

**THE JUDICIAL POLICE
OFFICE OF THE KING'S PROSECUTOR OF BRUSSELS**

Criminal Section
PI 29
Annex(es)
Hearing: 1, No. 41.312

Report No.:
Read:
On (date):

Following the duties prescribed by Investigating Judge Vandermeersch

Apostil:
File No.: 57/95

Charge against: Théoneste Bagosora and accomplices
On grounds of: International crimes
On official complaint

Subject: Hearing of Augustin Ndindiliyimana

Sent to Investigating Judge Vandermeersch
Brussels, 25 September 1995

For the Chief Commissioner of the Judicial Delegations

PRO JUSTITIA

At 1000 hours on the twenty-fifth day of September, nineteen hundred and ninety-five,

We, Michel Waterplas

Principal Commissioner of the Judicial Delegations, Auxiliary to the King's Prosecutor for the District of Brussels, heard the person named below:

Augustin Ndindiliyimana, born in Nyaruhengeri, Butare-Twanda in 1943, of Rwandan nationality, the husband of Marie Nakure, holder of CIRE No. QBF 0.093 579, registered at 11 Clos des Chats, Woluwé-St-Pierre.

The interested party declares to us:

"I wish to express myself in French.

At the time when the events broke out in Rwanda in April 1994, I was a General occupying the post of Chief of Staff of the Gendarmerie, where I had been since July 1992.

On the evening of 6 April 1994, I was at home when I took a telephone call from Major Claver Karangawa, who at the time was liaison officer between the Chief of Staff of the Gendarmerie and the Minuar, more specifically the Civipol, that is, the UN civil police. It must have been about 2030 hours.

He had heard a series of explosions and advised me that the Presidential plane was expected. He was still not sure precisely what was happening, and I myself had not heard any form of explosion or detonation.

I asked him to find out more information, and about ten minutes later I received a telephone call from the Director of the Office of the President of the Republic, Mr Enoch Ruhigira, who advised me that the President's plane had just been shot down.

I immediately contacted the Army Chief of Staff, close to the Diplomats' Hotel, where there was a permanent presence. I arrived there at about 0845 hours.

There I found the duty officer, I think it must have been Major Ntamagezo, who confirmed to me that the President's plane had crashed.

He had a walkie-talkie in front of him, and I clearly heard the voice of Bagosora, who was doubtless talking to the soldiers, I couldn't understand what he was saying or who he was talking to.

I asked him via the radio to come to the chief of staff's room to inform us.

In the meantime, several of the chief of staff's officers, or various grades, arrived one after the other to find out about the situation.

A few minutes later Bagosora arrived; it was he who advised us that the President was dead, and told the identities of the other occupants of the aircraft.

The more senior officers, up to the rank of major, then came together in a room alongside the office of the Army Chief of Staff, Déogratias Nsabimana, who had also been killed in the aircraft.

Our group specifically contained Bagosora, Lieutenant-Colonel Kayumba, Colonel Murasampongo, Major or Lieutenant-Colonel Kanyandekwe, Colonel Rwamanywa, Lieutenant-Colonel Efreem Rwabarinta, the Army Chief of Staff liaison officer, and myself.

We sized up the situation, and in order to ensure safety, I initially proposed inviting the Minuar to our meeting, and in particular General Dallaire and Colonel Marchal.

They were contacted by telephone, and while waiting for their arrival, we discussed the measures to be taken.

Everyone had his own ideas, we were not yet at the decision-making stage.

It was thus proposed to issue a communiqué to inform the population of the death of the President, and issue an appeal for calm.

Bagosora proposed replacing Nsabimana, the Army Chief of Staff who died in the accident, with the most senior of the army officers.

I indicated my agreement and put forward the name of Rusatiura, who for me was the most senior. Bagosora, meanwhile, mentioned Marcel Gatsinzi.

Bagosora then claimed that it was being verified, but I later learned that despite everything he had nominated Gatsinzi, who was not the most senior.

We then all went to the new building to wait for Dallaire and Marchal there.

Even before they arrived, Bagosora decided that we would form a crisis committee, without however explaining what the committee's role was or would be, or what we were going to do.

I state here that it is normal for Bagosora, as Director of the Office of the Minister for Defence, and therefore as direct representative of that minister, to direct the meetings, as he had done in the past, and as he would do for subsequent events.

It is in fact the Minister for Defence, and therefore in his absence his replacement, who brings together the two chiefs of staff, namely that of the army and that of the gendarmerie.

Bagosora then asked Lieutenant-Colonel Kayumba to prepare a communiqué for the radio, for the purpose of informing the population of the death of the President, and appealing for calm.

When Dallaire arrived alone, at about 2200 hours, Bagosora explained the situation to him. After confirming to him that the President had indeed died in the accident, Bagosora explained to him that we would be forming a crisis committee to take matters in hand.

Bagosora did not give a clear answer to the question from Dallaire on what we were planning specifically to do.

I then intervened, explaining that the military were seizing power, and that we first needed advice from the one who could support us, that is the United Nations Secretary-General's representative Mr Booh-Booh.

I found that we first needed to judge the mood of the international community, in order to find out whether it would support us in our plans.

My proposal was immediately accepted by everybody, and Dallaire, Bagosora and Colonel Rwabarina went to see Booh-Booh.

I remained with the others in the meeting hall, until the next morning.

Shortly after the departure of Dallaire and Bagosora, Colonel Marchal arrived and I advised him of the current situation.

When I finished, Lieutenant-Colonel Kayumna pointed out to me that I had omitted to say that our crisis committee was taking matters in hand. I pointed out that this depended on the result of the discussions with Booh-Booh.

I asked Marchal to be vigilant and to strengthen security in the ministers' district. He raised the question of whether the Prime Minister, Mrs Agathe Uwilingiyimana could have a discussion; I presume that meant a discussion relating to the events. I answered in the affirmative, and he left.

Colonel Rusatira then arrived, and it was I who invited him to join us. I updated him on the situation.

He believed that the military should not take power, that it should be left to the politicians.

It was around midnight or one in the morning that Bagosora came back with Rwabarinda in person; personally, I did not see Dallaire any more.

Bagosora explained to us that according to Booh-Booh, we should remain within the framework of the Arusha agreements, and that the MRND, the President's party, would elect a new president from amongst its members, according to the ideology of the above agreements.

According to Bagosora, Booh-Booh had promised to make contact with the United States ambassador, so that this ambassador could organise a meeting with all the diplomats in his home at 0900 the next morning.

I expressed a wish to be present at that meeting, at the same time as Bagosora and Rwabarinda; and everybody indicated their agreement.

We also agreed to Bagosora meeting the senior members of the MRND, so that they could elect a new president from amongst their ranks according to Booh-Booh's proposal.

Bagosora then left the room.

We, meanwhile, remained in place, in the room, throughout the night. Nothing else of importance happened.

To your question, I reply that until then, I had not personally heard any gunfire or explosions, either during the evening or during the night.

At around 0630 or 0700 hours I returned home, to freshen up and prepare for the meeting at the United States Embassy.

Along the road I encountered only a few obstacles, such as small barriers made of tyres placed across the Central Boulevard.

In the city centre, I came across normal posts manned by the Presidential Guard of the Central Boulevard, the reconnaissance battalion at Orinfor, and the gendarmerie at the Ministry of Defence.

At around 0845 hours I arrived at the ambassador's house, where I found Rwabarinda and Bagosora.

The ambassador asked us about the shooting that we could hear then, which was coming from Kimuhurura Hill, that is, the district in which the Presidential Guard battalion was billeted.

Bagosora answered that the Presidential Guard was shooting into the air as an expression of its discontent following the death of the President.

The Ambassador asked us why we had prevented Prime Minister Agathe Uwilingiyimana from holding her discussion.

I was not personally aware of that, and Bagosora did not give a reply either.

It then turned out that the meeting scheduled for 0900 hours with the diplomats could not take place, as they did not dare travel because of the instability that reigned in Kigali.

We then took leave of the Ambassador and went to the higher military academy (ESM) to attend the meeting planned for 1000 hours with the commandants of the principal units, the military sector commandants, and the gendarmerie group commandants, as well as with the chiefs of staff and the Defence Ministry officers.

This hearing was interrupted from 1215 to 1315 hours.

This meeting was presided over by Bagosora, who explained the situation to those present.

To your question, I reply that until that moment, the question of who shot down the aircraft has not been discussed. The general consensus was however that the FPR was behind the attack.

After the exposition from Booh-Booh, it was decided unanimously to rally behind Booh-Booh's proposal. It was also decided that the crisis committee would help the politicians to replace the President, with the aim of carrying the Arusha agreements into execution.

At around 1030 hours, Colonel Nubaha came to advise Bagosora that the situation in the Kigali camp was tense.

The Kigali camp particularly housed the soldiers who principally made up the logistical support and administrative units, as well as the reconnaissance battalion.

Nubaha did not give details on precisely what was happening; Bagosora responded that he would go back at the end of the meeting, and ordered Nubaha to return to the camp in the meantime, to calm the mood.

Ten to fifteen minutes after Nubaha left, it must have been around 1045 hours, we heard shooting coming from the camp in question, located at around 2-300 metres from where we were.

According to what I had just heard, it sounded to me like a burst of gunfire coming from a few individual weapons.

I saw an African blue beret come from the camp, run across the ESM car park and head towards Avenue Paul VI.

To your question, I reply that some people went outside, remaining in front of the entrance, to size up the situation, while others, including myself, remained inside.

On questioning, it is not possible to see what's happening in the camp from our precise location.

Calm was quickly restored, and the meeting resumed; the existence of the crisis committee was officially confirmed, although nothing was drawn up in writing.

Several people were added to the committee, including Colonel Tharcisse Renzaho and Colonel Rusatira.

About a quarter-hour after the shooting, Dallaire arrived. He took up a position alongside Bagosora, who summarised the situation for him. Dallaire consoled us following the death of the Chief of Staff, and expressed his support for the armed forces (FAR).

It was about midday when the meeting finished, and Bagosora returned to the camp.

On going out, Dallaire told me that his men were stuck in the Kigali Camp, to which I replied that Bagosora was going there immediately.

An officer of the Gendarmerie Nationale, probably Major Tereraho, who was accompanying Dallaire, then remarked that it would not be appropriate for Dallaire to go to the camp, given the tension that was reigning there; he then told us that the Prime Minister had been killed, without giving any details.

To your question, I reply that I was not aware of that until then.

I then returned home, where I tried without success to make contact with the Prime Minister's security company commandant, with the aim of obtaining more information.

You ask me why I did not return to the camp myself, to size up the situation. I reply to you that on one hand Bagosora was already there, on the other hand I estimated that my presence in the place was not indicated because of my origins (I'm from the South) and because on 5 April 1994, Radio RTLM had said that the Prime Minister had brought together officers from the South to organise a "coup" against the President of the Republic.

I personally did not hear that message, but it was confirmed to me; the question of whether I had participated in that meeting was even mentioned in that broadcast.

I then, around 1400 hours, heard the shooting intensifying and coming nearer. I went to the Ministry of Defence, where I met Bagosora together with General Dallaire, who explained to me that his men were still stuck. He did not say whether or not he had been in the camp.

Shortly afterwards, Dallaire called me to talk on the telephone with one Tito Rutaremara, a higher-up in the FPR, whom I had met with before.

He warned me that the FPR was not going to take the murderous actions of the Presidential Guard lying down.

On questioning, this is the first time that anybody talked to me about killings, I said to myself that this would explain the shooting I had heard before then.

I reassured Tito Rutaremara that I would do everything to stop the atrocities perpetrated by the Presidential Guard, and I called Bagosora on the telephone for him to confirm that measures would be taken.

After that call, he also gave orders in that regard, in other words, he issued an order to the GP commandant to take a lorry and bring his men back to the camp.

To your question, I reply that there was in fact, in accordance with the Arusha Agreements, a battalion of FPR soldiers, about 800 men, billeted in the CND (National Development Council), located close to the GP barracks.

Almost immediately afterwards, a telephone call came announcing that the FPR had attacked, and had just taken over the camp of the Remera gendarmerie territorial company and was fighting with the GP.

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I then visited the Army Chief of Staff to find out what measures the army had taken in relation to the gendarmerie.

In Kigali in particular, it would be brought under military command in times of war, as provided for by operations orders.

I followed the progress of the combat in the field.

At around 1900 hours, I went to the ESM, where I found other officers of the crisis committee as well as General Dallaire.

Bagosora was not present there.

In the face of the new situation that the FPR had just attacked and that we were now confronted with a war situation, we asked Dallaire to obtain a cease-fire with the FPR for us.

During the evening the atrocities by the GP ceased, in that it was compelled to defend its camp against an attack from the FPR.

Around 2030 hours, Dallaire had still not received any news from the blue berets, who were apparently still stuck in the camp.

We decided to go there, and I left with Dallaire in the direction of the camp, being guided by Colonel Murasampongo.

Along the route, this man told us that the blue berets were in the morgue; we went there, that is, to the Kigali Hospital, where we discovered the grim truth.

We counted eleven mutilated bodies, Belgian blue berets from what I was told.

They were piled on top of each other.

Dallaire then mentioned that his own life was probably in danger, and he asked me how he would get home without an escort.

I lent him mine, consisting of four or five gendarmes and a vehicle.

While waiting, I asked the hospital staff to wash the bodies, promising to pay for the services.

I gave instructions to wrap the bodies in sheets.

As I did not see my escort return, I went to the Hôtel Diplomat, where I finally had to stay the night.

During the night, Colonel Rusatira telephoned me to find out whether our crisis committee was military and civil or simply military.

On reflection afterwards, I told myself that it should exclude Bagosora, as he was retired military.

At 0700 on the next morning, 8 April 1994, the crisis committee again met in the premises of the ESM to assess the situation,

Rusatira mentioned the problem with the subject on which he had telephoned me the previous night.

Bagosora was furious, and declared that the crisis committee was his creation and that nobody would remove him from it.

It was then decided to present excuses to the Belgian authorities and the UN for the murder of the blue berets and conduct an inquiry into the circumstances of their deaths, all this to be carried out by the Army Chief of Staff.

In addition, it was decided to identify the dead bodies; we effectively learned, in addition to the death of the Prime Minister, that other opposition figures, including the Minister for Agriculture, the Minister for Information, the President of the Court of Cassation, and the Minister for Social Affairs, were also dead.

QUESTION: Who was held responsible for the death of all these people?

ANSWER: The Presidential Guard.

QUESTION: Who at that time had command of the Presidential Guard?

ANSWER: Initially the commandant of that battalion, who was, if I am not mistaken, Major Mpiryani; next in the hierarchy it's the army commandant, that is, Nsabimana, who met his death in the attack.

Ghatsinzi was nominated as replacement by Bagosora during the night of 6-7 April, but I don't think that Gatsinzi had already taken up effective duties during the 7th.

Above the commandant of the army is the Minister of Defence, who was on mission and had been replaced by Bagosora.

I would also like to point out that the crisis committee was only an advisory body to the various echelons, and an aid to the politicians.

We also agreed to a further meeting, which was planned for 1100 hours, in which General Dallaire informed us of the FPR's response concerning a possible cease-fire, at the same time we would advise him of how the politicians' work was progressing.

At this point we interrupt this hearing, which will be resumed later.

After a reading, the witness persisted and signed at 1740 hours.

(signature illegible)

Duly acknowledged