

HEARING REPORT

Attachment A/1 to Minutes No. 1575 of 11/10/94

Legal detachment of Brussels

On 11/10/1994 at 08.35 hours heard by me the reporting officer:

IDENTITY:

Surname and Christian names: MARCHAL Luc, Marie, Ghislain, Marcel

Place and date of birth: IXELLES 26 May 43

Profession: Officer Civil status: Married

Address: Rue de LINCHET 4 5871 Mont-Saint_Guibert

For servicemen

Rank and roll number: Col 63900

Unit: Interior Force

Who has stated:

I wish to express myself in French and choose this language for legal proceedings.

Question 1: What were the working plans for the sector? What plans had been made:

Reply 1. Apart from the evacuation plan there were no other working plans. The evacuation plan involved two parts that is the evacuation of expatriates and the evacuation of members of the UN mission. This plan had been prepared by me from the start of the mission, in December 1993. As regards the absence of any other plans I have to note that it was a mission framed by a peace process, accepted by the parties present. There were also permanent procedures covering different stages. As a function of the evolution of the situation these procedures were implemented by the start-up of the different stages, that is to say the stages green, yellow and red. These orders were written down and made available to the units. The change in stage was decided by the upper level, the force. I could propose a change in stage.

Question 2: Was it envisaged that the situation could worsen and degenerate? If so, what measures were taken? If not, how did the MINUAR interpret the assassinations of GATABAZI(21/2/94) and of the leader CDR BUCYANA (22/2/94), the anti-MINUAR demonstrations (end of March – beginning of April), as well as the numerous murders perpetrated everywhere?

Reply 2: Yes.

After the demonstrations at the start of January, following the first attempt to install the interim government on an enlarged basis, I had, as commander for the sector, prepared an occupation plan for the various KIGALI crossroads. Following these events particular attention was given to the defence plan for the airfield, a point considered as a "Vital point". This plan set out, as a function of the changing situation, the various possibilities of reinforcement by other units of the MINUAR. Following the events of the month of February, which had as a consequence an increase in guards and escort of persons who felt threatened, I asked for and obtained from the commander of the force, a reinforcement of 200 Ghanaians, coming from the battalion in the demilitarised zone. This detachment took over almost all of the static and mobile guards which allowed us to release personnel to increase

the daytime and night-time patrols. I also, following these events, and in coordination with the Belgian Ambassador, participated at a meeting with those responsible for the French embassy concerning the evacuation plan for expatriates. The BELGIAN one had undertaken to cover this task previously devolved to the French. At the time of this meeting we compared our hypotheses and those of the French. Among those was the possibility of an armed conflict between the FOR and the FAR. On 1 April I had given a briefing on the evacuation plan to the civilian managers of the various sectors, covered in this plan. At that time the evacuation plan was fully finalised and known to everyone.

Question 3: Had an assessment of resources in men and the material of the MINUAR been done before 6 April 1994. If yes, what were the conclusions? Who had been the recipient? Had the managers of the Belgian sector asked that certain strategies should be implemented (evacuation plan, deployment plan, although maintenance plan, etc...)?

Reply 3: Yes, at the start of the mission since there was a work force authorised by the UN authorities.

During the course of the mission the course of events led to the re-evaluation of the workforce on the ground. On many occasions I stated to the Force Commander that the manpower that I had under my orders was insufficient to fulfil my mission. It was for that reason that in mid-March there was the reinforcement of the KIGALI sector by the Ghanaian detachment. At my level I had set up two DELTA teams, one per Battalion. This team was made up of personnel who were usually concerned with logistical tasks. As a function of the circumstances this team was activated and fulfilled the same missions as the operational units. The size of this team was around 50 persons of all ranks. I have to state that being in almost permanent contact with the force, Gen DALLARE had told me in reply to my pressing requests for reinforcement that he had sent a reinforcement request to New York but that the reply provided was in substance that it was a question of a limited budget mission and that there would be no reinforcement. As to the strategies implemented I refer to my previous reply concerning the occupation plan for the KIGALI crossroads and the airport defence plan.

Question 4: Had MINUAR received, at the end of March – beginning of April, information concerning the imminence of an attack against President HABYARIMANA or another?

Reply 4: No. to your question concerning the presence of an officer responsible for information (S2) I reply to you in the negative since this principle is not authorised by the UN, it being considered as an offensive action with regard to the parties present. However we have implemented a network of informers who had not informed us of such an eventuality.

Question 5: Did UNCIVPOL regularly draft reports? If yes, where are these reports? Were you aware of them? Who was the recipient of them?

Reply 5: Yes but I did not get them. To my knowledge the recipient of these reports was the political branch representative of the UN. It should be pointed out that there was a veritable screen between the civil administration and the military administration of the UN. I had asked

that a representative of UNCIVPOL be present at the briefing that I gave each day. However a member of this organisation was only present very rarely at my briefing.

Question 6: Where were you on 06 April 1994 around 20.30 hours?

Reply 6: I was at the Meridien hotel. I did not personally hear anything in particular. It's there that I lodge and eat.

Question 7: When did you learn that there had been an incident? What was its nature? Who informed you?

Reply 7: As I was permanently listening to the radio network, with the help of a Motorola that allowed me to listen to two frequencies, that is to say that of the force and that of the sector I received the information that an explosion had taken place at the KANOMBE camp. This information came from an observer Officer. In effect I had an observer at KANOMBE camp and one at the airport itself.

Question 8: With whom did you make contact and who contacted you? (FAR, QG Force, Rwandan GD, KIBAT, RUTBAT, BYUBAT) what orders did you receive from QG Force?

Reply 8: I contacted the force to give it the information that had been given to me. I activated my radio operator at QG in order to obtain additional information on what had happened and I went immediately to my QG.

At that time I had not made contact with other authorities. I did not receive any particular order from QG force.

Question 9: Did you participate at meetings with UN or Rwandan authorities? Where? When? Who were the participants? What decisions were taken?

Reply 9: Yes, at 22.30 hours I was summoned to the general headquarters of the FAR, by Gen DALLAIRE, present there were Gen DALLAIRE, Gen G. NDINDILIMANA, Col RUSATIRA, Col BAGOSORA and headquarters offices of FAR and of the Gd as well as myself. I arrived there at 23.15 following various roadblocks manned by the FAR, more precisely the RECCE Battalion. The meeting lasted until 02.00 hours in the morning. I obtained confirmation that there had been an attack against the Rwanda president who had been killed. The meeting was chaired by the general of the Gd. The first concern was to convince the international community that what had happened was not from the desire of the army to usurp power. Furthermore those responsible present had in vain tried to invite politicians in order to involve them in the decisions that they would take.

Concretely the desire was expressed to guarantee security in the town and to maintain normal life in the town. That led me to give orders to send a maximum number of men onto the ground on patrol in order to show the presence of MINUAR throughout the town. In the normal procedure the police accompanied us on our patrols, at the time of this meeting this procedure was mentioned and those responsible from the Gd gave their agreement. During this meeting Gen DALLAIRE expressed to me the desire to double the escorts and the guards of for Rwandan personages. He also expressed his desire to send an element into the places of the [illeg] in order to maintain the site under the supervision of the UN. This desire was ratified by the military authorities present. During the meeting the following officers actively participated: Gen G. NDINDILIMANA and Col RUSATIRA; on the other hand I was very surprised by the silence of Col BAGOSORA. It was also decided to propose

that the Prime Minister speak the following morning on Radio Rwanda with a view to explaining the situation to the population and encouraging calm. If I'm not mistaken, the proposed time was 06.00 in the morning. At this meeting there was never the question of a communiqué which would be prepared by the Armed Forces. At this meeting there was no hostility on the part of the officers present vis-à-vis MINUAR or the Belgians in particular.

Question 10: Which were your decisions and for what reasons? What orders did you give to the forces in the sector? Orders to the Bn Be? To the other battalions under your orders?

Reply 10: During the meeting and each time that Gen DALLAIRE expressed a wish I reported it by radio to my units, orders consisting essentially of a reinforcement of the patrols and the guards. After the meeting, noting that the procedure of accompaniment by the police when on patrol was not correctly applied, contacts were undertaken with the different levels to try to activate the procedures. The decision to send troops to the crash sites also took up a large part of my activities. It had been agreed that a FAR liaison officer would be present at the airport car park of KANOMBE in order to facilitate the access of the KIBAT element that had to take care of the task. Despite the assurances given by Col RWABALINI, the FAR liaison officer was never present at the rendezvous point, which meant as a consequence that our element could never penetrate into the camp to carry out its mission. I had also given the particular order to KIBAT to ensure protection of the site of Radio Rwanda in order to allow the Prime Minister to make his communiqué.

I had also then given the order that the two DELTA teams should be engaged on the ground. The orders were given to all the units under my orders. I had also given directives to the various observers in order that they should be attentive with regard to the rules concerning the handover of weapons. I had around 48 monitors who take care of the monitoring of ?? FAR camps and ?? camps of police. At CND, seat of the Battalion FPR, there were two teams of monitors permanently. I should state that all of the unit under my orders, and not only KIBAT, were involved in the measures taken during the night.

Question in 11 what orders were given to the MINUAR forces not coming under your command?

Reply 11: The red alert having been issued following the attack, this change of stage meant for the other units the taking of protection measures. Outside of that I am not aware of any particular order that would have been given.

Question 12: Who took the decision to recall the UN forces to their billets? At what time? And to send them out again? Which elements went out? To do what?

Reply 12: Following the issuing of stage red by the Force level between 21.00 hours and 22.00 hours all of the personnel on leisure leave were recalled to their billet.

Following the various patrol, guard and protection missions, the personnel recalled were engaged on the ground as I have explained above.