

REPUBLIC OF RWANDA



**INDEPENDENT COMMITTEE OF EXPERTS
RESPONSIBLE FOR THE INVESTIGATION INTO
THE CRASH OF 06 APRIL 1994
OF THE FALCON 50 AIRCRAFT
WITH REGISTRATION NUMBER 9XR-NN**

ANNEXES TO THE INVESTIGATION REPORT

TOME I

INTRODUCTION

The documents attached as an Annex to this Report are essentially composed of documents from the investigation carried out by the military auditorat of Brussels, following the assassination in Kigali of ten Belgian soldiers who were members of the MINUAR on 07 April 1994. This enquiry has the advantage of having been carried out directly after the attack on the Falcon 50 aircraft of President Habyarimana and of having thus brought together first-hand elements of evidence. This evidence was then discussed and validated by the Belgian courts during the trial of Major Bernard Ntuyahaga, who appeared before the Assise Court of Brussels from 19 April to 13 July 2007 and which ended by recognising the guilt of Ntuyahaga, followed by sentencing to 20 years of imprisonment. These are thus documents which benefit from the authority of *res judicata*, and which, in this capacity, must be considered as evidentiary items which do not enter into the field of debate or challenge.

Other documents presented in these Annexes derive from the archives of the Rwandan state and notably deal with the air security of the FAR, which has represented their priority since September 1991, of the different commands of the ground-to-air missiles and the organisation of the Ministry of Defence at the moment of the assassination, which clearly show that the powers which Colonel Bagosora had granted himself between 04 and 07 April 1994 represented an abuse of power and the act of a coup d'état. These documents have been classified by different themes, according to the principal content which they reflect, but many among them, notably the witness statements, evoke a set of aspects touching on several themes with regard to the assassination attempt. The chosen themes are as follows:

1. Manifest desire by the FAR to kill President Habyarimana
2. Rejection of the Arusha negotiations and accords
3. Anti-Belgian propaganda and provocation of the MINUAR
4. Mechanism and evolution of the attack
5. Coup d'état attempted by Colonel Bagosora
6. Blocking of the investigation into the assassination attempt
7. Immediate accusations by France against the FPR
8. Elements on the recovery of the black box by France
9. Air security of the FAR and possession of ground to air missiles

TABLE OF CONTENTS

Volume I

1. Hearing of CHARLIER Thierry, Brussels, 16 May 1994,___p.1-2
2. Hearing of TIMSONET Maurice, Brussels, 13 June 1994, __p.3-6
3. Hearing of TROG, Herman, Brussels, 11 June 1994, _____p.7-9
4. Hearing of TURATSINZE Jean, Butare, 10 May 1995, _____p.10-13
5. Hearing of DUVIVIER Jacques, Brussels, 10 May 1994, ___p.14-15
6. FAX MINUAR, UN RESTRICTED, 14 March 1994. _____p.16
7. Hearing of VINCENT André, Brussels, 6 May 1994, _____p.17-18
8. MINUAR Document KIBAT, Kigali, 16 February 1994, _____p. 19
9. MINUAR Document, M. Nees Lt S2 (undated) _____p. 20- 21
10. Belgian Embassy in Rwanda (Ambabel) regarding the visit to
President Habyarimana, Kigali, 27 January 1993 _____p. 22
11. Hearing of R. HIGANIRO Alphonse, Brussels, 19 October 1995,___p. 23-27
12. Extract from the report of the International rogatory commission, carried out in
Rwanda, from 5 to 24 June 1995, _____p. 28-32
13. Report of the hearing of Dr. Charles ZIRIMWABAGABO, Rwanda,
from 5 to 24 June 1995_____p. 33-35
14. Report of the hearing of the Prime Minister Faustin TWAGIRAMUNGU,
Rwanda, 4 May 1995_____p. 36-39
15. Report of the interviews of the Military Prosecutor N. Van Winsen,
The Military Substitute, Ver Else- Reul and Mr. Augustin NDINDILYIMANA,
General, Chief of Staff – Major of the Rwandan gendarmerie until 5 June 1994,
20, 26, 28 July, 2 and 5 August 1994 _____p. 40-50

16. Hearing of D’LLEUR Marc, Brussels, 19 May 1994 _____p. 51-53
17. Hearing of LHOIR Thierry, Brussels, 25 May 1994 _____p. 54-56
18. Hearing of DEWEZ Joseph MARCHAL Luc, Brussels, 6 December 1995__p.57-58
19. Military Auditorat on the ground - Rwanda MINUAR, JUDICIAL SECRECY
intended for the Military Prosecutor, Kigali, 13 April 1994_____p. 59
20. Document intended for the Military Prosecutor, drawn up by
G. BASTIEN Gen. Maj. SGR, Belgium, (Undated)_____p. 60
21. Hearing of DEWEZ Joseph MARCHAL Luc, Brussels, 28 September 1995,__p.61
22. NGABOYAMAHINA Papias, communiqué of the Rwandan Community crisis
committee in Brussels, 7 April 1994_____p. 62-63
23. Hearing of GEBOERS Karel Frans, Brussels, 4 May 1994, _____p. 64-65
24. Hearing of SMARS Roan, Brussels, 25 May 1994, _____p. 66-67
25. KIBAT, Comd Kibat, Subject: information, Kigali, 27 January 1994_____p. 68
26. Hearing of MARCHAL Luc, 29 November 1995,_____p. 69-70
27. Hearing of DEWEZ Joseph MARCHAL Luc, Brussels, 6 December 1995,__p. 71-72
28. Hearing of COLLET Jacques, Brussels, 16 May 1994, _____p. 73-
74
29. Hearing of VANHEES Patrick, Léon, Lambert, G. Brussels, 10 May 1994__p. 75-76
30. Hearing of VINCENT André, Jules, Alex, Brussels, 09 November 1995 __p. 77-79
31. Hearing of RUHIGIRA Enoch, Brussels, 13 June 1994_____p. 80-82
32. MINUAR Document drawn up by PUFFET Michel, Maj 63949
Sector HQ Kigali, (undated)_____p. 83-84
33. CAMPAIGN JOURNAL, KIBAT, JC CARRET DE VEILLE : OSCAR,
CARRET DE VEILLE : CHARLIE, 06 April 1994, _____p. 85-90
34. Hearing of DAUBIE Benoît, Brussels, 10 May 1994, _____p. 91-92

35. Hearing of GRÉGOIRE Henri, Brussels, 26 May 1994, _____p. 93-94
36. Hearing of DEFRAIGNE Christian, Brussels, 10 May 1994, _____p. 95-96
37. Hearing of CHANTRAINE René, Brussels, 9 May 1994, _____p.97-98
38. Hearing de PASUCH Massimo, Brussels, 9 May 1994, _____p. 99-101
39. Hearing of TIMPERMAN Pascal, Brussels, 27 May 1994, _____p. 102-104
40. Hearing of LECOMTE Jean- Noël, Brussels, 26 May 1994, _____p. 105-107
41. Hearing of PASUCH Massimo, Brussels, 13 April 1994, _____p. 108-109
42. Hearing of VAN DEENEN Denise Thérèse C., Brussels, 13 April 1994 ____p. 110
43. Hearing of VANDRIESSCHE, Bruno, Jullen, Kigali, 13 April 1994_____p. 111-112
44. Hearing of UWANYIRIGIRA Jeanne and UWIMBABAZI Marie-Claire,
Brussels, 20 June 1994 _____p. 113-116
45. Hearing of LECHAT Jean, Brussels, 10 May 1994 _____p. 117-119
46. Hearing of BEYENS Marc, Brussels, 10 May 1994, _____p. 120-121
47. Letter from Mr. D'HONT Walter to the Military Prosecutor at the Permanent Council
of War in Brussels, Kluizen, 5 June 1994, _____p. 122-123
48. Hearing of UWIMANA Athanasie, Brussels, 30 June 1994 _____p. 124-125
49. Hearing of RODRIGUE Alain, Brussels, 16 June 1994 _____p. 126-128
50. Hearing of BARAS Jacques, Brussels, 31 May 1994_____p. 129-131
51. Hearing of VERMEULEN Jean- Marc, Brussels, 31 May 1994 _____p. 132-138
52. Hearing of SIEBEN Luc, Brussels, 31 May 1994_____p. 139-144
53. Hearing of BIRARA Jean, Brussels, 26 May 1994_____p. 145-149
54. Hearing of MOREAU Nicolas, Brussels, 30 June 1994_____p. 150-151
55. Hearing of GERLACHE Mathieu, Brussels, 30 May 1994_____p. 152-155
56. Hearing of MARCHAL Luc, Marie, Ghislain, Marcel, Brussels,
11 October 1994 _____p. 156-159

57. Hearing of SCHRIEWER Robert, Kigali, 5 May 1995_____p. 160-165
58. Hearing of Jean Baptiste UWEMEYE, Kigali, 9 May 1995_____p. 166-169
59. Hearing of DEWEZ Joseph MARCHAL Luc, Brussels, 6 November 1995__p. 170-200
60. Hearing of HENRION Paul, Brussels, 21 June 1994_____p. 201-207
61. Hearing of VARGA Balint, Brussels, 13 June 1994, _____p. 208-212
62. Summary of the assassination attempt drawn up by the Military Prosecutor of Brussels, 27 July 1994, _____p. 213-221

VOLUME II

63. Hearing of REYNTJENS Filip, Brussels, 26 December 1995_____p. 222-223
64. Minutes of an interview with General Roméo DALLAIRE Base de St. Hubert, Montreal, Quebec, 4 October 1995 _____p. 224-225
65. Hearing of TWAHIRWA Joseph, Brussels, 1 December 1994 _____p. 226-230
66. Telephone contact with SCHRIEWER Robert, Brussels, 8 June 1994_____p.231
67. Hearing of DE BACKER, Anna Elisabeth, Brussels, 31 May 1994_____p. 232-234
68. Letter from Mr. Pierre JAMAGNE to Mr Albert KWENDE, Chief investigator at TPIR, Object: Attack against President Habyarimana of 06 April 1994; Jette, 6 December 2006_____p. 235
69. Testimony of R.G, 17/11/2003 _____p. 236-238

70. AMBABEL DAR ES SALAAM, Object : RWANDA: Information on the situation in Kigali, 6 and 7 April 1994 _____p.239-240
71. AMBABEL NAIROBI ; Mission SWINNEN, interview with the former MINAFET of Rwanda, A. GASANA, Tuesday 24 May 1994_____p. 241
72. Hearing of Colonel RUSATIRA Léonidas, Kigali, 6 October 1994 _____p.242-245
73. Hearing of NDINDIRIYIMANA Augustin, Brussels, 25 September 1995, p. 246-253
74. Hearing of TWAGIRAYEZU Emmanuel, Kigali, 19 November 1995_____p. 254-255
75. Hearing of GATSINZI Marcel, Colonel BEM, Kigali, 16 June 1995p. 256-264
76. Hearing of NDENGEYINKA Balthazar, Colonel, Kigali, 15 June 1995____p. 265-270
77. Hearing of BAVUGAMENSHI Innocent, Colonel, Kigali, 16 June 1995____p. 271-279
78. Letter of the Belgian Minister of Justice to the Chief of Staff of his Majesty the King, Object: Rwanda: Association “AMASASU” Brussels, 2 December 1994, _p. 280-282.
79. Letter to the Commander of the MINUAR, “Machiavellian plan of President Habyarimana”, Kigali, 3 December 1993_____p. 283-284
80. THE NEWSPAPER “LE FLAMBEAU”, COMMUNIQUÉ No. 005, THE FATAL DAY,
Kigali, 17 December 1993 _____p. 285
81. COUNCIL – 142nd SESSION, SUMMARY MINUTES OF THE FIRST MEETING, Chamber of the Council, 25 April 1994_____p. 286-302
82. Letter from General Roméo A. DALLAIRE, commander of the MINUAR to the Prime Minister Jean KAMBANDA regarding the establishment of an international investigative committee on the attack, Kigali, 2 May 1994_____p. 303
83. Telegram from the Belgian Embassy in Washington,
Object: Rwanda: air incident in Kigali 06/04/94 _____p. 304

84. Letter from the Rwandan minister of transport and communications, Dr Charles MURIGANDE to Mr. Z.M. BALIDDAWA, Regional representative of the International Civil Aviation Organisation (OACI), requesting assistance for investigation on the attack on the Falcon 50, Kigali, 28 March 1996_____p. 305
85. Letter from the Prime Minister of the Provisional Government, Jean KAMBANDA, to General Roméo A. DALLAIRE, on the composition of the International investigative committee on the attack against the Falcon 50, Kigali, 7 May 1994._____p. 306
86. Hearing of MAUFROID Frédéric, Brussels, 9 June 1994_____p. 307-311
87. Note from the French ambassador to Rwanda, Paris, 25 April 1994_____p. 312-316
88. Note from Bruno Delaye to the President of the Republic, subject:
“Attack against the presidents of Rwanda and Burundi” Paris, 7 April 1994____p. 317-319
89. Note from General QUESNOT to the President of the Republic, “Rwanda- Burundi- The situation after the death of the two presidents” , 7 April 1994____p. 320-321
90. Letter from Luc DE TEMMERMAN to the investigating magistrate VAN DER MEERSCH. Re: BAGOSORA /TRIBUNAL INTERNATIONAL,
Overijse, 10 July 1995_____p. 322-323
91. AIRCLAIMS France (De Vincent FAVE/ MJF to WILLIS CORROON), Paris,
1 February 1995_____p. 324-330
92. AMBABEL ADDIS-ABEBA, Object: “RWANDA: PRESS CONFERENCE”
5 May 1994_____p. 331
93. Letter from Frank DURINCKX, Head of the Security Service to Monsieur VAN WINSEN,
Military Prosecutor, Brussels, 27 June 1994_____p. 332

94. Note from the Investigative Magistrate, Damien VANDERMEERSCH to the Chief Commissioner of the Judicial Police, Brussels, Re: Dossier X (blue helmets),
Brussels, le 14 September 1995 _____p. 333
95. Telephone contact between Michel WATERPLAS, Principal Commissioner to Judicial Delegations, Assistant of the Royal Prosecutor of the district of Brussels and Mr. Frank DURINCKX, Brussels,
10 October 1995 _____p. 334-335
96. Letter from Frank DURINCKX, Security service, Belgian Ministry of Communications and infrastructure, administration of air traffic,
Re: Attack on the Rwandan presidential aircraft, to Mr. VAN WINSEN,
Military Prosecutor, 5 July 1994 _____p. 336
97. Letter in Dutch from Frank DURINCKX to VAN WINSEN,
Brussels, 5 July 1994 _____p. 337
98. SENATE of Belgium, RWANDA ENQUIRY COMMISSION,
Hearing of M. René DEGNI-SEGUI, 17 June 1997 _____p. 338-343
99. Note from the Chief of Staff of the Air Force to the Military Prosecutor of Brussels ;
INVESTIGATIVE REPORT, object: "AIR DISASTER OF 06 APR 94 IN KIGALI »
Brussels, 1 August 1994 _____p. 344-
346
100. Letter from Mr. Filip REYNTJENS to Mr. Bernard Cazeneuve, Rapporteur of the information mission on Rwanda: "Supplementary clarification on the SA 16 missiles"
10 December 1998 _____p. 347
101. Note from Colonel GALINIÉ, military assistance Mission, French embassy to Rwanda, 22 May 1991 _____p. 348

102. Note from the military assistance Mission in Kigali : “ground to air defence weapon of SA 16 type”, 22 May 1991 _____p. 349-350
103. Message from the defence attaché in Kigali, Colonel CUSSAC, possession of missiles by the FPR, object: “Situation of prisoners in the prison of Kigali, accused of having arms against Rwanda (INKOTANYI)” Kigali, 10 August 1991_____
_____p. 351
104. Message from the defence attaché in Kigali, Colonel CUSSAC, “Recovery and forwarding of an SA 16 Missile”, Kigali, 13 August 1991_____p. 352
105. Letter from the pilot of the Falcon 50, Jean Pierre MINABERRY regarding missiles threatening the safety of the flights of the Falcon 50, Kigali, 28 February 1994_____p. 353-354
106. INFORMATION NOTE, RWANDA- UGANDA, “ON THE SUBJECT OF THE ATTACK OF 06 APRIL AGAINST PRESIDENT HABYARIMANA »_____
_____p. 355-358
107. Dispatch from the agency Hirondelle TPIR/SERVICEMEN I “The testimony of BAGOSORA reopens the debate on the assassination of President HABYARIMANA” Arusha, 7 February 2006._____
p. 359
108. Note of Jean-Claude LEFORT, dossier No. 12, 15 April 1994_____p. 360
109. Note No. 7 from Jean-Claude LEFORT to Bernard CAZENEUVE, Dossier XVII-10, “ground-to-air missiles held by the FAR” Ivry, 25 August 1998_____p. 361

110. Note No. 8 from Jean-Claude LEFORT to Bernard CAZENEUVE, “unsigned file aiming to show that the FPR was responsible for the attack”, Ivry, 25 August 1998 _____p.362
111. Note No. 10 from Jean-Claude LEFORT to Bernard CAZENEUVE, Ivry, 28 August 1998 _____p. 363
112. Note No. 12 from Jean-Claude LEFORT to Bernard CAZENEUVE, Dossier XVII “DAMI BATAILLON PARA” Ivry, 28 August 1998 _____p. 364
113. Note No. 11 from Jean-Claude LEFORT to Bernard CAZENEUVE, Ivry, 28 August 1998 _____p. 365
114. Note No. 13 from Jean-Claude LEFORT to Bernard CAZENEUVE, “ROUSSIN/ MAURIN interview on October 1994”, Ivry, 31 August 1998 _____, p. 366
115. Note No. 15 from Jean-Claude LEFORT to Bernard CAZENEUVE, Ivry, 8 September 1998 _____p. 367
116. Note No. 17 from Jean-Claude LEFORT to Bernard CAZENEUVE, Ivry, 17 September 1998 _____p. 368
117. Note No. 19 from Jean- Claude LEFORT to Bernard CAZENEUVE, Dossier “Attach No. 2” Ivry, 20 October 1998 _____p. 369
118. COMMUNIQUÉ from Jean-Claude LEFORT, Deputy of Val-de-Marne, Vice-President of the RWANDA mission, 16 December 1998, _____p. 370
119. Note No. 2 to Bernard CAZENEUVE, “SMALL HEARINGS” Ivry, 24 August 1998 _____p. 371
120. Note No. 3 from Jean-Claude LEFORT to Bernard CAZENEUVE, “AMARYLLIS” Ivry, 24 August 1998 _____p. 372

121. Note No. 5 from Jean-Claude LEFORT to Bernard CAZENEUVE,
“Attack” 24 August 1998 _____p. 373
122. Letter from the Minister of Foreign Affairs and International Corporation to the
Soviet embassy in Kigali,
22 October 1991 _____p. 374- 375
123. Letter from the Minister of Foreign Affairs and International Corporation to the
Embassy of the Democratic Republic of Korea in Kigali,
22 October 1991 _____p. 376-377
124. Letter from Colonel SERUBUGA Laurent, Head of EM AR, to the Minister for
National Defence: “anti-air defence”, Kigali, 17 January 1992__p. 378-381
125. Letter from the Minister of Foreign Affairs, Dr. Casimir BIZIMUNGU to the Minister
for National Defence, Kigali, 1 February 1992 _____p. 382
126. Letter from the Minister of Foreign Affairs, Dr. Casimir BIZIMUNGU to the Minister
of National Defence, undated _____p. 383-384
127. Letter from the Minister of Foreign Affairs, Mr. Casimir BIZIMUNGU to the Minister
for National Defence, object: “Military cooperation with China”
Kigali, 25 January 1992 _____p. 385-386
128. Letter from the embassy of the People’s Republic of China to Rwanda, to the attention
of the Ministry for Foreign Affairs of the Rwandan Republic,
Kigali, 30 January 1992 _____p. 387
129. Letter from the Minister of National Defence, Colonel BM NDINDIRIYIMANA
Augustin, to the Minister of Foreign Affairs. Object: “Technical material
requirements”, Kigali, 01 February 1992 _____p. 388-389
130. Letter from the Minister of Foreign Affairs and International Corporation to the
embassy of the People’s Republic of China, Kigali, undated _____p. 390

131. Letter from the Minister of Foreign Affairs and International Corporation to the embassy of the People's Republic of China, Kigali, 24 February 1992 _____
_____p. 391-392
132. Letter from the Minister of Foreign Affairs and International Corporation to AMBARWANDA PEKING, Kigali, 24 February 1992_____p. 393
133. FAX of the Minister of Foreign Affairs and International Corporation to AMBARWANDA WASHINGTON, Kigali, 5 February 1992_____p. 394
134. Letter from the Minister of National Defence, Colonel BEM NDINDIRIYIMANA Augustin, to the Minister of Foreign Affairs and International Corporation. Object: "Technical material requirements" Kigali, 1 February 1992_____p. 395-396
135. Testimony of MUGENZI Richard to the Comittee, Kigali, 29 December 2008__p. 397-400