

DB 63

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BELGIAN SENATE
CASE NO.: ICTR-98-41-T
EXHIBIT NO.: DB 63
DATE ADMITTED: 22-1-2004
TENDERED BY: DEFENCE
NAME OF WITNESS: R. DALLAIRE

1997-1998 SESSION
6 December 1997

**PARLIAMENTARY COMMISSION OF ENQUIRY INTO THE EVENTS
IN RWANDA**

**REPORT PREPARED BY MESSRS. MAHOUX AND VERHOFSTADT ON
BEHALF OF THE COMMISSION OF ENQUIRY**

The participants in the work of the Commission were:

1. Members:

- Mr. Swaelen, Chairman
- Messrs. Mahoux and Verhofstadt, Vice-Presidents and Rapporteurs
- Mrs. Bribosie-Picard, Messrs. Caluwé, Ceder, De Decker, Destexhe, Geris, Hostekint, Hotya, Mrs. Lizin, Mr. Moens, Mmes. Thijs and Willame-Boonen

2. Consultative members:

- Mr. Anciaux, Mrs Dua and Mr. Jockneer

See:

Senate documents:

1-011 - 1996/1997:

- No. 1: Mr. Sweelen's proposal.
- No. 2: Amendment.
- No. 3: Committee's proposal.
- No. 4: Text adopted by the Senate.

1-011 - 1997/1998:

- No. 5: Committee's proposal adopted in plenary session.
- No. 6: Chairman's proposal adopted in plenary session.

The Senate's annals:

24 April, 26 June, 23 October and 27 November 1997.

The annexes (doc. 1-011/8 to 15) will be distributed later.

[...] in practice predicted an extremely high number of casualties. I estimated the loss at tens of thousands dead."¹ Colonel Marchal adds: "My contacts with Jean-Pierre were very revealing and provided a sound basis."²

Captain Claeys: "... heel die tijd die vertragende beweging van 'wij kunnen geen garanties bieden' dus eigenlijk onrechtstreeks aan mij zeggen: 'Die man is waarschijnlijk niet goloogwaardig genoeg om hem te steunen.'³ On the other hand, the Captain would continue seeing his informer up to 15 March, with the tacit approval of his superiors. Captain Claeys: "...voor de UNO mag er niet aan intelligence worden gedaan. Vandaar dat men een gebrekkige term hanteert zoals military information officer. Wat ik officieel moest doen, lag heel ver van wat ik in werkelijkheid deed. Officieel moest ik briefings geven aan de nieuwe stafofficieren."⁴ Colonel Marchal too was aware of these things. Colonel Marchal: "Since no country had responded positively to the application for political asylum, I, in his interests, cut off contacts with Jean-Pierre."⁵

Faustin Twagiramungu, who had presented the informer at the time, qualified the importance of "Jean-Pierre" as follows during the meeting of 30 May. "Jean-Pierre was a driver. He worked with MRND as a driver. He was sacked by MRND but remained in the Interahamwe. Unless there is another Jean-Pierre. These kind of people seek to acquire advantages by selling information or lying. They sometimes boast of bravery which they often do not possess. (...) He was a Tutsi... these people worked with the Interahamwe, even though they did not make decisions."⁶

¹ Hearing of Colonel Marchal, CRA, CSR, Senate, 1996-1997, 7 March 1997, p. 108.

² Hearing of Colonel Marchal, CRA, CSR, Senate, 1996-1997, 7 March 1997, p. 106.

³ Hearing of Captain Claeys, CER, Senate, 1996-1997, 13 May 1997, Record, p. 76/2.

⁴ Hearing of Captain Claeys, CER, Senate, 1996-1997, 13 May 1997, Record, p. 71/3.

⁵ Hearing of Colonel Marchal, CRA, CSR, Senate, 1996-1997, 7 March 1997, p. 112.

⁶ In camera hearing of Mr. Twagiramungu, CER, Senate, 1996-1997, 30 May 1997, Record, p. 30/3.

Major-General Verschoore of SGR who did not know of the existence of Jean-Pierre and of the information that he provided, including the plan to kill the Belgian peace-keepers, stated before the Commission that the information given by Jean-Pierre was being given "undue importance".

*They were considered to be very reliable.*¹ This assessment is diametrically opposed to that of Major Hock who said during the meeting of 21 March that he wanted to give Jean-Pierre a rating of F6. *"He was an UNAMIR informer. A closer look at the person shows that he was initially attached to the President's security services, which had an appalling reputation. Jean-Pierre was a deserter and could therefore not be trusted à priori. Whatever he said had to be verified."*²

The Commission notes that Major Hock considered the informer as a person who was not very credible, while General Dallaire and UNAMIR considered him very reliable.

The Commission wonders in particular about the erroneous assessment of the information disclosed by Jean-Pierre concerning the possibility of attacks against the Belgian peacekeepers. Why was the information concerning the fate that was to befall the Belgian peacekeepers not given the same value as the information that he had transmitted concerning the "arms depot", and which turned out to be serious and reliable after on site verification of the reality of the arms caches, or why was an additional investigation at least not requested?

(4) Assessment of the threat against the Belgians

In this part of the report, the Commission notes with respect to the collection and processing of information concerning the threat against the Belgians, that the information rarely went beyond the offices of the person who had obtained it. Those in charge of providing information were not adequately trained and did not have sufficient means to do their work properly.

The Commission also noted that the information gathered did not circulate either at the level of the battalion or that of the Force.

In their testimonies before the Commission, the intelligence officers, field officers and some commissioned officers who were carrying out their duties within the company talked of worrying signs confirming the existence of an anti-Belgian climate, at least within the Hutu extremist circles.

[...] The Rwandan community in Belgium strongly denounces the disgraceful behaviour of Belgium in Rwanda's pacification process, considering that Rwanda and Burundi are Belgium's former trust territories.

¹ Hearing of Major-General Verschoore, CRA, CSR, Senate, 1996-199, 12 March, 1997, p. 147.

² Hearing of Major Hock, CRA, CSR, Senate, 1996-1997, 21 March 1997, p. 207.

This feeling of resentment can be explained by several factors:

- The weapons used in the various crimes come from Belgium;
- The perpetrators of the ultimate crime are Belgian soldiers from the Belgian contingent of the peace-keeping forces, who are also involved in the attacks against the civilian population.
- The policy of RPF (whose headquarters are in Brussels, *3 rue de l'Observatoire*) enjoy unconditional support from several Belgian media and politicians.

(...) This is why we call upon international opinion to condemn the perpetrators of these heinous crimes and their sponsors and ask the United Nations Secretary General to immediately withdraw the Belgian troops from the United Nations Assistance Mission to Rwanda (UNAMIR) and to send a neutral force which is capable of carrying out the pacification mission.”

The emeritus military prosecutor in the court-martial, Mr. Van Winsen, confirmed: “*they were killed following information concerning the attack on the presidential plane*”. When he was asked who had disseminated this information, Mr. Van Winsen replied: “Majoor Bernard... een adjunct die om 9 uur's morgens met zijn combi toevallig in de rue Jean-Paul VI passeerde.”¹

- The rumour that the Belgians shot down the President's plane spread very fast. Colonel Dewez stated: “*I believe this information was received from Captain Marchal himself, or one of his teams. It must have been very early in the morning, perhaps at 4, 5 or 6 a.m., I am not so sure*”². Colonel Marchal stated that at 5.56 a.m., the battalion informed him that there were rumours that the Belgians were responsible for the attack on the presidential plane³. At least three witnesses - Captain Marchal, company commander, Major Choffrey, 53, and Major Bodart, advisor on the law of armed conflicts - confirmed nevertheless that the news started circulating much earlier. Captain Marchal stated that he got the information from a barrage during a patrol, at around 3 a.m., and that he immediately passed it on to the battalion⁴. Major Choffrey stated that he heard the rumour that the Belgians had shot down the President's plane just two hours after it was attacked, late at night on 6 April⁵. Major Bodart: “*the first earliest information from the airport, which was confirmed by Rutongo, was received at around 8.30, 8.45 p.m., if my memory serves me right. I think that in the hour that followed - at 9.30, 10 p.m., if my*

¹ Hearing of Mr. Van Winsen, CER, Senate, 6 May 1997, p. 19/11.

² Hearing of Colonel Dewez, CER, Senate, 10 June 1997, Record, p. 16/10 e.s.

³ Hearing of Colonel Marchal, CER, Senate, 10 June 1997.

⁴ Hearing of Captain Marchal, CER, Senate, 13 May 1997, CRA, p. 460: the « *carnet de veille OSCAR* », however, says that the information from Captain Marchal (C6) was received at 5.56 a.m. (see attached document, p. 16).

⁵ Hearing of Major Choffrey, CER, Senate, 13 May 1997

memory serves me right - people were heard saying, and I think this came from the airport: 'It is rumoured that the Belgians allegedly shot down the plane'¹.

In the written statement which he gave to the Military Court Prosecutor, General Dallaire too gave an important piece of information, namely that the murder of the 10 Belgian para-commando should be considered as part of a deliberate plan. He recounted how, just after midday, Colonel Bagosora and the *Gendarmerie* Chief-of-Staff told him that the events in Kigali camp indicated that it was advisable for the Belgian UNAMIR troops to withdraw from Rwanda. "*Both, however, expressed concerns for me for the first time that it may be best to get the Belgians out of UNAMIR and Rwanda because of the rumours that they had shot down the Presidential airplane and the reactions already happening in Camp Kigali*"²

2. The Commission also examined the attitude of a number of UNAMIR officers. Their attitude played an important role in the dramatic events that took place on the morning of 7 April:

3.5.2.1. *The attitude of General Dallaire and of the UN Special Representative, Mr. Booh Booh*

The Commission started by examining General Dallaire's attitude. It was he and Mr. Booh Booh who took the decision to protect the Prime Minister, Mrs. Agathe Uwilingiyimana by providing an escort. It was also General Dallaire - although [...]

¹ Hearing of Major Bodart, CER, Senate, 13 May 1997, CRA, p. 102/8.

² Answers to questions by the Judge-Advocate of the martial-court to Major-General Dallaire, p. 22, point 46. Case-file from the Office of the Chief of Military Prosecutor at the Military Court.

“Following the letter of 8 March 1994 from the MRND Chairman in Belgium to Minister Leo Delcroix of which we received a copy today at IDC, we can do nothing but to support the substance of this approach.

Indeed, the current political stalemate is caused mainly by RPF which rejected the political compromise negotiated on 27 February 1994 by all the parties in the present government coalition. This compromise would make it possible to overcome the internal problems faced by two of these two parties, MDR and Parti Libéral.

Second reason for the stalemate: the personal game played by the former MDR chairman, Faustin Twagiramungu, who declared himself candidate for the post of Prime Minister, and who was excluded from chairmanship of his party by an extraordinary congress held last July. Despite a compromise negotiated with the support of the churches, Mr. Twagiramungu intends to personally appoint MDR ministers and MPs, in disregard of the decisions taken by the Congress and the governing bodies of this people's party.

Mr. Faustin Twagiramungu has always been criticized for his policy of close alliance with RPF in disregard of the prevailing opinion within the said party.

Mrs. Agathe Uwilingiyimana, the current Prime Minister and Mr. Twagiramungu's ally, has a huge share of responsibility for the paralysis of the present Government.

While Belgium was right in adopting a tough stance in matters regarding respect for human rights, we must admit that she has been more successful with MRND leaders who have had to accept to put an end to some unorthodox practices, than with RPF which continues to devise a strategy to take over power in disregard of such rights and freedoms.”

(3) The period of the attack on the presidential plane

An IDC press release of 7- 8 April 1998, signed by Bryan Palmer, IDC deputy secretary-general, and André Louis, vice-president, condemning the murder of the Presidents of Burundi and Rwanda. In the said press release, IDC recalls *“that it actively contributed to the democratization process in both countries”*.

(4) The post-genocide period

IDC's official point of view, as explained in a press release of 4 May 1994, is as follows:

“- Since 1989, IDC has endeavoured to support the democratization process in Rwanda.

Since 1991 in particular, after the amendment of the Rwandan Constitution of 10 June to provide for a multiparty system, and the promulgation on 18 June of the law on political parties, IDC has maintained close contacts with all Rwandan political forces without distinction.

From that time, IDC has impressed upon the President of the Republic, MRND and the opposition parties, the need to quickly adopt an electoral law and to organize elections in a reasonably short time, and also drawn their attention to the fact that the process of democratization itself would be endangered by excessive delay.

IDC deplored the failure of the people concerned to follow these repeated recommendations.

From the start of the Arusha negotiations in 1992, IDC drew the attention of all the parties to the dangers of extending the time limits and setting up for an extended period of time, transitional systems which are, by definition, undemocratic.

After the signing of the Arusha Accords, IDC clearly and publicly took a stand in favour of the application of the Accords.

In its contacts with the Rwandan political forces, it stressed the precarious nature of the Accords whose implementation was not guaranteed by any authority and depended wholly and solely on the good will of the opposing parties and, in particular, recommended that the time-limits be reduced and that the electoral process be brought forward.

IDC reaffirmed this position, especially during the talks with RPF held on 24 November 1993.

- From 7 April 1994, IDC condemned with indignation and sadness, the cowardly assassination of the Presidents of Rwanda and Burundi and "appealed for calm to prevent the opposing political forces from resorting to violence and, instead, dialogue with a view to resuming the current processes".

- Although, in an official press release read by Commander Kagame on Radio Muhabura, RPF declared that the Arusha Accords of 9 April 1994 were null and void, IDC continued to insist on a political solution to the Rwandan tragedy. This position has not changed.

- IDC condemns with horror the killings committed in Rwanda, regardless of the perpetrators, and launches an urgent appeal for the respect of human rights and the protection of organizations which defend them.

- IDC reminds the Rwandan Republic Army of its sacred and inalienable duty to protect all the Rwanda citizens without distinction and regardless of their ethnic origin.

[...] Lieutenant Lotin allowed himself to be disarmed and why no armed intervention was organized to rescue him. The United Nations and General Dallaire are answerable for the above situation. The Belgian military commanders who were on site are also partially responsible.

In its analysis of the events, the Commission first noted that there was no co-ordination at all at any level, or even a plan that would have made it possible to deal with the tragic events of 7 April 1994.

The Commission also believes that the United Nations Secretary-General's Special Representative, Mr. Booh Booh, as well as several high-ranking UNAMIR officers did a poor job of assessing the scope of the events during the night of 6 to 7 April. As a result of this incorrect assessment, the officers adopted a passive attitude, while the Lotin group, which was at the Rwandan Prime Minister's residence, was experiencing problems. This attitude was maintained after the Lotin group had been taken prisoner and lynched at Kigali camp.

The Commission believes that, in the critical moments of the Rwandan crisis, the following people did not react to the events in an effective manner and, in some cases, failed to act professionally.

- Mr. Booh Booh, the United Nations Secretary-General's Special Representative: the Commission believes that the special representative was not equal to the task. From 6 April, he was completely passive, as a result of which General Dallaire, the Force Commander, also had to deal with the political aspects of UNAMIR'S mission, thus relegating the military aspect to the background.

- General Dallaire, Force Commander: the Commission feels that it was necessary to provide escorts for political VIPs, and more specifically the Prime Minister, and that this task could only have been handled by UNAMIR soldiers. The Commission also considers that it was imprudent and unprofessional on the part of General Dallaire, under the circumstances, to have organized such escorts on 7 April with such few military precautions. This is especially true since, as his written testimony shows, General Dallaire was fully aware of the fact that the regime's strong man, Colonel Bagosora, was opposed to the idea of escorting Mrs. Agathe Uwilingiyimana, the Rwandan Prime Minister, to Radio Rwanda. Moreover, the Commission does not understand why General Dallaire, who had seen the bodies of the peacekeepers in Kigali camp, did not immediately notify the FAR field officers at the meeting held at the *École supérieure*, and also did not demand the urgent intervention of those Rwandan officers present. This seems to suggest considerable indifference on his part. Moreover, General Dallaire also neglected to inform his sector commander about what he had seen and to give him the necessary instructions.

- Major Maggen, a member of the operation's unit at the Force's headquarters, gave contradictory statements before the various investigation authorities. The Commission does not believe that Major Maggen did not see or hear anything when he, together with

general Dallaire, passed in front of Kigali camp where the Belgian para-commando were fighting to save their lives. Major Maggen's failure to confront general Dallaire with what he had seen and heard that morning, and especially the news received around 9.30 a.m. to the effect that several people had allegedly been killed at Kigali camp, is both incomprehensible and reprehensible.

- - Colonel Marchal, Sector Commander, incorrectly assessed the situation at the time of the tragic events. He continued to believe that the Rwandan armed forces and *gendarmes* wished to co-operate, that they were sincere and that they would resolve the incident concerning Lieutenant Lotin's mortar platoon, even though it turned out, early in the morning of 7 April 1994, that their trust was unfounded and the men were in serious danger.
- - Colonel Dewez, Commander of KIBAT II, also incorrectly assessed the situation during the tragic events. He too continued to believe that the Rwandan armed forces and *gendarmes* were acting in good faith and wished to co-operate, even though it turned out, early in the morning of 7 April 1994, that their trust was unfounded and the men were in serious danger.

Moreover, according to his own letter of 4 July 1997 to the Commission, Colonel Dewez did not have "a normal reaction for a soldier" at the time of the events. He committed the mistake of not issuing Lieutenant Lotin with clear instructions as necessary.

In the night of 6 to 7 April 1994, he and Major Choffray made the mistake of not taking the necessary measures to distribute to the KIBAT companies the heavier munitions and weapons stored at Rwandex.

4.12. LAPSES IN THE RECEPTION OF THE VICTIMS' FAMILIES AND SUPPORT TO THEM

The Commission notes several serious lapses with regard to the reception of the members of the victims' families and support to them.

The families complained of the way that they had been treated by international and national authorities.
