

PRESIDENCY OF MR SWAELEN, PRESIDENT

The meeting was opened at 17:45

INTERVIEW OF MR DEGNI-SEGUI

President – We wish to talk to you in your capacity of human rights expert. Your five reports on Rwanda have furthermore been used by the Security Council to draw up its own report.

You wrote that the genocide was planned. How was it organised, in practical terms? Who were responsible for it? What was the role played by the interim government? What, in your opinion, were the causes of the genocide?

Mr Degni-Segui – I would like to thank the Senate for working with me. However I would like to draw your attention to the fact that I did not see these events personally. I collected witness statements and I undertook cross-checks. Secondly, I only worked within the limits of the mandate given to me.

The United Nations was at first a passive spectator. The forces of the UNAMIR were reinforced by 5,500 people, but never intervened. There was then the Turquoise operation organised by France, and which received the authorisation of the UN. Lastly, there was the deployment of UNAMIR II.

The United Nations became active witnesses to the drama by creating various organs. They firstly appointed a special reporter responsible for shedding light on the circumstances and the causes of the accident to the Presidential aeroplane. An investigation commission was then charged with going to the site, and lastly an international criminal court was instituted.

I have the personal conviction that if the International Community had intervened immediately after the assassination of the Belgian Blue Helmets, the massacre would have been smaller. The assassination of these soldiers was furthermore intended to test the reactions of the International Community.

In my report I raised a set of indications proving that the genocide was planned. This was incitation of ethnic hatred by RTLM, the distribution of weapons, the exceptional celerity with which things were triggered and the lists of people to arrest that were circulating.

The investigations conducted subsequently, both in the field and at the international court, made it possible to discover communal graves, documents and cassettes from the RTLM in Kingarwanda inciting the assassination. We also found official documents concerning the list of people to be assassinated, mainly belonging to the Tutsi ethnicity.

All these documents were sent to the international court. It is down to this court to determine the individual responsibility of the perpetrators of the genocide. It is not down to me to make a judgement on the subject. At the very most I can say that the Presidential guard, the interim government, the soldiers, the prefects and the mayors share a lot of the responsibility for this genocide.

The interim government then played an important role through the orders it gave.

The first example is that of certain prefects who tried to prevent the massacres. They have been relieved of their duties. The second example is that of the President of the interim

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government which, on 19 April 1994, held a talk encouraging the Rwandans to go “to work”, in the sense that we know.

I can count four causes which caused the events. The first is overpopulation. Before the genocide, Rwanda had a population density of between 300 and 350 inhabitants per km². The return of the old refugees was therefore not accepted by President Habyarimana. This led to the creation of the FPR, the 1990 attacks and the Arusha agreements. The second reason is the refusal of the political changeover and the sharing of power by the government in place. Thirdly, there was the inciting of ethnic hatred, notably undertaken by RTLM. Fourthly, I will cite impunity. People who have killed have not been bothered. Some have even been rewarded. Other people who tried to prevent the massacres have been sanctioned. The prefect of Butare has also been dismissed.

I would also like to indicate that since the last session of the Assembly Commission, the post of special reporter has been withdrawn, on the request of Rwanda. They then created the post of special representative to make recommendations on Rwanda. I do not wish to usurp the title of special reporter. I am therefore no longer in the circuit.

President – This removal is quite bizarre. Do you know the reasons for this?

Mr Degni-Segui – Officially, the position of special reporter was withdrawn because the situation in Rwanda became normal. Personally, I suggested withdrawing myself because I knew that my reports were the cause of this decision. This changed nothing.

Mrs Williame-Boonen (PSC) – Does passivity explain why the mission was only sent to Rwanda one and a half months after the onset of the massacres? The previous reporter, Mr Ndaye, told us of the weakness in the United Nations human rights system. What was the objective of the Commission in demanding this report, when the 918 resolution had already been voted? Who received your different reports?

Mr Degni-Segui – Following the events there was an outcry, but the UN did not move. In January 1993 I had the privilege of going to Rwanda with an international investigation commission. We had then already raised the alarm in declaring that genocide was being prepared. Finally, it was necessary for Canada to take the initiative in convening an extraordinary meeting of the UN Commission. This appointed a special reporter responsible for investigating. I also spoke of passivity since the UN withdrew by removing its troops and leaving people to be massacred.

Mrs Williame-Boonen (PSC) – Did this form part of a logic?

Mr Degni-Segui – Yes, an internal logic. The fault was incumbent rather on the Member States however. The United Nations was, in fact, dependent on the desires of these States.

I was mandated by the United Nations Commission, which wanted to obtain further details on the facts and on the quality of these facts. Were we faced with genocide, yes or no? The major powers did not agree with this term. The Security Council then proposed to mandate an international investigation commission to analyse the same facts. It concluded that it was indeed genocide.

Mrs Dua (Agalev) (in Dutch) – You investigated the genocide. So I assume that you know how it was born and how it evolved. Are you of the opinion that an international force could have prevented the genocide, if it had intervened immediately?

Your report is quite reasonable with regard to the FPR. You suggest that the events that occurred on the instigation of the FPR cannot be compared to genocide. But you say that the

role of the FPR is not clear. Is this because you have not been able to investigate this point? What is the reason for this lack of clarity?

Mr Degni-Segui – Your question is very difficult. I would need elements of a military nature in order to be able to judge whether, with regard to the force to be deployed, we would have been able to limit the consequences.

As I indicated at the beginning of my report, I do not know how many people were necessary. The fact of killing Mrs Agathe and the ten Blue Helmets, the fact of killing the soldiers of the former colonial power, without causing immediate reactions, left the door open to the continuation of the incidents. I believe that if there had been a reaction from the United Nations, the genocide would never have been able to take on this proportion.

With regard to the FPR, I have less data than about the massacres perpetrated by the interim government. I have questioned several people, and each time I have had more information on the actions of the interim government than those of the FPR. I was under the protection of the UNAMIR and in June Kigali was still divided in two, since we were still in a situation of war. I nevertheless went to both camps and when the Chief of Staff told me that the FPR was killing lots of people, I asked him to give me evidence. I never received any. I therefore cannot make any clear-cut opinion and must remain qualified. The FPR was perhaps cleverer, but I tried to work honestly and in this way I have no evidence.

Mrs Dua (Agalev) – If I am interpreting your declarations correctly, you have therefore investigated and found nothing out?

Mr Degni-Segui – You have to acknowledge that in a situation of war we don't have all the necessary latitude. I based my opinions on witness statements and documents, but I was not able to intervene in the field.

With regard to the evolution of the situation, I indicated that massacres were perpetrated by the soldiers. Nevertheless, the leaders have always denied the events.

The real problem consists of knowing whether there was a double genocide. I received declarations which notify of 350,000 Hutus killed. I asked for evidence, in order to be able to examine it, but I had no information. In Kigali, I constituted a special commission responsible for examining the complaints. This commission was faced with two elements, namely the fact of not having any information and the absence of resources at UN level.

A provision of 9 December 1948 stipulates, strictly, the conditions for a situation being deemed to be genocide. It must be a criminal and intentional act targeting a specific ethnic group. The various acts committed by the FPR are explained by vengeance to punish the perpetrators of the genocide. It is therefore difficult for me to make an informed judgement.

Mrs Dua (Agalev) – To say that the Hutu power is responsible for the genocide and the FPR has committed war crimes, does that constitute a good summary of your opinion?

Mr Degni-Segui – Yes. If we consider the genocide of the Tutsis and not the genocide of the opponents. The genocide has no political nature.

I therefore reiterate that the assassinations and the massacres are the responsibility of the Hutus, and that the FPR and perhaps others have committed war crimes and crimes against humanity.

Mrs Lizin (PS) – I would like your views with regard to the absence of reaction to the assassination of the Blue Helmets. How would you assess the way in which General Dallaire

dealt with this case and the evolution of the interpretation of the mandate leading him not to intervene in the massacres?

Mr Mahoux replaces Mr Swaelen in the Presidential armchair

Mr Degni-Segui – General Dallaire has twice offered me hospitality in Kigali and I don't feel very comfortable with assessing his reactions.

With regard to the mandate, I have not strictly speaking examined it. I however note two changes between UNAMIR I and UNAMIR II. The first concerns the staff, which increased from 2,000 to over 5,000 people, and the second concerns the material, for which a broadening of the mandate enabled the possibility of protecting people and property. The interpretation of the mandate was very strict in the beginning.

Mrs Lizin (PS) – It seems to me that there is a contradiction between the fact that General Dallaire was informed of the evolution of the drama and his late reaction, which allowed the phenomenon to spread.

I would lastly like your opinion with regard to the role played by the police force and the fact that during the period of preparation of the genocide, there was knowingly a contradiction between the intentions favourable to the culmination of the Arusha agreements and the signals in the field contrary to what was desired by the French.

Mr Degni-Segui – I do not distinguish the police force from the army. When there was a roadblock you would find either the army or the police force there, or both.

The police force played a passive role when there were executions, but could also assist. Before 1994 the churches were places of asylum, and after 1994 they became a trap where people were killed. When the Interahamwe did not manage to open the doors of the churches, the army or the police force intervened with grenades to enable their passing.

Mr Swaelen resumes his place in the Presidential armchair

Many countries put pressure on Habyarimana. It would seem that he was favourable to the establishment of transition institutions. I have no response to the question of knowing who killed him. I invoke the interference between the powers which did nothing while everything suggested that it was going to happen.

Mr Caluwé (CVP) – In your first report, you say that you want to examine the attacked presidential aeroplane. Has this been possible? What were the results of this?

The Gorsoni report spoke of 30,000 killed by the FPR. What became of it? Do you have any ideas with regard to the reasons for the withdrawal of the position of special reporter for Rwanda?

In your report of 11 November 1994, you allude to the contacts you had with various personalities in Belgium, including Mr Vandebroecke, Mr Gillet and Mr Jean Gol. Can I ask you what you discussed with Mr Gol?

Mr Degni-Segui – The attack on the aeroplane constitutes the Gordian knot of this affair. Once I entered into office, I went to the French embassy in Geneva, since it was down to me to shed light on this case. When I asked for the black box, the ambassador firstly told me that he had to refer to his government, and then he announced that his government did not have the black box. In Kigali, I asked the staff for this black box, and the chief of staff referred me back to France. At one time, Captain Baril claimed to have the black box.

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Consequently, I asked the United Nations to set up an investigation commission with a ballistics expert, because the ICAO cannot investigate military aeroplanes. I was told that there was no budget for that in the United Nations. Finally, France declared that there was no black box on a special aeroplane. I was therefore unable to fulfil my mission.

With regard to the Gorsoni report, it appeared and disappeared very quickly. It was contested by the Rwandan government and was not published. For me, the report exists in name only.

President – In general, is Mr Gorsoni considered to be a credible expert?

Mr Degni-Segui – The problem is that I cannot give a judgement on this report since I have not read it. The sponsors decided that it would not be published.

Mrs Dua (Agalev) – Who took the initiative in withdrawing this report?

Mr Degni-Segui – The competent authorities of the UN felt that this report did not fulfil the methodology criteria.

Mr Jonckheer (Ecolo) – Does this happen often?

Mr Degni-Segui – To my knowledge, this is the only time. But you need to put that question to the UN or the Rwandan government.

They didn't want a special reporter, therefore they withdrew the report. I have the impression that Rwanda is progressively withdrawing from the UN.

Mr Holyat (PS) – You said, in the beginning, that the withdrawal of the post of special reporter had been requested by the African group. Which group is this?

Mr Degni-Segui – It was part of Rwanda which referred to the African group, which itself took up the cause for Rwanda. There were negotiations with the European group and the American group which resulted in a compromise: they withdrew the post of special reporter to replace it with a special representative.

Mr Holyat (PS) – What is the status of this representative? What is his mandate?

Mr Degni-Segui – I cannot tell you that. He must still be appointed by the chairman of the commission after consultation of the office. He will be responsible for making recommendations on Rwanda. Is he going to be happy with this role or will he go further? I don't know.

Mrs Williame-Boonen (PSC) – Is there a desire for *[illegible]* in favour of Rwanda?

Mr Degni-Segui – Rwanda no longer wants a special reporter. It is clear that Rwanda is withdrawing from the UN.

It is correct that at the time I met with Jean Gol in Rwanda. We shared the same analyses.

Mrs Lizin (PS) – With regard to the black box, the Rwandan soldiers referred you back to France. I assume that they were alluding to a precise authority or organisation. Which?

Mr Degni-Segui – They referred me back to France without any further precision, because it was a French military aeroplane.

Mr Caluwé (CVP) – Did they tell you that there was no black box?

Mr Degni-Segui – I learned it through the press.

Mrs Lizin (PS) – Have you had any contact with the African unit of the Elysée?

Mr Degni-Segui – No, I have only had contact with the ambassador of France in Geneva.

Mr Ceder (Vlaams Blok) (in Dutch) – In your report to the United Nations, you designate as responsible for the genocide, among others, certain foreign States. By this do you mean neighbouring African countries or Western countries which have helped Rwanda financially?

You say also that important perpetrators of the genocide continued their activities after the ceasefire. How was this possible?

Mr Degni-Segui – With regard to the foreign States, I only gave suggestions for discussion. The exact role played by France and Belgium, by the weapon supplying States and by the neighbouring States of Rwanda should be verified.

With regard to the second question, I used the term “hostilities” because this covers both the war and the massacres. After the war ceased, the massacres continued into the refugee camps. There were also pressures: those who agreed to leave the country were spared and the others were killed. This is why the jurisdiction of the international court has been extended to the issue of the massacres occurring in the camps.

Mrs Bribosia-Picard (PSC) – You have given us a very clear definition of the infringement of human rights and made the distinction between the genocide of the Tutsis and the assassination of the Hutus. However, when the high commissioner of the United Nations went to Rwanda on 11 and 12 May 1994, he did not talk of genocide. What was the role played by this reporter?

Given that you consider that the assassinations perpetrated entered the field of application of the 1948 genocide convention, do you not think that the United Nations was obliged to intervene?

Mr Degni-Segui – Upon instigation of the hostilities, Canada took the initiative in convening the commission. The high commissioner probably did not talk of genocide then because it was a delicate issue.

Not everybody was in fact ready to use this term. Thus, when my report was released on 28 June 1994, some States were still not convinced that there had been genocide and demanded the creation of an investigation commission in order to be certain.

Mrs Bribosia-Picard (PSC) – Could the presence of Rwanda on the Security Council have played a role?

Mr Degni-Segui – I don’t think so. There are furthermore two medium States which have demanded the creation of this investigation commission. This concluded on the same thing as me: there was genocide and an international court had to be created. The Security Council followed us in adopting resolution 965 instituting the international criminal court.

Mrs Bribosia-Picard (PSC) – Which States put pressure on the high commissioner of the United Nations to get him to go to Rwanda?

Mr Degni-Segui – All the other States of the commission put the pressure on, and particularly Canada.

Mr Hostekint (SP) (in Dutch) – You have declared that the international community bears a great deal of responsibility with regard to the scale of the genocide, in other words forceful intervention by the international community after the events of 6 and 7 April would have limited the scale of the genocide. What do you think, then, about the decision of the Belgian government to withdraw its troops, which led to the dismantlement of the UNAMIR I?

Are you informed of certain approaches made to the United Nations by the Belgian government, more particularly by the minister for foreign affairs of the time, in order to withdraw the UNAMIR?

Among the causes of the genocide, you mention the refusal of certain parties to share the power. The President supported the agreements; he was disposed to share the power. How do you evaluate the action of his entourage, more particularly the President's in-laws and the political parties such as the MRND and the CDR?

In your report, you write that between 6 and 9 June you met with representatives of the governments and human rights organisations and a representative of the Belgian government. Who was this last person?

Mr Degni-Segui – Your question on the withdrawal of the Belgian troops is difficult; their withdrawal handicapped UNAMIR but each government is sovereign and Belgium had faced up to its responsibilities.

Mr Hostekint (SP) (in Dutch) – A member of the United Nations effectively has the sovereign right to decide to withdraw its troops. The Belgian government made this decision firstly in an emotional reaction to the death of the Blue Helmets, and secondly in arguing that the mandate of the UNAMIR was too weak. But this does not in any way lift the responsibility for what happened subsequently.

Mr Degni-Segui – As former special reporter of an inter-governmental organisation, I have an obligation for reserve in relation to the attitudes of the Member States. Nonetheless the fact remains that Belgium's decision had certain consequences, all the more since the mandate is not clear. With the UNAMIR II, there was a more explicit and broader mandate.

Mr Hostekint (SP) (in Dutch) – UNAMIR II was effectively a more numerous strength equipped with a stronger mandate. However UNAMIR II only entered into action after having wasted a lot of time and when the worst had already happened. The international community should have acted immediately after 6 April.

Mr Degni-Segui – I agree. There were precursor signs even before 6 April. In Rwanda, all the Western States behaved as they did everywhere in Africa. They evacuated their nationals and left people to be massacred. We can cite the principle of humanitarian non-interference. And yet the International Court of Justice, with regard to the Nicaragua affair, explained that intervention of one country in another must be limited to the humanitarian framework and take place on an egalitarian basis. In evacuating the nationals, discrimination is established.

I do not know whether the Belgian government has taken steps with regard to the UN.

On the subject of Habyarimana's attitude, several witness statements show that the President was ready to institute the agreements. He was under pressure. However, there were contradictions in his own camp. I do not know where the plot came from.

During my contacts between 6 and 9 June 1994, I met with the representative of the Belgian minister for foreign affairs.

Mr Mahoux (PS) – Do you think that the presence of well trained international troops from 7 April until the end of July could have prevented the genocide?

Mr Degni-Segui – I remain convinced that if international troops had reacted forcefully we would not be here.

Mr Mahoux (PS) – Who were the people responsible for planning the genocide?

Mr Degni-Segui – It is difficult for me to identify them. The attack on the presidential aeroplane could have been the detonator of the genocide. This had been planned and those who did it were part of the hardcore of the pro-presidential parties. In a certain way, the interim government climbed on the bandwagon.

Mr Mahoux (PS) – You are telling us then that everything happened within the entourage of the power and that it was internal even though people met to plan the genocide.

Mr Degni-Segui – Yes, this happened internally.

Mr Mahoux (PS) – I would like to come back to the 40,000 deaths of the Kagera, which we found out about very soon after 6 April. Were you aware, do you have an opinion and have you been able to investigate this matter?

Mr Degni-Segui – I have not been able to investigate these deaths specifically. My investigation was general and I was unable to put the necessary unit in place.

Mr Mahoux (PS) – Still with regard to these deaths, you did not manage to obtain information, but on the other hand you were very quickly notified of these assassinations by the publication of documents. These assassinations were attributed to the FPR. Do you feel it possible or plausible that such immediate information appears even though you have no information yourself?

Mr Degni-Segui – I would like to specify again that I was not personally in the field. We deployed observers whose role it was to investigate. I can simply observe that when the events were attributed to the FPR, we had many difficulties in accessing the information.

Mr Mahoux (PS) – These massacres were attributed to the FPR immediately.

Mr Degni-Segui – I have not very often been faced with this type of situation. From my point of view, until information has been verified I do not take it into account. It is the people on-site who must make the verifications.

On this subject, I would like to give the example of Kibeho where the exact number of deaths was never known. Estimates vary between 2,000 and 8,000. The figure of 2,000 has been used by observers and by the UN, but we are not really sure. The fact that the bodies were buried and placed in communal graves makes the investigation even more difficult.

Mrs Williame-Boonen (PSC) – It was reported to us that the human rights specialists were to discuss the monitoring of their recommendations around mid-May. Did this meeting take place? Did you participate, and how would you describe the result?

Mr Degni-Segui – I was not at this meeting and did not receive any response. It should be said that I fought with everybody, even with the United Nations. It was more an appraisal meeting to which I waited to be invited, but the UN decided that my mandate, which was due to end on 25 May, would terminate with immediate effect and I was not invited to this meeting.

Mr Holyat (PS) – Among the causes of the genocide, you mentioned overpopulation. This situation has existed for decades. Why do you give such importance to this parameter?

Mr Degni-Segui – It is an old parameter, but I want to stress the desire of the 1959 refugees to return to the country. President Habyarimana didn't want them to.

Mr Holyat (PS) – This element is however very present in your justification for the genocide. Why do you have so acute a perception? Is there an aspect of defence of the living space?

Mr Degni-Segui – I would not go so far as to talk of the notion of living space. The demographic problem was present and was used as screen in order to avoid the sharing of power.

Mr Mahoux (PS) – Do you base your opinions on the existence of mass graves?

Mr Degni-Segui – There are many mass graves and communal graves. This is a complex problem for which we must take account of the location of the mass graves, but also the progression of the FPR since its victory.

I asked the human rights investigators, and more particularly the United Nations, to find the scientific resources making it possible to date the bodies and see who was present on site at the determined time.

Mr Mahoux (PS) – Outside of the deaths of the Kagera, do you know of other places where bodies were apparently evacuated by the river?

Mr Degni-Segui – I do not know of any.

President – I would like to thank the special reporter very warmly for his instructive statement.

The meeting was closed at 19:25.