of aggressive war initiated by the RPF with the active support of the Ugandan government and its President, Yoweri Museveni; (2) the phenomenon of displaced persons who fled their lands in vast numbers after mass killings by the RPF; (3) several terrorist acts and political assassinations carried out by this same RPF, and (4) the RPF's obstruction of the installation of the broad-based transitional institutions called for by the Arusha Peace Accords.

If the leaders of the RPF were "*found guilty of having brought about the events of 1994, the Manichean narrative of the devil Hutu génocidaires and the innocent victim Tutsis would be called into question*"<sup>71</sup>. So it was right for the former ICTR Prosecutor, Carla Del Ponte, to say on 17 April 2001: "*If it is confirmed that the RPF brought down President Habyarimana's plane, the history of the genocide will have to be rewritten.*"<sup>72</sup> The time has come to

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<sup>68</sup> Deposition of Ambassador Robert Flaten in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T, transcript of 30 June 2005, p. 74.

<sup>69</sup> Roméo Dallaire, *J'ai serré la main du diable*, Random House Canada, 2003, p. 279.

<sup>70</sup> ICTR Trial in the case of the Prosecutor v Bagosora et al – ICTR-98-T, report of the open session of 22 September 2004, p. 39.

<sup>71</sup> See the article by Steven Da Silva dated 1 June 2007.

<sup>72</sup> In *Le Journal Aktuel* of 17 April 2000 ("If it is the RPF that shot down the plane, the history of genocide must be rewritten.")

repudiate, with as much determination as possible, the lies of the RPF and to reestablish the truth. Because the truth is indispensable to national reconciliation in Rwanda.

## **2.6.2 The depopulation of certain regions of the country and the massacres of some civilian populations**

One of the truths constantly hidden is that of the depopulation of regions in the North and East of Rwanda to create a zone wherein to relocate Tutsi refugees and their herds of cattle. In realizing the objectives of this depopulation, the RPF created the famous, much sought-after Tutsiland to include the Eastern province. The organic law No. 29/2005 of 31 December 2005, regarding the administrative autonomy, reserved for this Eastern province, with a majority Tutsi population, about one-third of the nation's territory.

Another truth that is constantly hidden is the number of victims of the Rwandan tragedy in each of its composite ethnic groups: Hutu, Tutsi and Twa. In fact, contrary to propaganda put out by the RPF regime that would have us believe that only the Tutsis and moderate Hutus were killed during the tragic events of 1994, hundreds of thousands of Hutus and Twa from different social and political categories were also killed.<sup>73</sup> During its campaign, the troops and militias of the RPF carried out massacres on a grand scale, directed especially against the Hutus; this caused the massive displacements of the population.<sup>74</sup> These massive displacements critically amplified the violence in the country because the columns of fleeing refugees increased the fear, the desperation and the chaos.

The HCR Report issued in May 1994, describes large-scale massacres by RPF troops in the southeast of the country.<sup>75</sup> The bodies were thrown in the Akagera River and swept all the

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<sup>73</sup> Many reports and much testimony have confirmed massacres committed by the soldiers of the RPF during the war of 1994 and after the seizure of power by the RPF in July 1994. See for example: (1) Summary of the UNHCR Presentation before Commission of Experts (written summary of Gersony Report) dated 10 October 1994; (2) DPKO-Situation Centre Information and Research Unit, 01/09/1994: Special Report Rwanda (Evidence filed as DNT-263 A-B-C in the case of the Prosecutor v Bagosora et al – ICTR-9841-T); (3) Human Right Watch Report, September 1994: The aftermath of Genocide in Rwanda (Evidence filed as 261 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); (4) US Document from George E. Moose to the US Secretary of State, 12 September 1994, Subject: New Human Rights abuses in Rwandan (Evidence filed as DNT-264 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); (5) Code Cable from Khan to Annan/Goulding, 14 October 1994, Subject: The Gersony Report regarding RPF crimes in Rwanda (Evidence filed as DK-112 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); (6) Amnesty International Report, 20 October 1994, Subject: Rwanda: Reports of Killings and abductions by the RPA, April-August 1994 (Evidence filed as DNT-258 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); (7) Reyntjens. Rwanda. Trois jours qui ont fait basculer l'histoire, Editions L'Harmattan 1995, p. 62 (Evidence filed as DB-9 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); (8) Reyntjens et Desouter. Sujets d'inquiétude au Rwanda en octobre 1994, 03 November 1994; See also the testimony of Lt. Abdul Ruzibiza before the ICTR in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T, 09 March 2006; Testimony of witness TOA before the ICTR in the case of the Prosecutor v Renzaho ICTR-97-31-T, 06 September 2007, p. 13-14; Testimony of witness Constant Julius Goetschalckx of Belgian nationality before the ICTR in the case of the Prosecutor v Nyiramasuhuko et al – ICTR-98-42-T, 22 September 2008.

<sup>74</sup> Toward the end of April 1994, 2/5ths of the total population of the country, which amounts to about 3 million people, were fleeing before the advancing RPF forces. General Roméo Dallaire confirms, on page 425 of his book, *J'ai serré la main du diable* [English version titled 'Shake Hands with the Devil']: "in only a few days, no less than 500,000 refugees had crossed the only bridge between Rusumo and Tanzania" at the end of April 1994. After that, it is totally absurd to blame Operation Turquoise for having incited the population to flee the country when the people were fleeing the RPF from the beginning of the war in 1990.

<sup>75</sup> Report of the HCR, 17 May 1994, concerning the killings in Rusumo in the southeast of Rwanda (Evidence filed as DNT-259 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T). This report is corroborated by: Ruzibiza in his book, *Rwanda: Histoire secrète*, Editions du Panama, p. 289; Marcel Guérin in his public statement for the journal *Africa International* No. 319 of November 1998 (the document was filed as evidence under No. D.05 in the case of the Prosecutor v Sylvestre Gacumbitsi ICTR-2001-64-T).

way to Lake Victoria.<sup>76</sup> On 5 June 1994, the RPF decapitated the Catholic Church by assassinating eleven clergy, including three Bishops, at Gakurazo, near Kabyayi. Jean de Dieu Mucyo, Head of the Commission, became famous as an RPF soldier in civilian massacres, especially one on the hill of his birthplace in the commune of Mbazi, prefecture of Butare, where, on 1 July 1994, he killed about twenty of his neighbors during a wedding reception.<sup>77</sup>

Documents recently made public by the UN and the US clearly show that RPF killings did not halt with the change of government in Kigali in July 1994.<sup>78</sup> On the contrary, the massacres intensified on the hills and in the displaced persons camps inside Rwanda first, and then in the countries that received the refugees, particularly the DRC (ex-Zaire). Furthermore, the RPF regime threw hundreds of thousands of Hutu in their prison death houses where many of them died in atrocious conditions. It must be noted that these crimes of the RPF remain unpunished and that the Hutu victims don't even have the right to grieve their dead.

Many UN reports on the massacres committed by the RPF have remained hidden from the public for some time because the UN, under pressure from the US and UK, chose to cover up these crimes. It is thanks to the perspicacity and the unflagging efforts of certain defense lawyers at the ICTR that some of these documents are now known to the public.

During his testimony before the ICTR, Jean-Marie Vianney Ndagijimana, former Foreign Minister in the RPF government, confirmed information contained in UN documents stating that in October 1994, in his office in Kigali, he was approached by Kofi Annan, head of the UN Department of Peacekeeping Operations and Brian Atwood, head of USAID for Africa, with regard to their plan to cover up massacres committed by the RPA. He declared that he preferred exile to being associated with such schemes to hide the crimes committed by the Rwandan Patriotic Army (RPA). He resigned his post and went into exile in November 1994.<sup>79</sup>

The mass killings committed by the RPA against the innocent civilian population after 1994 were well documented by the UN at the beginning of 1995, as, for example, with the

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<sup>76</sup> Colette Braeckman, *Les nouveaux prédateurs. Politique des puissances en Afrique centrale*, Éditions Fayard 2003, p. 19.

“ . . . we [Ugandan troops] saw the bodies going down the Akagera River and floating on Lake Victoria, it took us some time to understand what had happened, because the neighboring border communes were entirely under RPF control. We finally understood that these bodies were not those of Tutsis, but of Hutu civilians who had been systematically eliminated. Our commanders then complained to the Rwandans, their former comrades in arms. The commanders from the RPF didn't want to listen. From then on we began to be wary . . . ”

<sup>77</sup> André Guichaoua, *Rwanda 1994, Les politiques du genocide à Butare*, Éditions Karthala, 2005, p. 306-307.

<sup>78</sup> See, for example, the Gersony Report (Evidence filed as DNT-260A in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); Memorandum of US Under-Secretary of State for Africa, George Moose, of 17 September 1994 (Evidence filed as DNT-264 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T); Report from Human Rights Watch from September 1994 (Evidence filed as DNT-261 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T) and Amnesty International of 20 October 1994 (Evidence filed as DNT-258 in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T).

<sup>79</sup> See Testimony of Foreign Minister Jean-Marie Ndagijimana in the case of the Prosecutor v Bagosora et al – ICTR-98-41-T, on 16 November 2006, and in the case of the Prosecutor v Karemera et al – ICTR-98-44-T, on 11 July 2008.



massacre at Kibeho.<sup>80</sup> The killings perpetrated by the RPF intensified, once again, between 1997 and 2000 especially in the north of Rwanda.<sup>81</sup> And, since 1996, the RPF has exported violence beyond the borders of Rwanda by invading Zaire (today the Democratic Republic of Congo—DRC). This war, which continues to this day, has caused around six million deaths, including those of more than 200,000 Rwandan Hutu refugees.<sup>82</sup> The impunity enjoyed by the RPF encouraged them to ravage the neighboring country using as an intermediary the CNDP (Congrès national pour la défense du peuple) led by General Laurent Nkunda, and organized, armed and supplied with men and materiel from Rwanda. As DRC President Joseph Kabila recently stated, Rwanda is no stranger to the war that now rages in the east of the DRC. Thousands of people have died each day because of this war led by the RPF regime to take control of the riches of this country. The RPF regime has imposed itself as a military power to destabilize the region, with the support of the US and the UK.<sup>83</sup>

The Kagame regime is directly implicated in secret operations aimed at the liquidation of troublesome people inside the country and the assassination of important figures among the Rwandan refugees. The assassinations of Colonel Augustin Cyiza and national legislator Léonard Hitimana in Rwanda and of Seth Sendashonga and Théoneste Lizinde in Nairobi<sup>84</sup>, stand out as eloquent examples. Arbitrary arrests and disappearances of people are common occurrences.<sup>85</sup> The citizens of Rwanda continue to flee their country for reasons of personal security. In fact, the RPF has sown death and terror throughout Rwanda and the region ever since it came to power through force of arms.

### **2.6.3 The management of power**

Within the framework of their preparation for war, the members of the RPF went through a program of ideological training. This training was aimed at instilling hatred for the regime in place in Rwanda and creating an ambition to retake power in the country and to exercise that

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<sup>80</sup> Donatella Lorch, New York Times, April 28, 1995:

The UN stated that 2,000 Hutu refugees were killed—gunned down, crushed or hacked to death . . . as Rwandan government troops opened fire Saturday on a crowd of people in Kibeho. Many bodies were buried before the UN was able to gain full access to the site Saturday. The numbers are so far just an estimate based on observations of the carnage Saturday. [Loose translation]

<sup>81</sup> See, for example, the Report of Amnesty International from 23 June 1998.

<sup>82</sup> Report on the situation of human rights in Zaïre, prepared by the Special Reporter, Mr. Robert Garreton, in accordance with Commission Resolution 1996/77. See SOS Rwanda-Burundi August 1997-July 1998: The meetings the UN must not overlook in its investigations into the massacres of Rwandan refugees in Congo. See also, The report by a UN group of experts on the illegal exploitation of the Democratic Republic of Congo, 20 October 2003 and Colette Braeckman, *Les nouveaux prédateurs. Politique des puissances en Afrique centrale, [The New Predators. Power Politics in Central Africa]*, Éditions Fayard 2003.

<sup>83</sup> According to a VOA Radio broadcast on 1 September 2008, received in Tanzania at 0400 GMT, the American government was to give to the Kigali regime a military aid package amounting to \$20 million.

<sup>84</sup> Sendashonga went into exile after having resigned his post as Minister of the Interior in the RPF government, while Lizinde was a Colonel and national assemblyman for the RPF before going into exile.

<sup>85</sup> See the Human Rights Watch Report of July 2008.

power monolithically, as was done during the feudal times of the Tutsi monarchy.<sup>86</sup> This is neither more nor less doctrinaire than the situation today in Rwanda under Paul Kagame.

The RPF set up a ruthless military-ethnic dictatorship. It restricted access to power, to ownership of property and to knowledge, principally to the Tutsi elites. Officially, the RPF regime does not recognize the existence of ethnic groups in Rwanda, nor their numerical apportionment. But this idea is intended to keep national and international opinion from seeing and denouncing the discrimination of which the Hutus and Twas are victims.<sup>87</sup> Contrary to allegations of ethnic radicalization put forth by the Mucyo Commission<sup>88</sup>, it is the RPF who is the real instigator of ethnic tension since it formed an ethnic army to attack Rwanda from Uganda and put the Rwandan people under the domination of the Tutsi ethnic minority.<sup>89</sup> The RPF regime is the real instigator of ethnic tension when it discriminates against certain victims, forbids Hutu survivors to weep for and otherwise mourn their dead, and refuses to render justice for these victims.

It is in this context that the regime avoids revealing the number of Hutus massacred by the RPF from 1990 to the present day and continues to fuzz out the real number of exactly how many Tutsis were killed during the troubles. The propaganda of the RPF regime rather too easily puts out the figure of 800,000 Tutsi and “moderate” Hutus. The general census of the population and households taken in 1991-1992, and put out in April 1994 by the National Office of Population, established the number of Tutsis living in Rwanda at less than 900,000. How many of these lives were taken in the tragic events that befell the country, and how many survived? How many Hutus were killed and by whom and under what circumstances? The RPF regime decided resolutely not to let anyone discover the truth. It is for this reason that it has, since it took power, invariably refused all offers to finance another general census of the Rwandan population.

During the Gisozi memorial in Kigali, the RPF regime claimed that 250,000 Tutsis were killed within the prefecture of the city of Kigali. But the census taken in Rwanda in 1991 indicated that the total population of this prefecture rose to 221,806, of whom 17.9% were Tutsi (i.e., 39,910 inhabitants).<sup>90</sup> How could the RPF justify this lie? Besides, it was established with certainty that about 25,000 Tutsis out of a total of 39,910 counted in the

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<sup>86</sup> Documents concerning this training program were taken off RPF soldiers who had fallen in battle. The RPF media, especially the journal *Impuruzi* and Radio Muhabura, competed in the galvanization of the troops and in the creation of anti-government propaganda.

<sup>87</sup> Filip Reyntjens, Rwanda, *Ten years on: From Genocide to Dictatorship*. See also the interview with Kalimba, a Rwandan citizen of Twa ethnic origins, on BBC Radio Gahuzamiryango, received in Arusha, Tanzania, 26 September 2008, at 4:30 am GMT.

<sup>88</sup> Mucyo Commission Report, pp. 127-132.

<sup>89</sup> The Tutsi elite from the Diaspora never wanted to abide by the results of the Referendum of 25 September 1961 that sanctioned its removal from power over Rwanda. It put together an army of Tutsis in order to take power by force. In fact, all experts on the region recognize that the RPF was made up of a majority of Tutsis. Many also acknowledge that the RPF instituted a system of ethnic power similar to apartheid (See for example: Faustin Twagiramungu in the journal *Africa International* of September 1997; the ‘Center of the struggle against impunity and injustice in Rwanda’ in his memorandum of 31 March 2005 [Memorandum on the impossibility of equal justice and the installation of a new form of Apartheid and slavery in Rwanda]).

<sup>90</sup> General Census of the population and households of 15 August 1991, p. 1124.

Prefecture Ville Kigali (PVK) were protected by or lived in the refugee centers in the PVK, without forgetting all those who had fled toward regions that were not embroiled in the war or those refugees who were exchanged between the belligerents.<sup>91</sup>

In its report of 20 October 1994, Amnesty International estimated that about 470,000 inhabitants of the prefecture of Byumba (out of a total of 845,000 inhabitants) were killed. By all evidence, the majority of these victims were Hutu, because the Tutsis made up only 8% of the population of this prefecture.

In its strategy of reversing the charges and rewriting the history of Rwanda, the RPF is desperately trying to wrap itself in the mantle of the innocent victim and impute responsibility for all its crimes to others, in order to legitimize and consolidate its power. At the same time, the regime is trying to lay guilt off onto the international community, in general, and France, in particular, thereby justifying its receiving reparations<sup>92</sup>, which would benefit only a tiny number of the victims of the Rwandan tragedy, while the Hutu victims (the largest group) would go practically unnoticed. This is the real mission assigned to the Mucyo Commission. So it is not surprising that the Commission scrupulously avoids addressing any of the fundamental questions that would cast a bright light on the criminal schemes of the RPF. And, to facilitate its false narrative of the events, it has recourse only to outright falsehoods and tendentious interpretations. These falsehoods and brazen lies are treated in the chapter below to again draw the attention of the authorities of the ICTR and the UN to the sort of manipulations of which the RPF is capable.

### **3. A REPORT BASED ON MANIPULATIONS AND FALSEHOODS**

The Mucyo Commission Report casts the actions of France, even those taken in concert with the US and that favored stability and peace in Rwanda, into a highly negative light. This fact alone is enough to demonstrate the Commission's bad faith. But more than that, a detailed analysis of this Report has made us aware of an important quantity of lies, fabricated testimony and brazen manipulations that sorely degrades its credibility. The Mucyo Commission thoroughly invalidates itself by constantly returning to the same falsehoods to give credence to its thesis that France aided and abetted the ex-FAR in exile.

#### **3.1 On the subject of the direct participation of French soldiers in combat.**

The Mucyo Commission Report alleges that French troops took part directly in combat along side the FAR from 1990 to 1993, and during the hostilities of 1994.<sup>93</sup> These allegations are

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<sup>91</sup> Lt. General Roméo Dallaire, *J'ai serré la main du diable*, Random House Canada, 2003, pp. 423, 441-442 and Brigadier General Henry Kwami Anyidoho, Deputy Force Commander and Chief of Staff of UNAMIR Forces in Rwanda, in his book, *Guns over Kigali*.

<sup>92</sup> See the recommendations in the Report of the 'Mucyo Commission', p. 331.

<sup>93</sup> The Mucyo Commission Report, pp. 46-51 and 157-169.

totally unfounded. They are based on manipulations and on testimony made up of whole cloth:

A typical example of such manipulation is seen in the fighting at Ruhengeri in January 1991. On this subject, the Mucyo Commission purports that French soldiers were directly engaged in combat for the liberation of the city of Ruhengeri on 23 January 1991. There is no evidence at all for this allegation. The Commission simply manipulated an extract of the report by the French Ambassador to Kigali, Georges Martres, concerning the operation to evacuate French nationals and other foreigners from Ruhengeri. The published extract reads like this: *“The unit led by Colonel Galinié knew to remain within the limits of the mission it had been assigned, intervening in the residential zone immediately after the city had been retaken by the Rwandan para-commandos. Respect for their orders was not without a certain daring, which the French paratroopers had to show in the last two hours before nightfall. The state of shock in which the expatriates found themselves made it impossible to imagine that they could suffer through another night of confrontations.”*<sup>94</sup>

The Commission alleges that merely speaking of a “certain daring” on the part of the French paratroopers means that they participated directly in the fighting. This indicates bad faith by the Commission. In fact, one would have first to read the telegram sent on 23 January 1991 by Ambassador Martres in which he asks the Army Operations Center for authorization to send two sections of the 8<sup>th</sup> RPIMA to evacuate the expatriates in the case that the situation should be sufficiently improved by the Rwandan Para Commandos sent to reinforce Ruhengeri. This telegram, contained in the Report of the French Mission and much exploited by Mucyo Commission, contains the following information:

*“With insecurity filling the city, our nationals were instructed not to leave their residences. The Military Mission asked the Centre Opérationnel des Armées to send two sections of the 8th RPIMA to the southern entrance of Ruhengeri to collect our citizens, in case the Rwandans (Parachutists Battalion) were able to regularize the situation enough to permit Europeans to move around.”*<sup>95</sup>

Moreover, it is enough to read the telegram on the same subject sent by Ambassador Martres on 24 January 1991 to realize that there was no ambiguity about this evacuation mission. In fact, a good faith reading of the following will eliminate all confusion:

*“The action led last night by two units of Operation Noroît was a complete success. Between the 23rd at 11 p.m. and the 24 at 1 am, a convoy of 51 vehicles carrying 185 people (127 adults and 58 children) reached Kigali without any physical damage. All the French who wished to leave (38 people, including 6 children) were evacuated, along with 13 Canadians, 1 Australian, 10 Belgians, 8 Egyptians, 37 Omanis, 7 Americans, 1 English,*

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<sup>94</sup> The Mucyo Commission Report, p 47. This extract was taken from the telegram sent by Ambassador Martres on 24 January 1991.

<sup>95</sup> Report of the French fact-finding mission. Inquiry into the Rwandan tragedy (1990-1994), vol. II, appendix, p. 152.

*5 Malgaches and 13 Austrians.”<sup>96</sup>*

So the French troops were sent to Ruhengeri to evacuate expatriates only after the Rwandan Parachutists Battalion had retaken the city and established security.

The Mucyo Commission accuses the French military of having participated directly in the fighting during the RPF’s wide-ranging offensive of 8 February 1993 on the basis of statements by non-credible witnesses. So, just to cite some examples, the witnesses below who testify to having seen French troops using 105 mm canons and other heavy weapons against RPF positions are engaging in a little cock and bull storytelling.

One Jean-Paul NTURANYENABO claims he was with the French as chief of one of these heavy weapons, and that he received “instructions from a French officer who, along with Col. Serubuga, commanded these operations.”<sup>97</sup> But, in February 1993, Col. SERUBUGA had been in retirement since June 1992.<sup>98</sup> So he could not have taken part in military operations in February 1993. All evidence showed that this witness was not credible.

The same Jean-Paul Nturanyenabo claims that a detachment of the DAMI, made up of four platoons (i.e., about 140 men) secretly remained in Rwanda. He supposedly saw this detachment in MAYA, in the commune of NKUMBA, in May 1994, while they were firing 120 mm and 105 mm canons on the Inkotanyi positions in the Volcanos. These French troops were pulled back when the Inkotanyi took the city of Ruhengeri on 15 July 1994, and returned to the military base in Gisenyi, along with their arms.<sup>99</sup> As shown above, there were no longer any French soldiers on the ground in Rwanda at that time. What is more, if there had been, it would have been impossible to deploy them to MAYA, in the commune of NKUMBA in May 1994, because this area was in the zone controlled by the RPF.<sup>100</sup>

Jean Paul Nturanyenabo appears in the Report sometimes as a corporal, sometimes as a sergeant, then as a lieutenant from the ex-FAR when he claims to have finished the École des Sous-officiers (ESO) in 1991.<sup>101</sup> He can be found at several different places at the same time, especially in 1991, as if he had been gifted with omnipresence. While he was still at Butare in the ESO, he could be found at Bigogwe, where he was supposedly taking a course to be an instructor, as well as at Butaro and Ruhengeri where he supposedly witnessed different events.<sup>102</sup> He alleges, for example, that the prisoners of war being held by the Gendarmerie in Ruhengeri were tortured.<sup>103</sup> But these prisoners of war were regularly visited by the ICRC, the Rwandan Red Cross and Human Rights organizations, and no report of such treatment was ever made by any of these organizations.

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<sup>97</sup> Mucyo Commission Report, p. 50.

<sup>98</sup> The Decision of the Meeting of the Council of Ministers held 9 June 1992 (This document was filed in evidence as DB226 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T).

<sup>99</sup> Mucyo Commission Report, p. 160.

<sup>100</sup> The commune of Nkumba was located in the buffer zone (DMZ) that the RPF occupied immediately on their resumption of hostilities after the assassination of President Habyarimana on 6 April 1994.

<sup>101</sup> Mucyo Commission Report, pp. 50, 64, 107 and 160.

<sup>102</sup> Ibid, pp. 50, 64, 107-108 and 160.

<sup>103</sup> Ibid, p. 107.

The schedule kept by this witness, who repented for having taken part in the genocide, the great variety of his functions, and his different ranks, are enough in and of themselves to show that his testimony is a patchwork of lies.

One François NSENGAYIRE states that he was transferred to the military base at JALI to become an interpreter for French troops who were there using “105 and 122 mm mortars” after the violation of the ceasefire by the RPF in February 1993.<sup>104</sup> If this witness had been transferred to Camp JALI, it was as a Gendarme, because Camp JALI belonged to the Gendarmerie. But the Gendarmerie did not have any heavy artillery. Such weapons were only held by the Artillery Battalion of a company of the Rwandan Army stationed at Camp Kanombe (Battalion AC). If NSENGAYIRE was a member of this unit, he would at least have known that 105 mm or 122 mm mortars did not exist, but, rather, that there were 105 and 122 mm canons or artillery pieces. Furthermore, NSENGAYIRE alleges that three French soldiers were killed and two others were wounded at the front. But no French troops lost their lives in Rwanda between 1990 and 1993.

One MWUMVANEZA alleges having seen French troops near Kibungo in the company of FAR soldiers, at the end of April 1994 when the local population was fleeing toward Tanzania.<sup>105</sup> But all French personnel of the DAMI and Operation Noroît left Rwanda in December 1993<sup>106</sup>, while the last French troops of Operation Amaryllis and the Military Assistance Mission (MAM) left Rwanda from Kanombe airport, Kigali, on 14 April 1994.<sup>107</sup> It is public knowledge that the population fled for Tanzania at the end of April 1994. The French troops could not have been at Kibungo at the end of April since the last of them left Rwanda on 14 April 1994.

### **3.2 On the subject of Civil Defense.**

The Mucyo Commission uses the file on civil defense to create a mass of disinformation. It willfully folds together the self-defense of the Rwandan people against RPF infiltrators, the alleged military training of the Interahamwe and the program of national Civil Defense.

At the time the population was effectively participating in its own defense against RPF infiltrators by means of nightly patrols and security check points to monitor the infiltrators’ movements, the military training of the Interahamwe had not yet taken place.

Following the 1 October 1990 RPF invasion of Rwanda from Uganda, the government ordered a curfew throughout the country. The nightly patrols (Amarondo) were organized by the local authorities (urban neighborhoods, sections and cells) to protect the population against the criminal activities of RPF infiltrators as well as all kinds of banditry that was

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104 Ibid, p. 50.

105 Ibid, p. 159.

106 Lt. General Roméo Dallaire. Shake Hands with the Devil [cf. French edition, J’ai serré la main du diable, Random House Canada 2003, p. 174.]

107 Report of the French Fact-finding Mission. Inquiry into the Rwandan tragedy (1990-1994), Vol. II, Appendixes, p. 352.

endangering the security of the people.<sup>108</sup> Once the threat was defined and the situation was brought under control by the FAR, these security measures were reduced throughout the country, except for regions along the border with Uganda where things developed differently.

The people living close to the front line, and particularly those in Mutara, had to face an untenable situation after the RPF attacks, especially those of 1991. It was during this period that the RPF effectively began to employ the tactics of the manhunt and guerilla warfare. The RPF troops infiltrated the FAR by going around their positions and attacking that part of the population that found itself behind its lines where the enemy could act without interference. The nightly patrols armed with knives and clubs were not enough to stem the infiltrations. Since the FAR was incapable of covering the entire front line and stopping infiltration and was unable to defend all the villages in this region, the administrative authorities of the zones concerned felt it necessary to send an SOS to the government in the hope of getting aid for a population by now totally bewildered as to how to maintain their own self-defense. It was in this atmosphere that the local leaders of the sub-prefectures from Ngarama to Mutara made concrete proposals during a meeting of the council of sub-prefectural security held 26 September 1991. This meeting, attended by the mayors of Muvumba, Bwisige, Muhura and Ngarama, the chief of the local court, the leader of the intelligence services of the sub-prefecture, and the commander of military operations for Mutara, Col. Déogratias Nsabimana, was chaired by the Sub-Prefect of Ngarama, Michel Ruzigana.

The meeting proposed a better organization of the population by the local Police aided by elements chosen from the citizenry. During their self-defense mission, these elements had to be issued rifles (because there was only one rifle for every ten families--Nymba Kumi) that they had to turn in after the mission. The training of this popular civil defense force had to be done, in whole or in part, by soldiers of the FAR. It was suggested that, as much as possible, this training should be carried out locally to avoid having to take those involved away from their homes.<sup>109</sup> It is important to note that the idea to organize the people for their own defense was not conceived by the Army, but by the local administrative authorities themselves.

The proposals coming out of the meeting in Ngarama were later examined and approved by the government, which green lighted the build up of civilian defense for the Rwandan people. After an intensification of guerilla operations along the entire front along the Ugandan border, the prefects of Byumba and Ruhengeri asked the government to beef-up the security of the population. Later, these heightened security measures were extended to the communes in the prefecture of Gisenyi near the front lines. These security measures proved to be very effective and never got seriously out of control.<sup>110</sup>

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<sup>108</sup> The nightly rounds date to the 1960s when the country was being attacked by the terrorist Inyenzi. Just as in the 60s, the entire population, without ethnic distinctions, took part in these rounds during the war of 1990-1994.

<sup>109</sup> Letter from Col. BEM Nsabimana, Commander of the Operational Sector at Mutara, dated 29 September 1991.

<sup>110</sup> In her testimony before the ICTR in the case of the Prosecutor v Nindiliyimana et al - ICTR-00-56-T, Alison Des Forges, an expert witness for the Prosecution, confirmed that there were, to her knowledge, no crimes committed within the framework of the people's self defense program (See the transcript of the session on 8 October 2006, p. 22).

Following the assassination of President Habyarimana and the resumption of hostilities by the RPF on 6 April 1994, the local administrative authorities were invited by the government to adopt heightened security measures with the participation of the people. This is why the nightly patrols and security check points to monitor RPF infiltration were restored everywhere. Until then, it was not a question of the sort of civil defense Prime Minister Jean Kambanda described in his directive of 25 May 1994. In fact, it was with the intensification and general expansion of the war throughout all of Rwanda's territory that the Interim Government adopted a civil defense program with the objectives set out in the 25 May directive sent to all the prefects. Unfortunately, due to constraints on time and material means, this program of civil defense had not even begun to be implemented when the RPF won the war.

In every case, the French military were not involved, either up close or from a distance, in any of these activities. So, allegations that the French were implicated in the civil defense<sup>111</sup> of Rwanda are unfounded.

The Mucyo Commission is based on testimony that has no credibility. Without having to review the testimony of every witness that concerned the question of civil defense, it is enough of an illustration to examine the testimony of one Emmanuel MWUMVANEZA. He was a counselor in the commune of MUVUMBA, and at the moment when he testified before the Mucyo Commission, he was a national legislator elected on an RPF ticket. He claims to have been among those trained in GABIRO with the support of the French. He gives the names of certain Rwandan officers who took part in this training. His story falls apart when he cites the name of an officer whom he calls "Col. RWABUKWISI." Because the FAR officer who bears the name Rwabukwisi was a Major and never served in the operational sector in Mutara. During the war, he only served in Byumba, where he commanded the 31st battalion until he left to pursue a training program in Belgium in September 1993. This witness also cited a Lt. KADALI, but no such name could be found in the ranks of the FAR.<sup>112</sup> Such witnesses call into question the Mucyo Commission and the seriousness of its allegations.

### **3.3 On the subject of acts of violence taking place on and beyond the security check points**

The Mucyo Commission accuses the French military of having committed acts of violence at and beyond security check points, and of having been present without acting to stop the arrests of people who were later eliminated.<sup>113</sup>

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<sup>111</sup> Report of the Mucyo Commission, pp. 51-75.

<sup>112</sup> See the case of Rwandan Army officers arrested on 1 January 1993 and 5 March 1994, as well as the situation of the National Gendarmerie officers arrested on 15 February 1993 (These documents were filed in evidence as DNS15, DNS16 and DNS102, respectively, in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T. The first two documents were also filed in the case of the Prosecutor v Karemera et al - ICTR-98-44-T as DNZ100 and DNZ102).

<sup>113</sup> Mucyo Commission Report, pp. 84-109.



However, witnesses on whose testimony the Commission based these charges were completely discredited.

One of these witnesses, Dr. Augustin IYAMUREMYE, is currently a Member of Parliament in Kigali. At the time of the events, Iyamuremye was chief of the domestic intelligence services for the Prime Minister. He belonged to the opposition allied with the RPF. After the RPF took power in July 1994, he was appointed to the government it formed.<sup>114</sup> During the time he worked in intelligence, he did not produce a single report implicating the French directly or indirectly in any violence against the Rwandan population.

Another witness is Joseph SETIBA. He stated that he had lived in the Kanyinya sector of the Shyorongi commune. He testified to the Commission that “*certain Tutsis, who were stopped and arrested at security check points manned jointly by French and Rwandan troops and members of militias, were sent to an unknown destination. The witness had transported certain people from the check point in Shyorongi. He lived in this sector and, as chief of the local militia, was regularly at this roadblock. He stated that the French were active in the sorting out of civilians and that certain of these were sent to an unknown destination.*”<sup>115</sup> But Mr. Setiba did not live in the Kanyinya sector of the Shyorongi commune as he alleged. He lived in the Nyabugogo cell, the Kigali sector of the Butamwa commune, about 10 km from Kanyinya.<sup>116</sup> Moreover, the witness could neither have monitored the check points set up by the Gendarmerie, either in the Butamwa commune or in any other part of the country.<sup>117</sup>

On the other hand, without violating the guarantees of witness protection set out by the ICTR, we can confirm that documents are available at the Tribunal which contain information that contradicts Mr Setiba’s story on his alleged interactions with the French military.<sup>118</sup>

A witness named KATAREGA stated that he picked up two people hitchhiking on the highway between Rushashi and Kigali in 1992. That he was arrested with his two passengers at the check point in Shyorongi manned by four

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<sup>114</sup> Iyamuremye was in league with the RPF and was rewarded for his services. It will be remembered that after the declaration of 22 March 1994 by Prime Minister Agathe Uwilingiyimana announcing the establishment of institutions for the Broad Based Transitional Government, Iyamuremye put out a false alarm about serious demonstrations expected throughout the country in order to give an excuse to the RPF for not showing up for the ceremonies. (Telegram of 24 March 1994 addressed to the Prime Minister) It is now well known that such a project never existed and that these demonstrations did not take place.

<sup>115</sup> Mucyo Commission Report, p. 87.

<sup>116</sup> Ibid, p. 67 (There are such contradictions in the Report).

<sup>117</sup> Ibid, p. 87.

<sup>118</sup> See especially the transcripts of sessions from the Tribunal’s Chamber III in the case of the Prosecutor v Karemera et al - ICTR-98-44-T.

Rwandan Gendarmes and two French soldiers, and taken to the jail in the Shyorongi commune. The witness went on to say: *“Around 3 p m they let me go. When I got to my workplace in Rushashi, I reported the incident to my boss. He went to Shyorongi right away to see if he could find out anything about the others. The two people had disappeared and those who arrested them didn’t want to say where they could be found.”*<sup>119</sup> In his declaration the witness claims to have been the driver. But he was a simple agricultural peasant living in the Kiruku sector of the Rushashi commune, situated more than 40 km from Kanyinya. He had never owned or driven a vehicle.<sup>120</sup>

The witness Bernard MUNYANEZA, an ethnic Tutsi according to his declaration, stated that French troops, accompanied by Interahamwe they had trained at Kibugabuga in Bugesera, were implicated in killings in the Kanzenze commune in July 1992: *“In July, these Interahamwe, along with some French soldiers, went to Kanzenze intending to kill, and they killed a number of Tutsis.”*<sup>121</sup> This witness said he joined the Rwandan Army in June 1992, and that he received military training for three months in Bugesera beginning 23 June 1992.<sup>122</sup>

One Charles BUGIRIMFURA, a soldier in the Para Commando Battalion from 1982 to 1994, stated that people arrested at check points, especially the one in Nyacyonga, where he had worked with the French, were killed and buried in a mass grave located in Camp Kanombe.<sup>123</sup> But his unit had been engaged in combat in operational sectors since October 1990<sup>124</sup> and was never involved in the manning of check points anywhere during the war. Besides, the killings described by this witness, and which were supposed to have taken place at Camp Kanombe, were completely made up. This witness is not credible. It is the same with his colleagues Vianney MUDAHUNGA, Thacien SIBOMANA and Samuel KAYOMBYA. Furthermore, it appears that Vianney Mudahunga does not back up the allegations against the CRAP platoon of which, he claims, he was a member.<sup>125</sup>

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<sup>119</sup> Mucyo Commission Report, p. 87.

<sup>120</sup> The complete identification of this witness is available in the file from the ICTR.

<sup>121</sup> Mucyo Commission Report, p. 63.

<sup>122</sup> What is more, there is no report or document from that period, no other source of information that talks about killings in Bugesera in June 1992.

<sup>123</sup> Mucyo Commission Report, p. 95.

<sup>124</sup> Trip Report, Kagitumba-Nyagatare-Gabiro, By U.S. Embassy in Rwanda Dated November 8, 1990 (Evidence filed as DNT226 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T).

<sup>125</sup> Mucyo Commission Report, pp. 94-95.

The witness Michel CAMPION, owner of the Hotel Ibis in Butare, stated that French troops, part of a contingent of 100 men posted at the École des Sous-Officiers (ESO) in Butare, got into fights with Tutsi students from the Butare UNR at the Hotel Ibis in 1992.<sup>126</sup> But there never were French military personnel at the ESO, neither before nor during the war. Neither was there ever an incident pitting French troops against students from the UNR of Butare at the Hotel Ibis. Such an incident would not have escaped the attention of the national and international press at this time when sensational news, especially stories that cast a sinister light on the Habyarimana regime, was much in demand.

We notice that the cases brought up in the Mucyo Commission Report principally concern the prefecture of the Ville de Kigali (PVK) and that of Kigali proper. But no complaints of violence or sexual abuse committed at the security check points by the French military were ever filed with the court of Kigali, where the Prosecutor for the Rwandan Republic was François Xavier Nsanzuwa, himself a Tutsi, or with the Gendarmerie, the communal administration of Kigali, or with the prefectural administrations of Kigali or the Ville de Kigali. The French soldiers' stay coincided with the installation of the multiparty system in Rwanda and the growth of organizations to defend Human Rights, generally affiliated with opposition political parties close to the RPF. It is easy to see that crimes of this nature attributed to French troops, whose presence was being contested by the RPF, would have made the front pages of the media linked to the RPF.<sup>127</sup>

### **3.4 Concerning the Center for Criminal Research and Documentation**

The Mucyo Commission Report blames the French military instructors directed by Lt.-Col. Robardey for having computerized the Centre de Recherche Criminelle et de Documentation (CRCD) of the National Gendarmerie. It accuses them also of having taken part in the compilation of information on the Tutsis and political opponents and of having covered up the criminal schemes of the Habyarimana regime through disinformation and silence. It blames the French Gendarmes of the CRCD for leading the investigations and creating the reports on the laying of mines and the attacks carried out in Rwanda during the war to place all responsibility on the backs of the RPF. Similarly, the Report charges France and the National Gendarmerie with having compiled lists of people to be killed.<sup>128</sup> The RPF government

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<sup>126</sup> Ibid, p. 101.

<sup>127</sup> In fact, remember that, during the same period, the affair with Afrika Janvier and his allegations of death squads was being widely played up in the press.

<sup>128</sup> Mucyo Commission Report, pp. 75-84.

alleges that the compilation of these lists constitutes one of the indications of planning for genocide.

All these allegations are pure inventions and shameful manipulations. As in every country of the world, Rwanda had a governmental department charged with investigating criminals and keeping records on them. This was the mission of the CRCD. In June 1992, the Minister of Defense, James Gasana, requested and received technical assistance from France to conduct the antiterrorist struggle made necessary by the many attacks carried out at that time. So this assistance was justified by real events. The mission of the French experts was to train and assist the Rwandan Gendarmes in conducting investigations and computerizing the central files of the CRCD. It should be noted that during this period many State services were modernized by computerizing their records.

In October 1993, the government of Rwanda expressed its satisfaction at the remarkable assistance provided by French, and this is attested to in the Report by the CRCD on the terrorist activities that ravaged the country during 1992 and 1993. The Prime Minister, Madame Agathe Uwilingiyimana, a member of the opposition, did not want the French assisting the CRCD to leave Rwanda as the RPF had demanded. Their case was examined at a meeting of the Nation Security Council on 20 October 1993. At that meeting it was decided that:

“As to the restructuring of the Center for Criminal Research and Documentation, the National Security Council requests the Minister of Defense to give a precise mandate for the French mission at the Center. Most importantly, it must continue its service, which has proved so useful in maintaining security by furnishing the logistical and financial means necessary for the functioning of the Center (the creation of a crime lab, furnishing energy and equipment). Here the question arises as to knowing just to which ministerial department this service should belong.

What came out of our discussion is that it should belong, at the same time, to the Defense Department and the Ministry of Justice. That being the case, the Defense Minister and the Justice Minister must, as soon as possible, get together and present a project for the restructuring and best use of the Center to the Council of Ministers. The Council has also asked the MINADEF to make all necessary arrangements for taking the finger prints of all the soldiers who will be discharged from active duty.”<sup>129</sup>

If the French Gendarmes had not been doing a good job, the Prime Minister, as a member of the opposition, and the members of the Security Council would not have insisted that they continue their mission and that the government give them the means to do so.

So, the CRCD's report on the laying of land mines and terrorist attacks, prepared with the help of the French Gendarmes, was much appreciated by the coalition government. The

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129 Transcript of the National Security Council meeting of 20 October 1993, presided over by Prime Minister Mme Agathe Uwilingiyimana.

Defense Minister later identified Col. Karenzi Karake as the organizer of these terrorist acts. In his report of 11 September 1992, the Defense Minister denounced the RPF strategies aimed at bringing about interethnic confrontations: *“To create justification in the minds of the international public, the RPF continues to finance the general chaos in our country through the intervention of its followers. Thus, today the RPF sponsors armed banditry, assassinations, ethnic conflicts . . .”*<sup>130</sup>

Today, many members of the RPF, including Lt. (Abdul Joshua) Ruzibiza, have confirmed the RPF’s responsibility in these criminal acts.<sup>131</sup> Moreover, the Mucyo Commission does not deny that the RPF used guerilla tactics that naturally included acts of terrorism. It furthermore admits that the RPF adopted this new strategy after it was routed at the end of October 1990.<sup>132</sup>

The RPF must certainly be embarrassed by the CRCDD’s revelations of its responsibility in the Rwandan drama. By conducting a terrorist war, the RPF created fear and suspicion among the population, which then led to their killing one another. It likewise wants to create confusion by casting blame on the CRCDD and the French Gendarmes as a way of evading this essential responsibility.

The Commission bases its charges on the testimony of Augustin Iyamuremye and General Paul Rwarakabije, two more witnesses without credibility. At the time of the alleged facts, Augustin Iyamuremye, today a Senator, held an important position close to the Prime Minister in the Domestic Intelligence Services, while General Rwarakabije was an adviser to the Chief of Staff of the National Gendarmerie in charge of training and operations (G3) and the CRCDD fell within his authority.

As in every country of the world, the intelligence services were key to preserving national sovereignty and preventing, through the analysis of information, any attack against the State, its people or its institutions. Augustin Iyamuremye was charged with this important mission, well set out in the Prime Minister’s order No 07/02, of 27 August 1992, and bearing the full authority of the office of the PM. But Augustin Iyamuremye did not present any report that called into question the CRCDD or its French aids or even challenge the results of their work. On the contrary, the French aids to the CRCDD were congratulated by the National Security Council, directed by a Prime Minister belonging to an opposition party, as can be noted in the transcript of its meeting of 20 October 1993 cited above.

The letter from the Chief of Staff, No 1795/G3.4.5 of 28 October 1993, and that of Lt-Col. Robardey, reproduced in the Mucyo Commission Report<sup>133</sup>, do not suggest anything unusual in the CRCDD missions. General Rwarakabije did not furnish the Commission with any

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<sup>130</sup> James Gasana. Rwanda Du Parti-État a l’État Garnison Edition L’Harmattan, Paris 2002. pp. 138-144 & 183. This is the same Karenzi Karake who is the subject of two international

<sup>131</sup> Depositions of witnesses Ruzibiza, ALL-42 and BRA before the ICTR in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T on 9 March 2006, 8 November 2006 and 5 April 2006, respectively. (ALL-42 testified in closed session for reasons of security).

<sup>132</sup> Mucyo Commission Report, p. 25.

<sup>133</sup> Ibid, pp. 81-82.

evidence of lists compiled by the CRCD of people to be killed. On the contrary, a Prosecution witness before the ICTR, a former member of the National Gendarmerie, an ethnic Tutsi who had worked at the CRCD with the French Gendarmes stated the following:

“I was in charge of the judicial intelligence section. It was a section that was supposed to identify criminals by, for example, recording their fingerprints and recording their vital information or addresses [ . . . ] In 1993, I was at my computer; there was a French section that worked with us; we had two computers: The French had their computer, I had mine; and me, I worked with my program which looked after criminals.”<sup>134</sup>

This witness made no allusion to the registering of Tutsis or political opponents by the CRCD. Neither did he allude to any lists of people to be killed. This witness currently holds an important position in Rwanda’s National Police. It is important to emphasize that the indictment set forth by the TPIR against General Ndindiliyimana, the former Chief of Staff of the National Gendarmerie, also makes no references to the CRCD and no witness in his trial has brought up lists of people to be killed that were supposed to be compiled by this agency.

### **3.5 On the training of militias**

The Mucyo Commission alleges that the French military took part in the training of the Interahamwe militia in the following places: Camp Gabiro, the campus of the University of Nyakinama, Camp Gako, Camp Mukamira, and Camp Bigogwe. It states that this alleged training made up an element of the preparation for the genocide of 1994.<sup>135</sup>

This question of training of the militias, in general, was brought up earlier in the discussion of what the RPF regime calls the indications of planning for the genocide. We again assert that this allegation is a complete lie. It is important to stress that it is astonishing unto mind-boggling that the Mucyo Commission Report brings up the question of military training of the Interahamwe without implicating any of the members of the National Committee of the Interahamwe, since they were responsible for their organization’s activities if such training actually took place. Moreover, in the trial of Georges Rutaganda, Second Vice-President of the Interahamwe, conducted at the ICTR, nothing was presented regarding this supposed training, or about the existence of units of the Interahamwe trained by the Army.<sup>136</sup>

The witnesses who were deposed before the ICTR on the subject of training civilians stated that they heard talk of military training of the Interahamwe, or that they learned about it from other sources. But no one ever testified to personally having witnessed this training. The allegations were so fantastic that the RPF propagandists even stated that Israeli instructors had

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134 Transcript of the session of 17 January 2006, pp. 11 & 55, the case of the Prosecutor v Ndindiliyimana et al, ICTR-00-56-T.

135 Mucyo Commission Report, pp. 51-75.

136 See the judgment and conviction of Georges Rutaganda on 6 December 1999, in the case of the Prosecutor v Rutaganda, No ICTR-96-3-T.

trained the Interahamwe in the forests of Gishwati and Nyungwe.<sup>137</sup> Unable to convince anyone, the RPF now wants to get things right by alleging, fourteen years after taking power in Rwanda, that it was not Israelis who trained the Interahamwe, but the French military. Witnesses have stated that there was training of civilians at the military camp at Bigogwe. But Major Willy Biot, head of the Belgian military advisers who worked in this camp during the period in question, categorically denied these allegations during his testimony before the ICTR.<sup>138</sup>

While recognizing that there was a contingent of Belgian troops at Camp Bigogwe, the Mucyo Commission claims that a Belgian Gendarme, who did not want his name divulged, testified in Brussels on 8 February 2007 “*that he saw with his own eyes French troops training civilians at Camp Bigogwe*”<sup>139</sup>. Two things stand out in this statement. First, the Belgian contingent working at Camp Bigogwe had no gendarmes in it. It was made up of Commando Specialist from the Army. This indicates that this alleged gendarme could not have been part of this contingent. Furthermore, this is the opposite of what the Commission’s fantom witness, Major Biot, testified in public as a member of the Belgian contingent.

It is no secret that French troops of the DAMI retrained those units of the FAR working in operational sectors to get them in shape for the war. This aspect of military cooperation between France and Rwanda is particularly well-documented in the report of the French Fact-finding Mission. But it is a huge lie to say that the French trained civilians or militias in Rwanda. The witnesses the Commission uses to found these fallacious allegations are completely without credibility. The cases discussed here below speak for themselves.

### **The Case of Representative Elisée BISENGIMANA**

Mr. Bisengimana said that he was a student at the University of Nyakinama between 1990 and 1991, and that it was during this period that he saw French personnel training soldiers and peasants near the campus. He stated that “*students saw up-close the training activities that the French were conducting*” on the football field. He claims that the French took part in meetings of prefectural and communal authorities, of civilians including university faculty and students, all of whom were Hutus close to the MRND. He states that because of these meetings, such a hostile atmosphere developed between the students from the North of the country and those from the Center and the South that all the Tutsis and Hutus from the Center and South fled the University on foot in the middle of the night.<sup>140</sup> But the University of Nyakinama includes more than a thousand people (students, professors and administrative personnel). All ethnicities, regions and political tendencies are represented. There were some expatriates among the faculty. How can one reasonably believe that the French military had instigated such activities, in broad daylight, in a place as

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137 This information can be found in the reports of the UNAMIR (see the Depositions of General Dallaire, Major Beardsley, Colonel Frank Claes of UNAMIR before the ICTR in the case of the Prosecutor v

138 Transcript of the session of 21 September 2006 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T.

139 Mucyo Commission Report, p 67.

140 Ibid, p. 61.

busy as this, without it having gotten out to the public until the release of the Mucyo Report in 2008? To ask this question is to answer it at the same time.

Furthermore, Bisengimana's testimony is not impartial. In fact, he was accused of having been involved in the massacres at Cyangugu in 1994. The organization IBUKA<sup>141</sup> demanded he be arrested and tried, but the high authorities of the RPF and President Kagame, himself, intervened to defend this militant, among the most zealous in the RPF. So the charges against him were dropped. Denunciations of him in the Rwandan newspapers made no difference; Bisengimana Elisée remains under the protection of the regime.<sup>142</sup>

So it is not surprising that such a person would agree to lie to cover for the politically powerful and falsely accuse the French, as a way to further curry favor with the regime. It is, however, puzzling how the French military could have taken part in meetings that went down in Kinyarwanda because many local authorities were incapable of understanding any foreign language. What is more, another witness presented by the Commission, Gérard Ndabakenga, does not seem to have mentioned any such meetings.

### **The Case of Gérard NDABAKENGA**

Gérard Ndabakenga says he was a student at the University of Nyakinama between 1991 and 1993. He claims the French military was stationed at the University during the summer vacation of 1992, and that he "*found them there when he returned from vacation to prepare for the second session of his exams.*" This witness states that the French soldiers trained peasants in broad daylight on the University football field.<sup>143</sup>

There are visible contradictions between this witness and Elisée Bisengimana relative to the period when the French military was supposedly stationed at the University to conduct its civilian training. As we have discussed above, according to Bisengimana, the training of civilians at the Nyakinama campus took place between 1990 and 1991.<sup>144</sup> What is more, Ndabakenga, unlike Bisengimana, does not describe an atmosphere of hostility among the students or that students from the South and Center of Rwanda fled the University because of this hostility. All these contradictions and incoherencies strongly suggest that these two witnesses are not credible. Because such incidents, unknown to the world until the release of the Mucyo Commission Report, could not have gone unnoticed had they really taken place.

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141 This organization is made up of survivors of the 'Tutsi genocide'. IBUKA means 'Remember.'

142 See the newspaper *Rushyashya* of February-March 2008.

143 Mucyo Commission Report, pp. 61-62.

144 The Mucyo Commission Report states on page 181 that Bisengimana was finishing up at the University in 1994. This implies that for Bisengimana, the French did not return after 1991.



## **The Case of Sub-Lt. of the Gendarmes Jean de Dieu TUYISENGE**

Sub-Lt. Jean de Dieu Tuyisenge claims to have been a witness to the French military's training of a group known as TURIHOSE at Kibugabuga in Bugesera. He states that the group TURIHOSE was made up of the Interahamwe (MRND) and the Impuzamugambi from the CDR party.<sup>145</sup>

Sub-Lt. Jean de Dieu Tuyisenge joined the RPF in July 1994 and became a member of its Army. Later, he was arrested, tried and condemned to death by the RPA's war council. After an appeal, the Military Court upheld the death penalty. Then, the case was taken to the Supreme Court, which also upheld the death sentence.<sup>146</sup> Today, this thrice condemned man is busy selling lies as a way of getting his capital sentence overturned by the Rwandan authorities.

Without violating the ICTR's measures for protecting its witnesses, we can confirm that the Tribunal's documents contain information that contradicts what Sub-Lt. Tuyisenge has stated about his experiences while serving with the FAR and his activities during the war.<sup>147</sup> The group TURIHOSE was invented by Tuyisenge, himself. He gave no proof of its actual existence.

A Tribunal witness in the case of the Prosecutor v Bagosora et al (ICTR-98-41-T) explained that Sub-Lt. Jean de Dieu Tuyisenge, when he was in prison in MULINDI, near Kanombe, was manipulated by the Prosecutor General of the Supreme Court of Rwanda, at that time Mr. Gerald GAHIMA, to give false testimony against defendants at the ICTR in Arusha.<sup>148</sup> And he has never stopped playing along with this foul game to try to get himself out of trouble.

## **The Case of Jean Paul NTURANYENABO**

Nturanyenabo stated that the French taught civilians how to use machetes and other traditional weapons: *“There was another company of the DAMI that was in charge of training civilians. They taught them how to act toward the peasants, how to use small arms, how to strangle someone, unarmed combat, and many other things like the use of knives, machetes, and some other traditional weapons.”*<sup>149</sup> Were the French in a better position to handle traditional weapons than the civilian population which had used them all their lives, especially in agricultural and other domestic work? Were they better situated to train Rwandans to use traditional weapons that are not found in France? Clearly everything this witness recounted came completely from his own imagination or from those of his handlers.

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<sup>145</sup> Mucyo Commission Report, p. 62.

<sup>146</sup> See the journal Inkiko Gacaca, No. 55 of September 2005.

<sup>147</sup> See especially the transcripts of the sessions on 11, 12 and 13 October 2004 in Chamber I in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T.

<sup>148</sup> Testimony of BRA-1 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T, session of 5 & 6 April 2006, and 29 May 2006 (a part of the testimony was given in closed session).

<sup>149</sup> The Mucyo Commission Report, p. 64.

## **The Case of Twayibu NSEKANABO**

This witness claims that the French military trained the Interahamwe at Camp Bigogwe in 1992.<sup>150</sup> As we emphasized above, the allegations of training militias at Camp Bigogwe were categorically contradicted by the Belgian Major Willy Biot, who worked in this Camp at the time of the alleged events.

## **The Case of Juma MBARUSHIMANA**

This witness states that he was part of a group of about 50 Interahamwe who were trained at Camp Bigogwe by a ‘Captain BIZUMUREMYI’, assisted by two French soldiers.<sup>151</sup> As we have stressed above, the allegations of training militias at Camp Bigogwe are categorically contradicted by Belgian Major Willy Biot who worked in this Camp at the time of the alleged events. Also, there were two officers of the FAR named “*Bizumuremyi*.” One was a Lt-Col. Doctor working at the hospital at Kanombe, and the other was a Lt. in the Gendarmes. The latter was transferred from the Gendarmerie to the Army at the beginning of 1994, and remained a Lt. until going into exile in July 1994. He never served at Camp Bigogwe. So at the time of the alleged events, there was no officer named “*Bizumuremyi*” with the rank of Captain in the FAR.

## **The Case of Abdulmak NTIRENGANYA**

This witness claims that he “*began receiving paramilitary training in the Umuganda Stadium in the city of Gisenyi. Then, he was sent to Camp Bigogwe. He also had as an instructor a Capt. Bizumuremyi and a French soldier named Francisco.*”<sup>152</sup>

Mr. Ntirenganya was tried in Rwanda, in the case of BANZI Wellars et al. During his trial, he said nothing of what is contained in the Mucyo Commission Report. On the contrary, he stated that he was a security guard at the house of one BIZIMANA, and that he never left that post. Furthermore, the ICTR’s confidential documents contradict what he told the Mucyo Commission.

Considering all these inconsistencies, and taking into account the testimony of Major Biot, who refutes the allegations of training militias at Camp Bigogwe and of a Captain Bizumuremyi ever being a member of the FAR during the period in question, it is conclusive that this witness is not at all credible.

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<sup>150</sup> Ibid, p.66.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid, p. 67.

## **The Case of Mr. Emmanuel NSHOGOZABAHIZI**

This witness claims he received military training at Camp Bigogwe from French instructors<sup>153</sup>.

The ICTR's confidential documents contain information that contradicts what this witness told the Mucyo Commission. For this reason, and especially considering the testimony of Major Biot, this witness is not at all credible.

## **The Case of Mr. Janvier AFRIKA**

The Mucyo Commission refers to statements by Janvier Afrika that were compiled by Mark Hubard and printed in the Journal "*Courrier International*" of 20 June 1994 in an article by L. Coret and F.X. Vershave. That is to say, the Commission bases its judgments on hearsay thrice removed. The Commission does not indicate when or where these statements were made. Right away, the problem of the authenticity of these statements arises. But, apart from that, according to statements attributed to Janvier Afrika, the French trained the Interahamwe and members of the Death Squads, in which Janvier Afrika, himself, claims to have taken part between February 1991 and January 1992. At the beginning of 1992, acting from their military base at Camp Mukamira, these people who were trained by the French were supposed to have committed massacres from Bagogwe to Ruhengeri.<sup>154</sup>

Despite the above-mentioned reservations as to the authenticity of the statements attributed to Janvier Afrika, the Mucyo Commission did not dare acknowledge that these statements differed from what Janvier Afrika stated on the subject of the Bagogwe to the International Investigatory Commission on Human Rights in Rwanda which toured the country from 7 to 21 January 1993. Furthermore, Afrika never told this International Commission that he was trained, with other Interahamwe, by the French.<sup>155</sup> It is important to note that the Interahamwe did not even exist in February 1991, as its creation was the result of the multiparty system initiated by the Constitution of 10 June 1991.<sup>156</sup> So the statements attributed to Janvier Afrika are not reliable.

As to the true character of Mr. Janvier Afrika, it must be remembered that he was an agent of the RPF and a handler of the opposition (FDC) allied with the RPF.<sup>157</sup> In his letter of 14

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<sup>153</sup> Ibid.

<sup>154</sup> Ibid, pp. 69-70.

<sup>155</sup> See the Report of the International Investigatory Commission on the Violations of Human Rights in Rwanda after 1 October 1990.

<sup>156</sup> The idea of creating the Interahamwe dates from November 1991: See the transcript of the ICTR session of 2 June 2004 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T. See also the transcripts of the sessions of 10 October 2005 and 22 May 2006 in the case of the Prosecutor v Karemera et al - ICTR-98-44-T.

<sup>157</sup> Pierre Péan. *Noires fureurs, blancs menteurs*. Éditions Mille et une nuits, 2005, pp. 122-131.

November 1994 to the UN Security Council, Janvier Afrika states that he was very tight with the RPF. So this witness is not credible.<sup>158</sup>

### **3.6 On the subject of French support for the Interim Government**

The Mucyo Commission accuses the French Ambassador in Kigali of having played a part in setting up the Interim Government in April 1994.<sup>159</sup> The establishment of the Interim Government was widely documented. Many people have testified about it before the ICTR. No document, no witness has implicated the French in the organization of this government. Furthermore, UN documents confirm the legality of the Interim Government.<sup>160</sup> One could say that it was Jacques Roger Booh Booh, the Special Representative of the UN Secretary General, seconded by the UNAMIR Commander, Roméo Dallaire, who played some role in the setting up of the civilian Interim Government. Obvious, the RPF, which had created the political void and provoked chaos in the country, refused to recognize this government because they wanted to prolong this political void and chaos to facilitate their taking power in Rwanda by force of arms.

Moreover, the Mucyo Commission Report criticizes French authorities for having had contacts with officials in the Interim Government by describing these contacts as signs of collaboration and support by France for this government.<sup>161</sup> The reality of all this is that the French government had contacts with both parties in this conflict with the aim of helping bring an end to hostilities and to stop the violence and killings. In fact, during the months of April and May 1994, both parties engaged in talks under the aegis of the Special Representative of the UN Secretary General and the UNAMIR toward the conclusion of a ceasefire and a peace agreement. So it is not surprising that emissaries of the Interim Government were received by certain French authorities in April 1994. However, contrary to what is stated in the Mucyo Commission Report<sup>162</sup>, the delegation led by Minister Bicamumpaka never met with either French Prime Minister Edouard Balladur or Foreign Minister Alain Juppé.

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<sup>158</sup> In his testimony before a Belgian court in the case of Bernard Ntuyahaga, on 10 May 2007, Helmut Strizek, a specialist in the region, stressed that Janvier Afrika is not credible. Professor Bernard Lugan, in his testimony at the ICTR in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T, on 14 November 2006, also demonstrated that Janvier Afrika is not credible based on the results of the investigation led by Col. Robardey in 1993 (Transcript of the session of 14 November 2006, pp. 33-34).

<sup>159</sup> The Mucyo Commission Report, p. 144.

<sup>160</sup> Outgoing code cable from Annan, UN New York, to Dallaire for Riza, UNAMIR, Kigali, dated 25 May 1994, Number 1728. Subject: Clarifications of legal issues raised by the RPF. (Filed in evidence as DNT-117 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T). This same evidence was filed in the case of the Prosecutor v Karemera et al - ICTR-98-44-T as DNZ-425); Outgoing code cable from Riza, UNAMIR, Kigali, to Annan, UN New York, dated 25 May 1994, Number MIR 1034. (Filed in evidence as DNT-193 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T) and Letter from Annan to Dallaire dated 25 May. Subject: Clarifications on the legal issues raised by the RPF (Filed in evidence as DNT-1194 in the case of the Prosecutor v Bagosora et al - ICTR-98-41-T).

<sup>161</sup> The Mucyo Commission Report, pp. 153-157.

<sup>162</sup> Ibid, p. 153.

If the US and Belgium refused to meet with this delegation, it was because these two governments were staunchly supportive of the RPF, as could be seen in their insistence that the UNAMIR force be drastically reduced<sup>163</sup>, and that intervention by the Security Council and other states be discouraged, all to the end of maintaining the chaos from which the RPF profited in its drive to take power by force. On the other hand, the Mucyo Commission Report failed to mention that the delegation was able to go to Germany where it made useful contacts with officials of that country. Furthermore, the delegation visited the UN to plead for an immediate and unconditional ceasefire, for a reenforcement of the UNAMIR and its transformation into an interposition force, and for a return to political dialogue between the two parties.

Contrary to what is claimed in the Mucyo Commission Report, France did not work for the inaction of the Security Council.<sup>164</sup> Neither was it France that took actions to prevent the intervention of the Security Council in stopping the massacres of Tutsi and Hutu civilians. It was not France that called for a reduction of the UNAMIR I. And France did not oppose the rapid deployment of the UNAMIR II, adopted by the Security Council in UN Resolution 918 of 17 May 1994. However, the RPF opposed this Resolution in its press-release of 17 May 1994, signed by Gérard Gahima, while the US held back this deployment until after an RPF victory.<sup>165</sup> We also know that France went to enormous lengths to gain international authorization for its own intervention, Operation Turquoise, which went on to save thousands of Rwandan lives from all three ethnicities.

The partisan and ethnocentric spirit of the Mucyo Commission Report is expressed in the way it reproaches France for its impartial position which condemned the crimes of both sides.<sup>166</sup> France cannot be accused of having ignored the massacres of Tutsis because it insisted that they be denounced along with the massacres of Hutu civilians. The Mucyo Commission Report here reveals the current politics of the RPF regime, which imposes the recognition of only the massacres of Tutsi civilians and banished all people or institutions that talk about the massacres of Hutu civilians. This is the current orientation of the Rwandan judicial procedures, especially in the context of the Gacaca. Only the Hutus accused of having killed Tutsis are tried and sentenced to long prison terms or to hard labor. Justice for the Hutu victims or their families is prohibited. It is even against the law for them to mourn their dead.

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<sup>163</sup> Letter of 13 April 1994 from the Belgian government to the President of the Security Council demanding the suspension of the mandate for UNAMIR; see also the classified US government document cited below.

<sup>164</sup> The Mucyo Commission Report, p. 155.

<sup>165</sup> Not only did the US argue for the reduction of UNAMIR, but they also imposed useless conditions that slowed the deployment of UNAMIR II ordered by UN Resolution 918 of 17 May 1994; see the statement of the US Representative to the 3377th session of the UN Security Council held on 16 and 17 May 1994.

<sup>166</sup> The Mucyo Commission Report, p. 155.

### **3.7 On France's intervention during the events before Operation Turquoise**

The MUYCO Commission alleges that by deploying its "Operation Amaryllis" to evacuate its nationals, France officially and publicly chose to do nothing to try to stop the massacres.<sup>167</sup> It contends that "*according to confidential statements made to journalists by a French officer who requested anonymity, the order not to stop the massacres was given by Admiral Lanxade and/or General Christian Quesnot.*"<sup>168</sup> First off, this phantom witness, who made confidential statements to unidentified journalists, is not reliable in as much as he does not even know exactly who gave the supposed order not to stop the massacres. Furthermore, "Operation Amaryllis" was carried out in exact coordination with Belgium's "Operation Silver Back", so much so that the UN Security Council spoke of it as a Franco-Belgian Operation.<sup>169</sup> It is appropriate to note that the Italians also took part in this operation, while 400 US Marines were, at this very moment, positioned in Bujumbura, Burundi. Under these conditions what credence can one place in the statements of this phantom witness? On the contrary, when they learned that certain countries were planning humanitarian operations, the RPF began to make all sorts of threats against any form of intervention into Rwanda. This position taken by the RPF is confirmed in the situation report (SITREP) that the UNAMIR sent to New York on 8 April 1994 and in which it is said that the RPF had indicated it was not going to allow any aircraft to land at the Kanombe International Airport.<sup>170</sup> The cable to Kofi Annan from the UN Secretary General in Geneva also indicates that the RPF opposed the intervention of foreign forces. To this cable there is attached a press release from the RPF, dated 9 April 1994, which enjoins these intervention forces from doing anything but evacuating their nationals. This RPF position was taken seriously at the moment when the permanent Rwandan Representative to the UN was demanding that the Security Council intervene to save human lives and restore stability.<sup>171</sup>

Some confidential documents from declassified American files speak of an ultimatum given by the RPF to all foreign troops come to evacuate their nationals, here including the French and Belgian militaries. These documents show that the US government also recommended the withdrawal of the UNAMIR.

One of these documents is a Memorandum from the Under Secretary of Defense for the Middle East and Africa to the Under Secretary of Defense for Political Affairs. The document is dated 11 April 1994. Concerning the situation in Rwanda, this document speaks of the RPF ultimatum to the foreign troops giving them 48 hours to complete their evacuation from Rwanda. The authors of this document state, without the slightest hint of doubt, that at the end of this ultimatum, the RPF was going to try to take Kigali by force and going to do battle

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<sup>167</sup> Ibid, p. 136.

<sup>168</sup> Ibid, p. 150.

<sup>169</sup> Outgoing Code Cable, From Annan, UN New York, to Secretary General, Geneva, 9 April 1994, No. 1059. Subject: Rwanda.

<sup>170</sup> Outgoing Code Cable, From Booh Booh to Annan/Goulding, UN New York, 8 April 1994. Subject: An update on the current situation in Rwanda and military aspects of the mission.

<sup>171</sup> Outgoing Code Cable, From Annan, UN New York, to Secretary General, Geneva, 9 April 1994, No. 1059. Subject: Rwanda.

with the French and Belgian forces still present on Rwandan territory. The document's authors figured that if the two parties did not decide to resume peace talks, there would be a massive bloodbath in Rwanda that could spill over into Burundi. According to this document, certain US government leaders recommended the withdrawal of all forces from the UNAMIR and leave only the Commander with a reduced support staff.

Another document, a telegram from the State Department, dated 15 April 1994 and sent to the permanent US Mission to the UN, confirms the initiative taken by the American administration demanding the total withdrawal of the UNAMIR from Rwanda (points 4-6). The text leads one to believe that the American decision was a consequence of the RPF ultimatum. Between 11 and 15 April 1994, the situation had changed: the RPF was in the middle of a full general offensive, the Rwandan capital was threatened; the US wielded its Security Council veto to demand the withdrawal of the UNAMIR and evoked the RPF ultimatum!

So it is not surprising that, in his testimony before the Belgian Senate Commission, Willy Claes, who was the Belgian Foreign Minister in 1994, specified that it was the RPF that opposed the intervention of foreign forces.<sup>172</sup>

On the other hand, unlike certain powerful countries like the US, the UK and Belgium, today friends of Rwanda, France continued after 6 April 1994 to defend the principle of maintaining the UNAMIR in Rwanda throughout discussions in the UN Security Council.<sup>173</sup>

It soon becomes clear that the RPF is crying crocodile tears. They bear the primary responsibility for the suffering of those they now pretend to defend.

The Mucyo Commission also claims that "Operation Amaryllis" served to supply the FAR with munitions.<sup>174</sup> This charge is totally unfounded. It is based solely on speculation. If, on this occasion, resupplies of logistical materials had been furnished to the FAR, it would have, in one way or another, caused a negative reaction from General Dallaire, who was very hostile toward the French military.<sup>175</sup> Clearly, Dallaire, an active supporter of the RPF's military victory, would have condemned such an operation, if it had actually taken place.

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<sup>172</sup> Report of the Parliamentary Commission pages 561-562 referring to the examination on 24 June 1997 of Willy Claes, Belgian Foreign Minister in 1994.

<sup>173</sup> See for example the session of 13 April 1994 (Proceedings of the Security Council, Wednesday 13 April 1994. Rwanda).

<sup>174</sup> The Mucyo Commission Report, p. 137.

<sup>175</sup> Cf Dallaire in 'J'ai serré la main du diable', [English original titled 'Shake Hands with the Devil'] page 355, referring to Operation Amaryllis. General Roméo Dallaire wrote, on page 355 of his book 'J'ai serré la main du diable', the following: 'At the operations center, the duty officer stated that three French planes had already arrived, that there were three hundred paratroopers on the ground at the airport, and that other equipment was about to land. Were the French going, once again, to involve themselves in the fighting or were they merely here to deal with the evacuation of French nationals?'

### **3.8 On the subject of violence in Zone Turquoise**

To accuse the French troops of “Operation Turquoise” of committing rapes and assassinations on a massive scale, of working with the militias in the commission of various exactions that had, until now, been unheard of, the Mucyo Commission claims to have had contact with those who directly witnessed these events. It seems that most of these witnesses are activists from the organizations IBUKA and AVEGA or known criminals being tried by Rwandan justice, individuals who are looking to satisfy the wishes of the authorities in Kigali by cobbling together lies in exchange for reductions in their sentences. As to their white associates, most of them have been lobbying for the RPF since the beginning of the war in 1990. These whites make up a propaganda machine, known to be able to silence anyone who might try to give another version of the facts.<sup>176</sup>

Most of the witnesses questioned by the Mucyo Commission also testified in the trials at the International Criminal Tribunal for Rwanda, often as protected witnesses. Especially concerning Nyarushishi, the same allegations made against the French were made against the defendants in the Cyangugu case (ICTR-99-46-T). But the judges declared all these witness not to be credible.<sup>177</sup>

Before moving on to the analysis of these witnesses, we would like to give the reader a preview of the accusations that the French military’s “Operation Turquoise” collaborated with the Interahamwe and distributed arms to them. It is well known that this serious charge, supported by several of the witnesses supposedly heard by the Mucyo Commission, is denied by the telegram from the UNAMIR dated at the time of the alleged events. In fact, this telegram, sent by General Dallaire to the UN on 27 June 1994, indicates that the French troops were in the process of disarming the Interahamwe and other militias and of taking down their road blocks in Kibuye and Cyangugu:

“The French troops are reported to be disarming the Interahamwe/militia groups and dismantling their check points in the Kibuye and Cyangugu areas.”<sup>178</sup>

What more can be said about these totally bogus allegations? In view of the documentary evidence from the UN, which the Mucyo Commission sublimely ignored, it is impossible for this Commission to convince anyone, fourteen years after the facts, that its allegations against the French military are credible.

While doing all we can not to violate the protection measures ordered by the ICTR for some of these witnesses, we will demonstrate, once again, with the help of some examples, just how much the RPF regime has embedded its lies into the system.

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<sup>176</sup> Pierre Péan. Noires fureurs, blancs menteurs. Éditions Mille et une nuits, 2005.

<sup>177</sup> Judgment of the Trial Chamber in the Case of Cyangugu, para 602-612.

<sup>178</sup> Outgoing Cable from Gen. Dallaire to Annan, New York, 27 June 1994. Subject: Daily SITREP 261800B June to 270600B June 1994 (Filed in evidence as P165 in the Case of the Prosecutor v Karemera et al - ICTR-98-44-T).



## **Élisée BISENGIMANA**

This witness claims that French military personnel collaborated with the Interahamwe and distributed arms to them in Cyangugu.<sup>179</sup> These allegations are contradicted by the Dallaire telegram of 27 June 1994 mentioned above.

And we have also discussed the credibility of this witness earlier in the section concerned with the training of militias. We reiterate that he is without credibility.

## **Jean NDIHOKUBWAYO**

This witness is presented as an Interahamwe and a currency exchange broker at the border in Rusizi near the bridge between Cyangugu and Bukavu. His testimony concerns the collaboration between the French military and the Interahamwe. He states that the French distributed arms to the Interahamwe so they could go after Tutsis. He claims that the arms were stored in a house belonging to Col. Simba.<sup>180</sup> As to the distribution of arms, this witness is also contradicted by the Dallaire telegram of 27 June 1994 mentioned above. Moreover, not only was Col. Simba not present in that region at the time, but he never owned or rented a house in Cyangugu.<sup>181</sup> So this witness is just telling lies.

## **Vincent NZABARITEGEKA**

This witness stated that at the end of June 1994 in Cyangugu, the French military distributed rifles and machetes to a group of Interahamwe and some soldiers, he being one of them, and that these arms were to be used to kill Tutsis near the Rusizi River in Cyangugu.<sup>182</sup> He claims that arms were also given to the population and to Yusufu Munyakazi to mount attacks on Bisesero on 29 June 1994.<sup>183</sup> But we know that Yusufu Munyakazi is charged by the ICTR with having led attacks on Bisesero on 13 May 1994, before the arrival of the French. So these two versions of history do not match up.

Beyond that, this witness is contradicted by the Dallaire telegram of 27 June 1994 mentioned above.

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<sup>179</sup> The Mucyo Commission Report, p. 91.

<sup>180</sup> Ibid, p. 181.

<sup>181</sup> Col. Simba is a signatory to this critique of the Report.

<sup>182</sup> The Mucyo Commission Report, p. 182.

<sup>183</sup> Ibid, p. 184.

## **Thomson MUBILIGI**

This witness alleges that in “*Cyangugu, the Interahamwe continued to kill despite the presence of the French military. In fact, these Interahamwe maintained their roadblocks and the French did nothing to disarm them or run them off their roadblocks.*”<sup>184</sup> These allegations, too, are contradicted by the Dallaire telegram of 27 June 1994 mentioned above.

## **Gaspard NTEZIRYIMANA**

This witness claims that, at Nyamasheke, in the prefecture of Cyangugu, French *troops* put 160 young people, including the witness, through a 15-day military training course. He adds “*that after a ceremony marking the end of our training, we returned home. After a while, the sector advisors called us together and gave us materiel appropriate to our jobs and we began our service. In Nyamasheke, the French gave us about 15 rifles (FAL and Kalashnikov) and military uniforms just like the FAR had. They also gave us a paper attesting to our having received these arms from them and a red band that we wore on our shoulders to differentiate us from the FAR and to show that we were supported by the French. At a certain moment, the French took back the arms they had given us, and I went back home.*”<sup>185</sup> He goes on to say that he was protected by the French, as a militia member and a guard at the St. François Home, after having been beaten by other Interahamwe under orders from the mayor of Kagano, Mr. Aloys Kamana.<sup>186</sup> But it is well known that Mr. Aloys Kamana was no longer mayor when the French military arrived. In fact, on 16 April 1994, he was dismissed by the prefect of the prefecture of Cyangugu following his involvement in an attack against refugees who had gathered at the parish of Nyamasheke.<sup>187</sup> Besides this contradiction regarding Kamana, the witness’s incredible stories are also contradicted by the Dallaire telegram mentioned above.

## **Aloys KANYEMERA**

This witness stated before the Commission that he was a simple driver at the time of the troubles. But, according to a well-informed source, in 1994 this witness was a business man, a wholesaler of beer and cement in the city of Kamembe. Today he is a member of the organization IBUKA in Cyangugu. He claims to have seen the French military committing acts of sexual violence against Tutsi girls and killings at Camp Nyarushishi.<sup>188</sup>

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<sup>184</sup> Ibid, pp. 183-184.

<sup>185</sup> Ibid, p. 185.

<sup>186</sup> Ibid, p. 185-186.

<sup>187</sup> Judgment of the Trial Chamber of the ICTR, paragraph 586.

<sup>188</sup> The Mucyo Commission Report, pp. 193-194.

We can confirm that ICTR documents contain information about Camp Nyarushishi that casts serious doubt on this witness's testimony.<sup>189</sup> But, out of concern for not violating witness protection policies, we will not say more.

### **Jean Bosco HABIMANA, alias Masudi**

This witness stated before the Mucyo Commission that the French troops posted at the Kamarampaka Stadium and at Camp Nyarushishi ordered him to bring them Tutsi girls so soldiers could sexually abuse them.<sup>190</sup>

This witness described himself as a former member of the FAR and as having been stationed at Cyangugu at the end of June 1994. But he was discharged from the Army on 13 June 1992 for disciplinary reasons.<sup>191</sup> Moreover, we can confirm that ICTR documents contain information that calls this witness's testimony into serious doubt.<sup>192</sup> But out of concern not to violate witness protection policies, we will not say more.

### **Cassien BAGARUKA**

This witness claims to be a former fireman at the Kamembe Airport. He is supposed to have been at a meeting in which the French military took part, a little while after their arrival in Cyangugu. This meeting was directed by the local authorities, among whom were Col. Kabiligi, Col. Tharcisse Renzaho, Col. Tharcisse Muvunyi and Sylvère Ahorugeze.<sup>193</sup> But Col. Tharcisse Renzaho was the prefect of the prefecture of the City of Kigali and, originally, from the prefecture of Kibungo. So he could not, at this time of intense combat, have come to Cyangugu to take part in meetings directed by the local authorities of Cyangugu. He could not have played any role here. As to Col. Tharcisse Muvunyi, he was appointed to the École des Sous-officiers (ESO) in the city of Butare. When the French troops entered Rwanda, this city was besieged by the troops of the RPF.<sup>194</sup> So Muvunyi could not have left his post to attend a local meeting in another Prefecture. What is more, he was never a local authority in Cyangugu, and he is from the prefecture of Byumba. As to General Kabiligi, he was appointed to the General Staff of the Rwandan Army as an advisor to the Chief of Staff in charge of operations and training. So it would not have been at this moment, when the situation in Kigali was critical, that he would have had to take care of business that did not at all concern him. There are serious questions about Bagaruka's credibility and about the reality of all that he claims to have seen at Kamembe Airport!

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<sup>189</sup> See, especially, the Cyangugu Case, ICTR-99-46-T and particularly the judgment of the Trial Chamber.

<sup>190</sup> The Mucyo Commission Report, pp. 197-198.

<sup>191</sup> See the list of those discharged from the FAR from October 1990 until 3 December 1992, attached to the letter from the Prefect of the Prefecture of Cyangugu, dated 5 May 1993.

<sup>192</sup> See, notably, the Cyangugu Case and, especially, the judgment of the Trial Chamber in this case (ICTR-99-46-T)

<sup>193</sup> The Mucyo Commission Report, p. 189.

<sup>194</sup> Lt. General Roméo Dallaire. *J'ai serré la main du diable*, Random House Canada 2003, p. 559.

### **3.9 On the alleged assistance to the FAR in exile**

The Mucyo Commission accuses France of having financially assisted the former-FAR in exile and supplied them with war materiel. To support this allegation, the Commission produced a letter signed on 2 June 1998 by Col. Gilles Bonsang, Chief of the 7th Corps of the RIMA, on the order of General Yves Germanos, “Chief of Staff of the Special Forces”. This letter was addressed to the ex-FAR in exile in Congo to let them know about pending French arms deliveries. But in an article in the journal “Valeurs actuelles” of 28 August 2008, Professor Bernard Lugan showed, with brio, that this document is a fake. He explains that the 7th RIMA was disbanded in 1977, that Gilles Bonsang was never a Colonel and that he never commanded this unit, as the Mucyo Commission Report would have it. He adds that General Germanos was not named “Yves”, but “Raymond”, and that in June 1998, he was not functioning in the capacity that the Report imparts to him. He concludes that “*This letter being a gross fake, the authors of the Report are guilty of concocting and applying false evidence.*”<sup>195</sup>

After that, what kind of credibility can be assigned to the allegations of the Mucyo Commission? It is undeniable that today the lie has become the core of the system in the country of a thousand hills.

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<sup>195</sup> Professor Bernard Lugan is well placed to access all this information. Besides being a world renowned researcher and historian, he teaches at the Ecole de guerre [War College] in Paris.

## **4. CONCLUSION**

It is clear the Mucyo Commission, whose real objective was the promotion of propaganda for the RPF regime, founded as a military-ethnic dictatorship, cannot establish the truth of the tragic events that went down in Rwanda. France is targeted, not because it tolerated, encouraged or contributed to any crime in Rwanda, but because it supported a just policy of democratic power sharing through negotiation in Kigali.

In as much as the premises set by the Mucyo Commission are false, its conclusions cannot help but be false. Throughout this analysis, we have comprehensibly established and demonstrated with irrefutable documentation that France could not have been complicit in the planning of the “genocide of the Rwandan Tutsis” for the simple reason that this planning by the former government never took place. The Prosecutor at the ICTR found it totally impossible to prove this planning, and the Rwandan judiciary never even tried to prove it.

The RPF regime has politically and ideologically decreed that there was a genocide of Rwandan Tutsis and that the Rwandan Hutus must answer for it. The accusations made against France by the Mucyo Commission fit perfectly into this logic. The two recommendations the Mucyo Commission has made conform with the objective it has pursued since its establishment, even if, at first glance, they seem contradictory: (1) Bring charges against the French State in any suitable international judicial proceedings, and (2) seek a diplomatic settlement of the question with the French State. This apparent contradiction hides the ulterior motives that any observer of Kagame’s politics and the RPF’s ideology can easily discover.

The RPF regime harbors no illusions about the possibility of obtaining a condemnation of the French State from any international jurisdiction or legal proceedings. However, it has invested a great deal in the Mucyo Commission Report in hopes of intimidating France or, at least, of making a deal with the French State to nullify the international arrest warrants issued against top RPF military officials by the French Judge Jean-Louis Bruguière for their implication in the terrorist attack on 6 April 1994 against Rwandan President Juvénal Habyarimana.

The international community must be aware that the RPF bears primary responsibility for the catastrophic consequences of the war of aggression it carried out, with total impunity, against Rwanda from 1990, with the direct aid and participation of Uganda and supported by certain great powers.<sup>196</sup>

The decision makers of the international community, particularly the UN Security Council, must be convinced that the settlement of the Rwandan crisis must be achieved by the establishment of the truth and the assignment of responsibilities to all the players in this human drama which has so bloodied Rwanda and the entire region. They must concern themselves with assuring real and equitable justice, the only basis for national reconciliation. But this is completely contrary to what has been achieved by the ICTR, seen universally as a

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<sup>196</sup> Among these powers, the US and the UK played leading roles.

court that serves the interests of the winners of the war, the RPF. Its decisions have brought nothing to the people of Rwanda, who suffered through an extremely destructive war of aggression while they sought only peace, but in vain. In fact, the only architect of this war, the RPF, inexorably pursued its objectives until the moment when it willfully provoked the humanitarian catastrophe that we all now know. The same powers that aided the RPF, today use it to assure and protect their geopolitical interests in the region, at the cost of millions of dead.<sup>197</sup>

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<sup>197</sup> Colette Braeckman. Les nouveaux prédateurs. Politique des puissances en Afrique centrale; Éditions FAYARD 2003, pp. 43-68.

## **List of Abbreviations**

AC	: Artillerie de campagne
AG	: Assemblée Générale
ANT	: Assemblée Nationale de Transition
APR	: Armée Patriotique Rwandaise
AVEGA	: Association des veuves du génocide d'avril
BEM	: Breveté d'état major
CDR	: Coalition pour la Défense de la République
CRCD	: Centre de Recherche Criminelle et de Documentation
DAMI	: Détachement d'Assistance Militaire
DMZ	: Demilitarized zone
ESO	: École des Sous-Officiers
FAR	: Forces Armées Rwandaises
FDC	: Forces Démocratiques du Changement
FPR	: Front Patriotique Rwandais
GTBE	: Gouvernement de Transition à Base Élargie
HCR	: Haut Commissariat pour les Réfugiés
ICTR	: International Criminal Tribunal for Rwanda
IDC	: International Démocrate Chrétien
MAM	: Mission d'Assistance Militaire
MAM	: Mission d'Assistance Militaire
MDR	: Mouvement Démocratique Républicain
MINADEF	: Ministère de la Défense
MINUAR	: Mission des Nations-Unies pour l'Assistance au Rwanda
MRND	: Mouvement Républicain National pour la Démocratie et le Développement
ONU	: Organisation des Nations Unies
OUA	: Organisation de l'Unité Africaine
PDC	: Parti Démocrate Chrétien
PDI	: Parti Démocrate Islamiste
PL	: Parti Libéral
PSD	: Parti Social Démocrate
PVK	: Préfecture de la Ville de Kigali
RDC	: République Démocratique du Congo
RIMA	: Régiment d'Infanterie de Marine
RPF	: Rwandan Patriotic Front
RPIMA	: Régiment Parachutiste d'Infanterie de Marine
SITREP	: Situation Report
TPIR	: Tribunal Pénal International pour le Rwanda
UNAMIR	: United Nations Assistance Mission for Rwanda
UNR	: Université Nationale du Rwanda
USAID	: United States Agency for International Development