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**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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TOP SECRET

TO: Mr. Hassan Boubaccar Jallow
Prosecutor,
ICTR

Date: 1 October 2003

Through : Melanie Werret
Chief of Prosecutions

FROM:

SUBJECT: General report on the Special Investigations concerning the crimes committed by the Rwandan Patriotic Army (RPA) during 1994

This report is a summary presentation of the activities of the Special Investigations Team. It includes five parts:

- Background of the Special Investigations
- Files opened formally (Gorille, Kirye, Belette)
- Files opened on verbal instructions concerning two RPA deserters.
- Files of "other investigations": Attack on the Presidential Plane 1994; Directorate of Military Intelligence.
- Massacres sites

I-Background

The Team of the Special Investigations was created in February 1999 in Kigali by Mr. Bernard Muna, Deputy Prosecutor on instruction from Mrs. Louise Arbour, then Prosecutor of the ICTR and ICTY. The team was to work in the greatest secrecy. At the time, only the hierarchy of the Division of the Investigations knew about the existing of the operation.

Since its creation, the activities of the Team of the Special Investigations knew several phases:

1 - Phase of collection of internal information: from February 1999 to October 1999.

The first task assigned to the Team of the Special Investigations was to seek and gather all information, which the Office of the Prosecutor held on alleged offences charged to the Rwandan Patriotic Army (RPA).

The statements of witnesses where the name of the RPF appeared did not comprise any reprehensible facts charged to the RPF. But the other consulted documents were more fruitful. Indeed the Evidence Unit put at our disposal copies of documents seized on the suspects arrested at the time of Operation NAKI in July 1997. Also passed with a fine-tooth comb, newspaper cuttings (newspapers and reviews), and other literatures anti-RPF of the former Rwandan political leaders.

Many reports produced by different human rights organizations, internationals and Rwandan nationals such as International AMNESTY, FIDH, Human rights Watch, CLADHO, ARDHO, books and reviews treating the matter were analysed.

2 - Phase of collection of external information: from November 06, 1999 to March 13, 2000

This phase proceeded under the direct supervision of Mrs Carla del Ponte who had been just appointed as ICTR Prosecutor. For this purpose, the special Investigation team had been temporary transferred to The Hague.

The first accomplished work consisted in treating all the documentation held in the Hague by the Office of the Prosecutor relative to the RPF.

ICTR witness experts who produced reports on the subject were contacted. Our objective was to gather all useful documents and to collect lists of witnesses of all people able to help us to start our investigations.

3 - Phase of inactivity (14 Mars 2000 - February 2001)

As soon as the team returned in Kigali, it did not carry out any significant mission any more. It remained in a complete abandonment until its new mission, which intervened only in February 2001.

4 - Phase of intense activities (February 19 - At the end of May 2002)

It is incontestably the most fruitful period for the Special Investigations. After a long reflection, we had concluded that the best way of obtaining evidence against the RPF was to obtain testimonies coming from inside the organization. We thus succeeded in infiltrating the circles of the political dissidents of the RPF and that of the deserters of the RPA. Thanks to them, we know the political organization of the RPF, and the military organization of the RPA: positions of the troops before April 6, 1994 the

movement of the troops during the war of 1994, the military hierarchy, battalion by battalion. We collected confessions of soldiers and officers admitting their participation in killings and massacres of civilians, before the war, during the war and after the victory of the RPF, within the limits of our mandate.

But all that was not easy. Indeed, for obvious reasons of safety, we were obliged to neglect to operate on the Rwandan territory where however the evidence is. We had to satisfy ourselves to inquire inside the countries near Rwanda exiled. The dispersion of these exiles in several countries did not facilitate our task.

But the major problem which we faced and will continue to face was the reticence even the mistrust of our interlocutors. Generally, they did not believe in the determination of the Prosecutor to engage prosecute against the RPF since they already classify ICTR like partial. Some did not believe in our capacity to conclude the investigations already engaged. There were even those who suspected the Office of the Prosecutor of participation in an intoxication campaign, which would be orchestrated by Kigali regime to elude the vigilance of the international community. But especially, all feared for their safety and the safety of their parents remained in Rwanda. At the time of the suspension of the investigations we had succeeded in recruiting 100 sources among which 41 gave the Special Investigations team members' statements (6 in English and 35 in French). As of today, the team has listed 518 potential witnesses located in 4 continents: Africa including Rwanda 174, Europe 226, North America 117 and Asia 1.

With most courageous who agreed to meet with us, we had promised the greatest confidentiality. In spite of that, some of our witnesses paid a heavy price for their co-operation. They were victims of either kidnappings or intimidations.

With the suspension, the problem worsened because we could not do anything to assist those who asked for help, while their troubles stem from their contacts with our team. Because of this situation, the resumption of these investigations will be more difficult. We lost much of our credibility due to the long interruption of our action on the ground.

5 - New phase of inaction:(From June 2002- Present)

At the end of May 2002, on our return from a mission of investigation, Mrs. Carla Del Ponte, Prosecutor, instructed us to limit our tasks to "internal work" in order to "digest" information which we had accumulated.

In June 2002 all members of the Special Investigations Team were transferred to Arusha for obvious safety reasons. This transfer aggravated the crisis, which persisted between the Rwandan Government and the ICTR. On July 3, 2002 Mrs. Carla Del Ponte ordered the suspension of all forms of investigations on the ground as well as the suspension of all the contacts with informants and witnesses. In September 2002, Mr. Michael Johnson, at the time Acting Deputy Prosecutor, instructed us to

intentionally spread in Rwandan circles the rumour of this suspension. This instruction was followed to the letter.

We were nevertheless authorized to consult the Archives of the High Commission of the Humans Rights. Documents of the highest importance were found.

The remainder of our work remained internal. We reviewed the various documents, which we had gathered. Thus in addition to documents mentioned above, we exploited:

- A batch of documents coming from the "French Operation Turquoise" documents given to Mrs. Carla Del Ponte by the French authorities.

- UNAMIR files which disappointed us. We had the clear impression that this documentation had been beforehand audited.

Moreover we produced innumerable synthesis and analysis reports allowing a fast comprehension of the RPF Investigations.

II - Investigations Officially Opened by the Prosecutor

These investigations files that Mrs. Carl Del Ponte, then Prosecutor had authorizes the opening of an official investigation against X. due the confidentiality of these investigations, each file was given a code name. It consists of "Gorille" for Giti, "Kirye" for Kabagyi and "Belette" for Butare.

A- Gorille (Giti & Byumba)

At the beginning this investigation concentrated on the crimes committed by the RPA in the commune of Giti. This investigation was extended to the entire Byumba Prefecture for the reason that the RPA soldiers, who were positioned in the north of this Prefecture, committed other serious crimes in other communes of Byumba.

1- General Overview

Giti is known as the only Commune that did not participate in the Rwandan genocide. But, information obtained from our sources indicates that Giti did not escape the massacres committed by "Rwandan Patriotic Army" (RPA). In April 1994, massacres of the civilian population and destruction of houses were reported. Many of the victims were persons living at the two Catholic Seminaries in the area. One of our sources, a former Senior Army Officer, stated that he saw many wounded men being taken from a truck by RPA soldiers and thrown into a mass grave. The victims all had their arms tied behind their back at the elbow. It is impossible to say at this stage if the victims were from the commune of Giti or if they were brought from somewhere else. The identity of the victims and the perpetrators is not known at this time.

Also in the Prefecture of Byumba, several killings and massacres were committed such as the case of Byumba stadium, Akagera National Parc and Kizigiro area.

2-Status of Investigation

From the information gathered, the Commune of Giti suffered massacres during three different periods:

a-Giti Case

- Period between 8th and 9th April 1994**

i) Col. Charles Muhire with part of the 101 Battalion advancing from Miyove Commune and was the first one to cross Lake Muhazi and arrive in the Commune of Giti. He had 550 soldiers divided into 3 companies, B, C, and E. These companies were commanded respectively by Capt. Karyango, Capt. Camarade and Lt. Buregeya. The Operation Officer (OPTO) for 101 Battalion was Major Sam Bigabiro and second intelligence Officer (IO) was S/Lt. Claude Ruraza. Once across the lake, Col. Muhire gave the order to clear the zone and secure a passage for the troops going to Kigali. Approximately 300 civilians were killed. (Sat.090)

ii)Potential targets:

- Col. Muhire, Commander, 101Battalion
- Major Sam Bigabiro, OPTO, 101Battalion
- S/Lt. Claude Ruraza, (second IO), 101Battalion
- Capt. Karyango, Officer in Charge B Company
- Capt. Camarade, Officer in Charge C Company
- Lt. Buregeya, Officer in Charge E Company
- Cpl. Kashugi, Intelligence Officer (IS)
- Pvt. Bodro, IS
- Pvt. Kinani, IS
- Pvt. Jean Claude Bushayija, IS
- Pvt. Innocent IS

- Period between April – May 1994**

i)Some of the local civilian population assisted the RPA soldiers by giving them lists of persons presumed to be interahamwe. These persons would be gathered in houses, shops and executed by the RPA using guns and grenades. The commercial center located in the middle of the Commune of Giti was one of the massacre sites.(Deb.079)

ii)Potential targets:

By following the advance of the RPA during the month of April 1994, we presume that the persons responsible for these massacres would be from the second part of the 101st Battalion. The Commander of these 3 companies was Lt.Col. Kaddafi Kazintwali and the IO was Jimmy Muyango Mwesiga.

Lt. Col. Nzaramba, Commander of the 21st Battalion had for mission to give support to the 101st Battalion. This leads us to believe that the 21st Battalion could also have committed these massacres.

Our main aim is to find witnesses who were part of the 101st and 21st Battalion who could assist in identifying the perpetrators of the massacres.

- **Period around mid-June 1994**

i) A part of the Military Police Battalion base in Kabuye were in charge of controlling the zones of Kabuye, Gashyamba and all roads leading to Byumba.

Lt. Col. Karangwa, Commander of the Military Police Battalion, ordered two of his companies to go fight the militia, reported to be in the neighboring communes. The orders were given to his aide-de-camp, Sgt. Ndekwe who was in charge of the group. They left early in the morning via Kivuruga in the direction of the communes surrounding Lake Muhazi. They arrived in Giti by "pirogues" (small boats). In Giti, the soldiers gathered the population, mostly women and children and Sgt Ndekwe gave the order to shoot all of them. Most of those that fled in the woods were located and shot by the soldiers. The soldiers would kill everybody in their path and on their return would bury the bodies. (Sta.040)

ii) Potential targets:

Lt. Col. Karangwa, Commander of the Military Police Battalion (deceased)
Sgt. Ndekwe, aide-de-camp to Lt. Col. Karangwa

- **Other facts**

It has also been confirmed that the DMI used the commune of Giti as a killing area and mass grave site. Most of the victims were transported by trucks and killed by traditional weapons (agafuni) and fire arms. (Deb.064). The only target mentioned by the source is Sgt. Janvier.

b-Other massacres committed in the Prefecture of Byumba

- **Facts**

During the genocide of 1994, many refugees were brought to Byumba by the RPA under the pretence it was for their security. Many refugees disappeared during the night and were never seen again. The DMI is said to be responsible for these disappearances.

i) Byumba stadium has been identified as a massacre site. During meetings with the population that had taken refuge in the stadium, the military had gained their confidence. After the last meeting Lt. Col. Kabarebe arrived at the stadium and talked with Lt.

Masumbuko. After Kaberebe left, Lt. Masumbuko gave the order to open fire on the refugees in the stadium.(Sta.030, Sta.034)

ii)Lt. Col. Kaberebe created a special team to execute the people in the area between Gabiro and the Akagera National Park. The persons executed were from Rwamagana, Musha, Nyagasambo, Rugendi, Kycukiro and Masaka. Between the month of May and August 1994, this military team killed between 5 and 20 persons per day. This team then moved on to Kigali at the Camp of the Presidential Guards where the killings continued. (Sta.034)

iii)Lt. Col. Ibingira stated that at the beginning of the genocide he did not kill civilians but once they arrived at Kiziguro-Byumba he found many Tutsis women, children and old people that were killed by the enemy. He reported this to Gen Kagame by radio. Kagame gave him the authorization to start killing the population in vengeance for the dead Tutsis.(Deb.041, Deb.048)

• Potential Targets

Lt. Col James Kaberebe, Lt. Musumbuko, S/Lt.Kamanzi, Sgt. Ruganzo and Corporals Emmanuel Kabana and Fayida. These are the main players involved in the Byumba Stadium massacres.

The special military team chosen to kill Hutus between Gabiro and the Akagera National Park were: Sgt. Gasana, Sgt. Kibanda, Sgt. Kanamugire, Pvt. Rwabuhungu and Pvt. Claude. This team was put in place by Lt. Silas Udahemuka, Intelligence officer of the High command.

Lt.col Ibingira is responsible for the killings in Kiziguro-Byumba.

Information was received that other Officers were also involved in the killings. But further investigation is required to confirm this information:

Capt. Dan Munyuza, he was the DMI (IO) for the Prefecture of Byumba where one of his functions was the recruitment of soldiers. Many of the soldiers recruited were never seen again. Munyuza was in charge of a team of three DMI agents: Sgt. Bosco Munyankindi, Sgt Arron and Sgt Fifi Kayumba (040,030,064,068, 039, 042).

Major Steve Balinda, Officer in charge of the DMI office in Kinyami near Giti. He would be involved in the killings.

Major Denis Karera, he is considered as the person responsible for the killing of the priests and nuns in Giti in 1994. He was also in charge of the camp for displaced persons in Byumba where many massacres occurred.

Lt. Col. Gashahija was deputy commander of the Military Police Battalion and then Commander of the 13th Battalion based in Byumba. His IO was Capt. Shema and IS Kalinda.

Capt. Mutiganda was the Intelligence Officer (IO) in Byumba and was responsible for the refugees in Byumba and Ndera.

Lt. Gacinya was the IO under the command of Col. Dodo Twahirwa and is considered as one of the main persons responsible for the massacres in Byumba.

B- Kirye (Kabgayi & Gitarama)

At the beginning, this file is related only to the case of the assassination of the three bishops that had been captured in Kabgayi. But there too, the necessity appeared to extend the investigations to the entire prefecture of Gitarama because of the overlap of the cases and especially because of the perpetrators who seemed to be the same ones in the entire zone.

1- General Overview

On the 2nd June 1994, the RPA took control of Kabgayi near Gitarama. The RPA cleared the whole area of its inhabitants and sent them to their bases in the south of the country. On the same day, three bishops and other dignitaries of the Catholic Church were found in the area and sent by the RPA towards Tambwe. Around the 5th June they were sent to Gakurazo, Mukingi Commune, Gitarama Prefecture, where they stayed with the "Josephites brothers". In the early evening of the 5th June, the RPA called a meeting of all the religious leaders displaced from Kabgayi. The meeting was presided by a military whose identity is not known at this time. The meeting was interrupted when four soldiers entered the room and started shooting at the participants. Fifteen persons were killed, three bishops, nine priests, a "Josephite brother", a young man aged twenty and a boy of seven. Although the "Rwandan Patriotic Front" (RPF) blamed this massacre on the reaction of soldiers who had seen that their families had been massacred during the genocide, eyewitnesses do not agree with this explanation and feel it was planned. The perpetrators of the killings and their superiors were unknown at the time of the opening of the investigations.

Other massacres were reported in the communes of Runda, Musambira, Rambura.

2- Status of the Investigation

a- Kabgayi case

• Facts

The investigations, which we had carried out, confirmed the facts as it is mentioned in the above paragraph named "General Overview". They also allowed us to dismiss the position of the RPF according to which, the killings of bishops were acts of vengeance of soldiers of which one was killed and the others escaped. This act appears too important so

that the orders can emanate from any officer. The victims are today known. The perpetrators are not yet known. But in May 2002, (one known witness is missing) we were about to reach the identification of the perpetrators and their hierarchy superior.

• Victims

- 1-Richard, a tutsi child of about 7 years, died in the arms of Innocent Gasabwoya, the victim and his mother had taken refuge during the massacres in the Brothers of Saint Joseph monastery. His father Cyprian Gasana (originating in Kizibere-Tambwe and he was the sub-prefect of Gitarama) had been killed a few weeks before.
- 2/Stanislas, a young hutu male of approximately 20 years. Since 1992, He is one of the refugees of war of Byumba, who had been accommodated by Kabgayi bishopric.
- 3/Brother Jean-baptiste Nsinga, tutsi, Head of Saint Joseph brothers.
- 4/Priest Gahonzire, tutsi, became priest on 15/08/1992, originated from Cyeza parish, Rutobwe commune (Gitarama). Living in the presbytery of Kabgayi, he was a chaplain at the Kabgayi hospital.
- 5/ Priest Emmanuel Uwimana, hutu, 31 years, originated from the parish of Kayenzi, Taba commune (Gitarama). He was the administrator of the small seminary of Kabgayi.
- 6/ Priest Bernard Ntamugabumwe, hutu, 32 years, originated from the parish Kibangu, Nyakabanda commune (Gitarama). He was prefectorial representative of the catholic schools of the diocese.
- 7/ Priest JMV Rwabilinda (with bishop title), hutu-tutsi, 33 years, originated from the parish Karambi, Masango commune (Gitarama). He was a vicar general of Bishop Thaddée Nsengiyumva, bishop of Kabgayi.
- 8/ Priest François Muligo, hutu, 39 years, originated from the parish Byimana, Mukingi commune (Gitarama). He was priest in Kabgayi parish-cathedral.
- 9/ Priest Alfred Kayibanda, hutu, 45 years, originated from the parish of Gihara, Taba commune (Gitarama). He was a vicar in Kabgayi parish-cathedral.
- 10/ Priest Sylvestre Ndaberetse, hutu Burundian refugee, 45 years. He was bursar General of Kabgayi diocese.
- 11/Bishop Thaddée Nsengiyumva, hutu, 45 years, originated from the parish of Bungwe, Kivuye commune (Byumba), crowned bishop of Kabgayi on 31/01/1987 then president of the Episcopal conference.
- 12/ Bishop Joseph Ruzindana, hutu, 51 years, originated from the parish of Rambura; crowned bishop of Byumba on 17/01/1982.
- 13/ Bishop Vincent Nsengiyumva, hutu, 58 years, originated from the parish of Rwaza, (Ruhengeri); crowned bishop of Nyundo on 2/06/1974 and archbishop of Kigali on 3/05/1976.
- 14/Priest Innocent Gasabwoya (with title of Bishop), tutsi, 74 years, originated from the parish of Save, Shyamba commune (Butare). Former vicar general of Bishop André Perraudin, the Kabgayi highly experienced bishop.
- 15/ Priest Denis Mutabazi, hutu, 79 years, originated from the parish of Save, Shyamba commune (Butare).

• Potential Targets

To identify the perpetrators of this assassination, we had to go after the descriptions of certain participants; descriptions given by two eyewitnesses. We were interested in three soldiers of the RPA: that who chaired the meeting, that who rose to inveigh the bishops and one of the shooters. Although the descriptions given diverge on certain points we could draw up a list of potential perpetrators of whom some belonged to the 157th Battalion and others to the 101st Battalion. But we have the proof that these two units operated in the same zone (Kabgayi-Byimana-Gakurazo-Gitarama city) at the time of this assassination. (Dsc.019 & Dec.054)

List of suspects from the 157th Battalion:

- * Lt.col Fred Ibiagira, commanding officer of the 157th Battalion.
- * Major Hadj Mubarak Muganga OPTO of the 157th Battalion Mukingi commune.
- * Major John Ntbesigwa alias Cawaida, commanding officer of D company. (Kabgayi).
- * Major Kazungu Williams alias willy, commanding officer of A company. (Byimana).
- * Captain Kwizira commanding officer of E company. (Gakurazo).
- * Major Gumisiriza, IO of the 157th Battalion.
- * Sgt. Ruzigana Emmanuel, Company A. Chief of Platoon.
- * Sgt. called Maradonna Martin Abdulkarim, chief of escort of the head of D company.

List of suspects from the 101st Battalion:

- * Major Sam Bizabiro, OPTO of the 101st Battalion.
- * Cpt. Jimmy Masyango Mwesige, IO of the 101st Battalion.
- * Pte. Karekezi Samuel alias Viki.

At this stage of our investigation, knowing RPA methods of operation in regards to special actions, we do not exclude that the perpetrators came from these two Battalions.

We base our hopes on two actions to conclude this case by the final identification of the suspects:

- Interviewing three eyewitnesses (two civil and a soldier) and possibly a second soldier.
- The collection of photographs, which would make it possible to the two other eyewitnesses to identify some of the suspects mentioned above.

b-Other massacres in the Prefecture of Gitarama

• Zone Runda-Gitarama Gihara-Commune

In Runda Commune, all the companies of the 101st Battalion were gathered.

i) Facts

At the Market of Gihara there were about 300 people who had taken refuge. They were mixed, hutu and tutsi. The IO of 101st Battalion gave the order to separate the hutu from the tutsi and to kill the hutus. 25 tutsi, who were not killed, had been put on the side. All the other hutu were killed.

Among the 25 saved people, Major Sam Bigabiro had wanted to have sex with a tutsi woman from bagogwe who was already pregnant. She refused. He tried with another woman, but she also refused. These 25 people were killed on the order of Major Sam Bigabiro and his head of escort named SVLt Celestin carried out the order. (Dec.090)

ii) Potential Targets

- * Cpt. Jimmy Muyango Mwesige, Intelligence Officer of 101st Battalion.
- * Major Sam Bigabiro, OPTO of 101st Battalion (he would have been condemned only for the killings of the 25 tutsi in Gihara).
- * SVLt Celestin, Head of escort of the OPTO of the 101st Battalion
- * SVLt Claude Ruraza, second in charge IO of the 101st Battalion. (died)

- Commercial center in Musambira city-commune of Musambira

i) Facts

In the shopping center of Musambira, there were many shops, where several people, hutu and tutsi were mixed and had taken refuge. The IO Jimmy had given the order to his deputy Ruraza to make the screening of these people and to make investigations with the aim to find Interhamwe. A group of Intelligence Staff began the screening with the objective of knowing who did what during the genocide. To intimidate them, the intelligence staff burned a plastic container whose drops went down on the skin of the victims. Some times they took a person and burned him in front of the others so that they denounce each other. One group of Intelligence Staff killed 350 persons by using plastic bags that they put on the head of the victim until suffocation. The group used also the agafuni (traditional arm). Another method used by this group consisted in laying down the victims on their bellies, their hands tied in the back, then put a cord with slipknot at the neck. While holding the bust against the ground using the foot, one member of the group pulls on the cord, which strangled the victim. Several groups operated at the same time at the same place. The aim of this operation was the same for all: eliminate the hutu. (Dec.090)

ii) Potential Targets

- * Cpt. Jimmy Muyango Mwesige, Intelligence Officer of 101st Battalion.
- * SVLt Claude Ruraza, second in charge IO of 101st Battalion (died)
- * SVLt Mugabo.

• Rambura commune

i) Facts

Towards the end of the war of 1994, the 59th Battalion of the RPA had established its HQ in the commune of Rambura-Gitarama, close to UNAMIR positions and opposite zone Turquoise (French operation). The Battalion set up a barrier by which the population returning of the Turquoise Zone must pass through. This population was screened at the barrier. The majority were killed only because they were hutu. The soldiers in charge of this task were divided into six groups of eight men chosen exclusively from the tutsi ethnic group of the RPA. They killed their victims with the agafuni or a worn hoe. The ~~slowest teams~~ killed between 20 and 30 persons per night, but the "specialists" of agafuni could kill 100 per night.

Towards the end the victims were to dig their grave before being killed. This work lasted 4 to 5 weeks day and night.

Other people, hutu intellectuals and ex-FAR preferred not to cross the RPA barrier and establish a camp near UNAMIR position. With the refusal of UNAMIR to dismantle this camp, the 59th Battalion attacked this refugee camp. The RPA soldiers shot at the occupants without any distinction. The number of victims of this carnage was evaluated between 2000 and 3000 according to the witness who used to be an RPA soldier and who participated in the attack. (Dec. 080)

ii) Potential Targets

- Colonel Ngoga Charles, commanding officer of Gitarama-Kibuye Brigade. (died)
- Lt.col Turagara, commanding officer 59th Battalion.
- Major Kamugisha, Officer in charge of operations OPTO, 59th Battalion.
- S/Lt. Rwamphizi, Intelligence Officer of the 59th Battalion, (died)
- Lt. Nkusi, commanding officer of C company, in the 59th Battalion,
- Mugabo, Intelligence Officer of C company, in the 59th Battalion.
- S/Lt. Jean Bosco Muhigirwa (today Captain) was the head of a team of killers.

The names of the other officers were mentioned by different sources in massacres in Kabgayi and in Gitarama Prefecture. Further investigations remain necessary.

Major Alex Kagame

He gave the order to Major Sewaryana to kill the civilians in Gitarama, insisting on the fact that the order came from Gen. Kagame. (035)

Lt. Rukundo

This officer of the DMI operating in the 157th Battalion is seen as the man who did the dirty work of Lt.col Ibingira. On order from the latter, he burned the bodies of the RPA victims in Mukingi commune. (041)

Kamaramaza

He is presumed to be the head of a group, which killed the victims in Kabgayi. (039)
Monday June 6, 1994, a group of soldier of the RPF ordered by the head Afandi Kamaramaza came to terrorize the catholic priests gathered in Byimana. This group of soldiers led our source and the other victims to Gakurazo. (014)

C-Belette (Butare City and Surrounding Area)

This file treats cases of crimes committed by the members of the RPA in the city of Butare and the surrounding areas, in particular the zone of demarcation with the Turquoise positions. In this area, it appears clearly the concerted character of widespread and systematic killings and massacres.

1-General Overview

A survivor of the genocide is reported to have spent some time at an RPF post near Kizi on the outskirt of Butare. He stated that during the night he saw RPA soldiers transport bodies in trucks and dumping them in the latrines at Mwego, near the area where they had dug their trenches. All the victims had their arms tied behind their backs at he elbows.

On the 13th July 1994, RPA soldiers called a meeting of the displaced persons from the communes of Ntyazo, Ngenda and Runyinya under the pretext that they would be transported to the Butare football stadium and returned to their original communes. Several hundred persons attended this meeting, which was held near Butare. These persons were transported to the buildings of the "Groupe Scolaire" and "Ecole Agro-Veterinaire" where they were interrogated and then disappeared. Witnesses stated hearing cries as these persons were being killed.

On the 22nd July 1994, hundreds of displaced persons had found refuge in the parish of Save, at the request of ARPA soldiers, they identified approximately two hundred (200) persons as having participated in the genocide. The RPA took the two hundred persons away for interrogation. Only twelve (12) of them returned. The rest were never seen again.

On the 2nd August 1994, Mr. Nkiko Nsengimana made an official complaint that on the 29th July 1994, eighteen members of his family were taken to the "Ecole Agro-Veterinaire" in Katutare and were executed by the RPA. The family was returning from the "Turquoise Zone" with the intention of going to their native commune of Rutobwe, Gitarama Prefecture. The owner of the vehicle that transported the family, Mr. Nyilimanzi and his family also met with the same faith. This complaint was made to the French military that in turn informed the UNAMIR Liaison Officer. It was also reported that a family of sixty-three persons were executed by the RPA in the same school and in similar conditions as mentioned earlier.

In September 1994, Australian soldiers with the UNAMIR discovered fifty bodies covered with leaves in a wooded area in the commune of Save. When the soldiers returned in two weeks they could not find the fifty bodies. The local population reported that the RPA in that area had executed one thousand seven hundred and fifty (1750) persons.

Also it was reported that executions and mass graves situated in the valley between the "Groupe Scolaire" and the Butare Arboretum. Some of the victims were identified by their families. The perpetrators of these massacres are still unknown.

2-Status of Investigation

Towards the end the war the displaced persons who preferred to be under RPF protection had been kept in four principal camps distributed between the town of Butare and three other communes of this prefecture. The camp of Butare stadium in the commune of Ngoma, the camp of Tumba and Rugombwe in the commune of Rushasha, and the camp of Save in the commune of Shyanda. (Sta.027)

At the end of the war and under the pretext of being led to their communes of origin, these people had been transported to places where they had been eliminated. Butare Arboretum was mentioned to us like one of the executions places. (Sta.027, Sta.044)

At least two other sites of massacres Save and Ndora were mentioned to us as areas where massive killings occurred and remain under investigations.

Always after the war, answering the call of the new government, the displaced persons who had taken refuge in zone Turquoise started to return to their hills of origin. But they had to pass through control and screening barriers set up at the entrance of the RPF controlled zones. At these barriers, several people had been killed such as the case of Kizi-Butare barrier. (029, 044)

A second screening was operated in Butare city where the survivors were to request an authorization of movements provided by the military authorities. The people to whom these authorizations were refused were led cunningly either to the Butare school complex, or to the school "Agro-Veterinaire" of Kabutare where they were executed. (029,044)

3- Potential Targets

Lt.col Fred Ibingira

As the commander of the 157th Battalion, which conquered the zone of Butare, and as the commander of the Military Area of Butare-Gikongoro and Cyangura, it is assumed that he is responsible for the massacres made by his men (.021, 030, 041, 048)

Major Zigira

He was the first acting Prefet of Butare after the war (.030,039). As the prefect, he signed the authorizations for movements to the population in particular with the displaced persons coming from the Turquoise zone (029,044).

Consequently the massacres of Kabutare and the butare school complex of are ascribable for him.

His responsibility remains to be proven in the massacres of Save.

Capt. Dan Gapfizi

July 19, 1994, he was the Operational head in Butare in charge of Tumba camp where several people were transported to the arboretum of Butare where they were executed. (027)

Lt. Claude Kazungu

He was the head of a screening checkpoint at Kizi-Butare, where many of the displaced persons coming from the turquoise zone were executed. (044)

III - Investigations Verbally Opened by the Prosecutor

It concerns the investigations of two former RPA members who are residing in Europe. The purpose of the prosecutor Carla Del Ponte to investigate these two former RPA members was based on her intention to avoid frictions with the Rwandan Governments in case of indicting them since they were deserters and political opponents.

A- Sergeant Deus KAGIRANEZA

1-General Information (Profile)

Born on the 5th February 1960, at Nkumba, Ruhengeri Prefecture, Kagiraneza followed his studies at the Rwesero seminary. He is a founding member of the "Rwandan Patriotic Front" (RPF) since 1988. He worked in the Ministry of Finances in the Rwandan Government. In 1990 he was arrested, by the Rwandan Government, for collaborating with the enemy.

In 1991, he fled Rwanda and joined the RPF in Uganda. In Uganda he followed the following courses, basic recruit course, Commando Training, Urban fighting and Intelligence Service. He worked at the "Training Wing" as an instructor and a member of the DMI in screening recruits. He was also a member of the RPF Finance Committee. In 1993, he was chosen by the RPF to represent them as a "deputy" in the interim parliament as stipulated in the Arusha Accords. In May 1994 he was promoted to lieutenant and appointed acting Prefet of Ruhengeri. From 25th November 1994 to 4th April 1994, he occupied a parliamentary seat as RPF representative in the transition government in Kigali. In September 1999 he was sent to the Democratic Republic of Congo (DRC).

Fearing for his life, he had his family leave Rwanda in May 2000 and he fled on the 28th August 2000 for Belgium.

He is known as an elusive person and with his knowledge/participation of crimes committed by the RPF; he is hated by the majority of the Rwandan diaspora. He is one of the founders of the ARENA political party.

2-Information Obtained from Witnesses

It has been established that Deus KAGIRANEZA worked for the DMI as an instructor at the "Training Wing". He trained new recruits in the "Agafuni" technique of killing. He was also part of a group of officers that interrogated young recruits from Burundi and Rwanda, to establish their loyalty to the RPF. The recruits that did not pass the interrogation were executed. The execution orders came from this group of officers in which Deus Kagiraneza was a member. Kagiraneza also participate in the execution of some recruits. (052,060)

In June 1994, Kagiraneza accompanied Col Rwahama Jackson during a visit to the DMI section in Kirambo in the commune of Cyeru, Ruhengeri Prefecture. Rwahama Jackson stated he was not happy with the work done by the DMI since he had seen Hutus on the road. He gave orders to kill the maximum of Hutus.

Deus Kagiraneza saw our source (I-W-056) with the Regional President of the MDR. He ordered that this Hutu be killed since "no hutu was any good". This person was killed that night. One witness states that Kagiraneza spoke the same language as Rwahama Jackson when it concerned Hutus.(056)

3-Information Obtained from Debriefings

Many sources (10) confirm that Deus Kagiraneza worked for the DMI in the Intelligence Department of the Training Wing under the orders of Capt. Dan Munyuza. He participated in the screening and elimination of recruits that were suspected of working for the Rwandan Government.

On the 6th November 1994, Kagiraneza was replaced as acting Prefet of Ruhengeri. Although he was appointed as a deputy in the parliament he stayed in Ruhengeri for another six months. On assuming office the new Prefet made the following observations:

- The caves of Manza, once a tourist attraction, were closed to the public because the RPA had used them as mass graves. The order to close these caves dates back to the time when Kagiraneza was the acting Prefet.
- In 1996, at the insistence of the Prefet, the APR vacated the Catholic School of Ruhengeri. After the RPA left, the Catholic Church found twenty bodies in a latrine pit, victims of the RPA.
- Later on, Father Pinard who was in charge of the Catholic School when the bodies were discovered was killed. The priest who was in charge of exhuming the bodies was also killed in Ruhengeri.
- The Ex-Prefet of Ruhengeri believes Kagiraneza is in some way responsible for these killings but has not stated so in public.

A document signed by Kagiraneza appeared on the Internet, titled "My Testimony". In this document he asked the Rwandan people for forgiveness for crimes committed by the RPF after having accused them of killing young recruits in the "Training Wings". He also stated that the Prefets appointed by the RPF were ordered to have the maximum Hutus killed. Later on Kagiraneza denied having written this document because he was

implicating himself of killing recruits. But many people who know him state that it was his writing style and reflects his criminal activities with the FPR. Others confirm that Kagiraneza was having problems with the RPF and if he would have gone to Kisangani-DRC as ordered he would have been killed. (023,041)

4-Information obtained from Kagiraneza

Kagiraneza is living in Brussels where he has obtained refugee status. He was interviewed three times by the Special Investigations Unit. He denies having written this document and does not want to implicate his co-workers. He stated that during the war the RPF did not take one prisoner, which is inconceivable in a modern war. He stated that a person does not have to look far to find the person responsible for the massacres committed by the RPF. General Paul Kagame, Commander in Chief of the Army, has often stated that his army was well disciplined meaning that nothing happened without the approval of the higher command.

Comments:

Many statements were obtained accusing Kagiraneza of executing young recruits at the "Training Wing" the fact remains that these crimes were committed before 1994 and do not fall under the ICTR mandate.

Concerning 1994, we have obtained information of massacres committed in Ruhengeri while he was the acting Prefet. Although I-W-056 statement implicates Kagiraneza in a specific killing, more information will have to be obtained to strengthen our case.

B- Major Wicakiriza Kwikiriza

1-General Information (Profile)

Born 1st January 1966 in Mabarara Uganda, he is the son of Ignatius Yagahinga and Agnes Nyagahinga. He is the brother of Major Denis KARERA who is the Director General of the Rwandan National Police. Kwikiriza is an ex-rebel who fought with the National Resistance Army (NRA) in Uganda from 1986 to 1990. He is known as a very good fighting soldier. On 1st October 1990 he joined the Rwandan Patriotic Army (RPA) as a lieutenant. He served as a Political Commissioner and in 1992 was transferred to the Military High Command. Later he became Company Commander, Chief of Battalion Operations, Second in charge of a Battalion and Battalion Commander. In late 1993 he was chosen as Company Assistant Commander in the 101st Battalion under the orders of Senior Officer Charles Kayunga and was deployed to the "Conseil National de Developpement" (CND) which is the Rwandan Parliament located in Kigali. During 1994 he was named Commander of the 3rd Battalion in charge of the security for Kigali. Later that year he was transferred with his Battalion to Gisenyi. In 1996, while Kwikiriza was in Kigali (apparently without authorization) the area under his command was attacked by rebels. He was arrested for leaving his post without authorization and later discharged from the army. In 1999 he went to Canada and later to Kosovo where he is working as a Security Officer for the United Nations mission.

He is married and has four children who are all living in Canada. He has asked for refugee status but has not obtained it. He requested a visa to go see his family in Canada but it was refused.

2-Information obtained from Witnesses

In 1994 Wilckliff Kwikiriza was at the CND as a deputy to Col. Charles Kayonga. In October 1994 the 3rd Battalion under Kwikiriza's command was transferred to Gisenyi. They formed a defense line between the Rwandan and the Zairean border. Military trucks would arrive from Camp Kani and Camp Kanombe with prisoners to be killed. Every two to three days, three trucks would arrive with prisoners to be executed. This went on for the whole month of November 1994. Sometimes Lieutenant Mugabo would accompany the vehicles to make sure the executions were carried out. All of these operations were carried out under the high command of the DML.(093).

3-Information obtained from Debriefings

Officially there were 600 RPA soldiers at the CND. But in reality, hundreds of young people would come to the CND to receive military training at night. Each night, several dozens of young recruits would attend this training in the aim to prepare for war.(041)

During the genocide the people living in the area of the CND (Kimihiwura and Remera) were gathered and brought to Byumba by members of the 3rd battalion. Once in Byumba, a "selection" would be made and many of them were killed. Major Dan Munyuza was one of the persons in charge of the killings.(023)

Kwikiriza was the Commander of the military in Gitarama Prefecture. The rebels attacked the area. They killed a lot of people, burned the Communal Office and liberated the prisoners who were presumed to have participated in the genocide. Kwikiriza was in Kigali during the attack apparently without authorization. He was imprisoned and relieved of his command. Rumors are that the RPA to discredit Kwikiriza did the attack and that he had in fact been called to Kigali. Kwikiriza still has contacts with certain government officials in Kigali.(023)

4-Information obtained from Kwikiriza

Kwikiriza was met in April 2001 in Prestina Kosovo. Kwikiriza told us about his military career and explained who was in charge of various units, companies and battalions. He stated he does not know of any crimes committed by his Battalion or the RPA during 1994.

Concerning the shooting down of the President's plane he denies knowing anything about it. But gave information that was later corroborated by other witnesses. He admitted there was a group specialized in the use of missiles that was commanded by lieutenant Kayumba joesph. He said that just before the plane was shot down they received the visit at CND of Col. Kaberebe, Chief of the High Command, to whom the specialized missile unit reported too. He also noticed that Kaberebe was accompanied by soldiers from

Mulindi, whom he did not know. The military were staying at the CND. He noticed that these soldiers were guarding a cream colored truck stationed in a designated parking at CND. The vehicle was found on the Kibungo road, completely burnt, a few days after the shooting down of the plane.

Comments:

From the information obtained from Kwikiriza it is certain that he knows exactly what happened to the President's plane.

It should be noted that the 3rd Battalion had operated in Kigali where selective executions were carried out in the area around the CDN specifically in Remera. The 3rd Battalion later set up its Headquarters in Kanombe where a lot of civilians were killed.

If we are to pursue Kwikiriza, further information will have to be obtained to strengthen our case.

IV -Other Investigations

This part concerns the attack on the Presidential plane and the activities of the specialized branch of the RPA, called the Directorate of Military Intelligence or DMI, as it is notoriously known.

A-Attack on the Presidential Plane

April 6, 1994, around 20h30, unknown persons using surface to air missiles (SAM) shot down the plane of President Habyarimana. Since this date, a question remains: who are the persons responsible of this attack? Several assumptions are advanced of which the two most significant are schematically exposed below:

1- Assumptions

a-The first assumption is that the hutu extremists carried out the attack with the assistance of France. It is the position of the RPF and some of their allies.

Several elements are advanced to make this thesis credible.

-The premonitory advertisements of the extremists hutu press: Kangura, RTLM predicting the catastrophe.

- Masaka zone, from which the shootings came, would have been under the control of the governmental troops, which should exclude the responsibility for the RPF.

- The presence in Rwanda of several French soldiers from the Department of Military aid for Instruction (DAMI). One even allotted the shootings of missiles to two DAMI french soldiers.

-Lastly, the missiles used would come from a French stock. The French would have seized them on the Iraqi arsenal during the Golf war. Because of the strong support of the French authorities to the Habyarimana's regime, it is absolutely excluded to consider that French could transfer these weapons to the RPF.

b-The second possible track is that the attack was carried out by the RPF helped by the Belgium soldiers of UNAMIR. It is this thesis which the adversaries of the RPF would privilege: the Government at the time, the hutu extremists and some researchers. Their arguments are as follows:

- The death of President Habyarimana benefited the RPF.
- The RPF had already the missiles, whereas the FAR did not have any, and no military personnel was trained for the handling of those missiles.

2-Evidence and information gathered by the Special Investigation team

From our side, although we are not in charge of this file, we could not prevent ourselves from collecting testimonies or information offered to us related to the file of the attack against the plane of President Habyarimana.

a-Facts

The projecting facts are:

- **Preparatory meetings**

Three meetings were held under the presidency of the Commander, as a head of the RPA, Gen. Kagame to prepare the attack against the plane of President Habyarimana.

Several high RPA officers attended the three meetings. Some of their words were reported by our sources. Col. Nyamwasa was overheard saying what follows: "if one does not shoot at Habyarimana's plane that will not be useful to anything" (035).

The participants were: Gen.Kagame, Col. Kayumba Nyamwasa, Col.Ndugute, Col.Sam Kaka, Lt.col James Kabarebe, Major Jacques Nziza (034,035).

- **The team in charge of the Missiles**

It is confirmed today that this team did exist on the level of the Unit of the High command based in Mulindi. The team was trained in Uganda and became able to use SAM missiles. Captain Kayumba Joseph was the head of the team. (030,033, 034,035).

It is also confirmed, that the RPA had before the attack at least two Missiles which were placed under the guard of the missile team (030,033,034,035,041).

- **Transport of the Missiles**

Two divergent versions appear as for the route of the missiles.

The first version indicates the Mulindi-CND route towards Masaka area. The missiles would have been transported by truck from Mulindi to CND in a white van or cream coloured car towards Masaka. The known van was found charred few days after the attack (033,068,032,089).

The second version indicates the direct route Mulindi-Masaka. The missiles would have been transported on board a van Hilux Blue (034,35).

The first version appears more credible to us not only because of the concordance of the information obtained from different sources but also because of the politico-military situation based on that the RPA can only use the Mulindi-CND route under UNAMIR escort. Deepening our investigations could clear up this point.

b- Potential Targets

SVLt. Frank Nziza

He was the head of the team that shot down the plane. He confessed to the source that he is the one who fired the two missiles on the plane. (034)

Sgt. Mutayega Nyakarundi

He confessed to the source that he had followed training on the use of missiles with Frank Nziza and Kayitare(035).

He was a member of the missile team and ensured the security of the missiles in Mulindi (034,035).

It is him that gave to SVLt. Frank Nziza and Sgt. Didier Mazimpaka the two missiles to be conveyed to Kigali(034).

Sgt. Didier Mazimpaka

On the 20-03-1994, he led the missiles from Mulindi to Masaka on board a van Hilux Blue (034). According to other sources', transport was accomplished by the same Sgt. starting from the CND to Masaka on board a cream-coloured van (033,089).

Cpl. Bosco Ndayisaba

He was member of the missile team. He is known as the one who would have been dissimulated the missiles in his family in Masaka before the operation (034).

Gen. Paul Kagame

Gen. Kagame chaired the three preparatory meetings of the attack against the plane (034,035)

Col. Kayumba Nyamwasa

He took part in the 3 preparatory meetings regarding the attack against the presidential plane. (034)

He said during one of these meetings what follows " if one does not shoot at Habyarimana's plane that will not be useful to anything." (035)

Lt col. Charles Kayonga

He is involved as a head of the 3rd Battalion based in CND during the attack against the plane. (033,068,032,089).

Major Jacques Nziza

He took part in the three preparatory meetings regarding the attack against the plane. (034+035)

The other participants in these three preparatory meetings in the attack against the Presidential plane are: Col.Sam Kaka, Col.Ndugute, Lt.col James Kabarebe.(034, 035)

B-Directorate of Military Intelligence (DMI)

The Directorate of Military Intelligence (DMI) was created in late 1990 as a part of the RPA military structure. From its creation and until the end of the war in 1994, colonel Kayumba Nyamwasa was in charge of this directorate. The DMI is hated and feared by most of the Rwandan population, inside and outside of Rwanda due to its reputation for cruelty and killing operations. Most of the massacres attributed to the RPA were committed by the DMI.(see Annex I)

The DMI acted before, during and after the war by three ways:

- 1-By its representatives in the military Units,
- 2-By its agents directly under the DMI Headquarters control,
- 3-By its special agents called "Technicians",

1-Agents in the Units

According to the investigations carried out until now, RPA soldiers had made slaughters and massacres of the populations in general but the representatives of the DMI in the various military detachments initiated them. In each Battalion there was an Officer of Information called IO (Intelligence Officer) and in each Company and Platoon there was an Intelligence agent called IS (Intelligence Staff). (030,040,050,060,090).

The reports of the Intelligence Agents and the Officers were transmitted to their seniors in rank in the DMI HQ without forwarding by the head of the military Units. (030)
It is not strange, that the DMI agents receive instructions from their commander in the DMI HQ and undertook actions with the assistance of the units' soldiers where they are deployed and some times without the knowledge of the Unit commander (030)

Before and during the war, the DMI was known in the training wing camps with the killing of the young French-speaking recruits coming from Rwanda, Zaire (DRC) and Burundi considered as spies. (030,040,050,060,090, 064,68,041, 042,048).

As from July 1994, all RPA companies and platoons had each one its own dungeon. The latter were managed by the IS under the supervision of the IO of Battalions.(050)

The dungeons were occupied by the prisoners led by what is called "la population Fidèle" and by the prisoners arrested by the troops. These prisoners were executed on decision of unit military commander (Battalion and Company) and intelligence Officers and agents (IO&IS). When the red cross and the NGO's started to control the dungeons, the IO came and took the prisoners whom he wanted to eliminate and transported them elsewhere. (050)

2- Agents directly under the DMI Headquarters control

Before and during the war, the DMI agents were in charge of screening the recruits that were in different camps formed by the RPA. Each recruit was subject to one or more tight interrogations in order to detect possible spies. Several young tutsi people who joined the RPA perished. They were primarily originating in Burundi, Rwanda and Zaire, generally French speakers. (013,060)

During the war, these agents operated in screening the hutu population, ensured the transport of the suspected persons towards unknown places where they were executed. The agents were also given the responsibility to vanish the bodies either by burying them in common graves or by throwing them in latrines or by any other means. (060)

After the war, the hutu population were arrested by these agents in given places and were eliminated at a great rate. The bodies were incinerated and ashes were buried. It was the responsibility of these agents the dissimulation of the common graves on which sports grounds or military camps were established (060,050)

As an indication, witnesses indicated the following places to us. Places where massacres executed by Agents (IO&IS) of the DMI sometimes with the assistance of the soldiers: Gabiro, Kami, Masaka, Giti, Nyamirambo, Kidaho, Butaro, Kirambo, Ruhengeri city, Kinihira, Fôret de Nyungwe, Kabutare, Arboretum de Butare, Save, Gikomero, Ndera, Runda, Musambira city, Rambura, Muhura-Buyumba city.

From the preceding, it appears that the principal heads of the DMI are responsible not only because of their personal actions but also because of the orders given. They are also accountable on the basis of the responsibility of the hierarchy superior.

3- Technicians

In July 1992 the first commandos chosen thoroughly within the RPA will be trained (600). They will constitute what they have called "NETWORK". With the second promotion, in 1993 (170), "Network" changed name to become "CDR-Commandos". In

1994, new renaming, "CDR-Commandos" are from now on known under the name of "Technicians".

As an indication, the following officers followed the second training of the "Technicians":

Captain Jomba KAKUMBA
Captain Jean Bosco MUHIGIRWA
Captain NTUKAYAJEMO says KYAGO
Captain Herbert KAMUGISHA
Captain Mugisha called CDR
Lieutenant Christian IBAMBASI
Lieutenant Alexis RUSUNA
Lieutenant Geoffrey BYAGATONDA
Lieutenant MAHORO Aman
Lieutenant Alfred KARANANGWA
Lieutenant Jean of God NDAQUE
Lieutenant GAHIGANA Geoffrey
Lieutenant Nkuranga Eddy
Lieutenant Nurayija
Donat SEBERA

During their training, the following courses were given to them:

- Course "Chemical" where they learned how to poison water, to use the pharmaceutical products to kill.
- Course "self-defence" where they learned how to kill with a cord, with a plastic bag, oil injected into the ear using a syringe, techniques of akondoyi and agafuni,
- Course of combat in urban environment where they learned the use of the bayonet, guns and grenades.
- Course of "Field Engineering" where they learned the installation of mines and mines clearance and the use of the remote-controlled bombs.
- Course in intelligence.

The technicians depended on the High command of the DMI who reported to the Chairman of the High Command, General KAGAME.(Dec.091)

At the end of the training three missions were assigned to these technicians left again in three groups:

The first group was charged to constitute the escort of General Kagame.

The second group was to go to Kigali. Its mission consisted with:

- To explore the ground (Kigali and neighbourhood), to seek means of leading the troops of the buffer zone to Kigali. During the war, its members were used as guides for the battalions.
- To coldly eliminate persons opposed to the RPF or could be potential enemies to the RPF.

- To infiltrate the interahamwe.

Were selected for this task, those which resembled the hutu, of small size, those speaking French, those which could be made pass for servants, drivers, pump assistants, generally those which could pass unnoticed. Thus as an indication, the following soldiers operated in Kigali like "technicians":

NTUKAYAJEMO alias KIYAGO
MUGWANEZA Jean Baptiste
MAHORU Armand
GAHIGANA
KAMUGISHA Herbert (died)
KANYEMERA Samuel
BYAGATONGA Godfrey
MUGISHA alias CDR (091)

These Technicians were also charged to place bombs or mines in the public places such as the bus station, throw grenades in residences, assassinate politicians such as Félicien Gatabazi of the PSD, Bucyana of CDR. (052, 041)

During the war, the "Technicians" appeared at the side of Interhamwe on barriers such as the barrier of Gatenga (Gikondo-Kigali) and the barrier of the Zulu camp in Nyakabanda near Remera fuel station SGP (Kigali). Their role was to take part in the killings and to incite the interhamwe to do more massacres. Among the "Technicians" who were present on the barriers held by the interhamwe, four were identified: Capt. Kiyago, Lt.Hitimasa, Lt.Mugisha, Lt Vianney.(052,053,065)

During all this period, they operated in civilian clothes, but reported to their head based in CND, Capt. Herbert Kamugisha who in turn informed the IO of the 3rd Battalion Major Charles Karamba. (052)

The third group had the role of making attacks in the buffer zone, to receive the weapons and ammunition, to dig pits where to hide them and to ensure their protection. These arms caches were to remain very secret even with regard to the other RPA soldiers, which did not have the right to be in the area. (061,090,091)

4- Potential Targets

Col.Kayumba Nyamwasa

Before and during the war of 1994 and until the formation of the government, the DMI was directed by Col.Kayumba Nyamwasa (030,068,064,034,035,041,048). For this reason nothing was done without his knowledge (064,030). He was replaced by Lt.col Karenzi Kareke.

Based on the confessions of some recruits to the source "the experts in killings" were the DMI agents. They started by putting the victims on the INGONYI position (tying up of the legs and the elbows in the back) before killing them out of a precise blow on the frontal bone with a hammer or an agafuni (hoe). After, they burned and buried the bodies. The place in Masaka, where these executions were conducted, was called by the RPA military "KWA Afandi Kayumba". (013).

During the battle of Kigali, Col. Kayumba Nyamwasa set up teams charged to bury the bodies of the people killed by the RPA. These persons were taken from refugee camps with the excuse to transfer them into other camps but instead of that they were screened and the majority were brought to camp Kami and were killed. The soldiers under the source command buried approximately 500 people during a one-month period. The bodies were burned and reduced to ashes by the use of petrol. (068)

Major Jacques Nziza

This officer was the head of a section in charge of the Special Actions of the DMI. The role of this section was to infiltrate into the government controlled zones by using the FAR uniforms when it is required, to make political assassinations of personalities, assassinations of tutsi, acts of sabotages using explosives in public places. (030,041).

Nziza asked the source 068 if his men could help his team in executing some civilians in Kami camp. (068)

He would have been involved in the assassination of the bishops in Kabgayi. (039).

He is involved in the screening and the elimination of the recruits coming from Rwanda and Burundi to the RPA training wing. (041,022)

Lt.col. Rwahama Jackson

As a head of operations of the DMI, this officer was an influential member, close to Kayumba Nyamwasa. (034,050,068, 040, 064, 036)

At the beginning of August 1994, he thanked the new recruits in Masaka for the hard work, which they carried out. By work, he meant the executions of Ibipinga "opponents". (013).

He organized meetings with the IS in order to exhort them to keep the secrecy of the killings and to arrest the politicians of the old regime. (050)

Capt. Dan Munyuzi

Before the war, he was an Intelligence Officer (IO) in the training wing with the DMI. He was involved in the assassination of young tutsi persons, French-speaking, in the training centres. (041,048)

During the war, he was the head of a team of three agents from the DMI: Sgt. Bosco Munyankindi, Sgt. Aaron, and Sgt. Fifi Kayumba. (040, 030, 064)

He came to Byumba in order to recruit soldiers and some among those recruits were not seen again. (040, 068, 039, 042)

Sgt. Deus Kagiraneza

IO \ IS in the training wing, he worked under the orders of capt. Dan Munyuza. (040)

He interviewed 030, 042 and other new-recruits in order to eliminate those, which were suspected to be with Habyarimana's regime. (030)

He was involved in the screening and the elimination of the recruits coming from Rwanda and Burundi to the training wing. (041)

He is also involved in the massacres in Ruhengeri when he was acting as Prefet of this Prefecture in 1994. (048, 056)

Sgt. Fifi Kayumba

He formed with one, Edgar a team of the DMI based in Kimihurura. He was in charge of the executions that took place in camp Kami during the war. (068)

He belonged to a team of three agents of the DMI: Sgt. Bosco Munyankindi, Sgt. Aaron, whose head was Capt. Dan Munyuza. (040, 030, 064)

During the war, he and agent Aaron gathered the refugees in Nzirotera's house in Kimihurura and executed the recruits who were indicated to help the refugees. (040)

V-Massacres Sites

This part gives an overview of the massacre sites identified to us by witnesses. Due to the number of massacre sites we have chosen the most important as per the number of persons killed. These sites cover all of Rwanda.

BYUMBA PREFECTURE

1. Rutare/Giti between the 7th and 12th April 1994 during the RPA advance from Kiyombe to Giti via Rutare thousands of civilians were executed.

2. Nyabwishingwezi, Ngarama commune, between the 15th and 25th April 1994, hundreds of civilians were massacred and their corps dumped in the Akagera National Park.

GITARAMA PREFECTURE

1. In December 1994, at the military camp in Gitarama, approximately 2000 bodies were unearthed and burned. Their ashes were buried on site. This operation was carried out by "Intelligence Officers" (I.O) and "Intelligence Staff" from different units of the DMI. In order to do this operation in secrecy, all military personnel were sent out on manoeuvres for several days. The area where the mass grave is located has been turned into a military parade square.

BUTARE PREFECTURE

1. The Arboretum, near Butare-University. The displaced persons from the camps in Butare zone were brought to the Arboretum and executed by the RPA and their bodies were never seen again.

2. Kabutare, at the "Ecole Agro - Veterinaire". The Hutu population were brought there to be executed. The victims were persons who were returning from the "Turquoise Zone" where they had sought refuge during the genocide. Most of them were trying to regain their home at the request of the RPF Government.

3. Groupe Scolaire, this is the biggest and best-known school in Butare. In 1994 many persons were massacred at this site.

RUHENGERI PREFECTURE

1. Camp Muhoza, between July and August 1994, approximately 500 victims were buried in a common grave near the military camp.

KIGALI-VILLE PREFECTURE

1. Camp Kanombe, at the end of May 1994. When the RPA captured camp Kanombe, approximately 1500 civilians had taken refuge in the camp. They were all massacred by the RPA.

2. Kanombe Airport, at the end of May 1994. Approximately 200 to 300 civilians of all ages were brought to the "Akajagare Zone" near the airport and executed.

3. Masaka, Kanombe commune, end of July 1994. Newly recruited young Tutsis were used by the DMI to execute civilians. In 5 days approximately 6000 women, children and men were executed with their arms tied behind their back at the elbow.

KIGALI - RURAL PREFECTURE

1. Camp Kamú, during the capture of the camp by the RPA, thousands of civilians who had taken refuge in the camp were executed. In May 1994, military prisoners would dig graves during the day and during the night the bodies of the executed persons would be

buried in these mass graves. For many years Camp Kami continued to be used by the DMI as an execution site

2.Camp Gako and the Gako Forest. When Camp Gako was captured by the RPA they only found persons that were handicapped during the war. All these persons were executed by the RPA. In Gako forest, the RPA would burn the bodies and bury their ashes in mass graves.

3.Ndera, Rubungo commune.

At least 1000 persons were massacred by the RPA in the last week of April 1994.

GIKONGORO PREFECTURE

1.Gikongoro Military Camp between November 1994 and May 1995 many persons were killed and their bodies buried in the Nyungwe Forest

2.Kibeho refugee camp in December 1994. A platoon of 30 RPA soldiers killed approximately 100 persons. Their bodies were put in a mass grave and a basketball field was built over it.

3.At the end of 1994 a refugee camp was built in front of the UNIMIR post, between Kibuye and Gitarama Prefecture. The RPA attacked this refugee camp and approximately 3000 women, children and men were massacred.

GISENYI PREFECTURE

1.Ruwereze zone, at the Rwandan-Zairian border. Every few days 2 or 3 military trucks filled with prisoners would come from camp Kami and Kanombe. These persons would be executed either by firearms or traditional weapons. These executions went on for the whole month of November 1994 and were supervised by the DMI.

KIBUNGO PREFECTURE

1.Akagera National Park from September to October 1994. The bodies of thousands of civilians were taken by trucks to the Akagera Park where they were burned and buried.

VI-Some elements to be taken into consideration

If these investigations were to restart again it will pose the problem of prosecutions policy. Three assumptions could be considered:

*** Indictment against RPA officers currently inside the country**

We know the position of the Rwandan government regarding this investigation. It affirms that the RPA has stopped the genocide and thus his officers could not be accused or indicted before ICTR. Regarding the crimes committed by certain members of the RPA,

the government affirms that they were acts of revenge which all had been tried by the competent Rwandan authorities. Consequently, for the Rwandan government there is no need to prosecute any of its officers. If the Office of the prosecutor has another view different than the Rwandan government position, the office should expect actions of reprisals: suspension or suppression of the co-operation with ICTR and even the closing down of the office in Kigali.

*** Indictment against RPA officers outside the country**

These are supposed to be dissident or deserters. If the Office of the Prosecutor start legal proceedings against them we would have give the impression to the Rwandan opponents and the national and international humans right associations of being controlled by Kigali regime, as it had been stated in the past.

*** Transfer of the file to a third party**

This assumption could be an exit door for our dilemma provided that another country lays out an independent justice system. It has the advantage of putting an end to the impunity of the RPA, which is an essential condition for a real and genuine reconciliation in Rwanda. The disadvantage of this assumption is that the Office of the Prosecutor could be accused of applying a selective prosecution policy.

On a final note, past experience had shown that we need to determine a clear and coherent policy for the protection of our sources and witnesses, which will guarantee our success in the future.