

RWANDA GOVERNMENTS' REACTION TO JUDGE BRUGEIRE'S INDICTMENT SAGA.

Background

A sad day in the history of Judicial process: A political Judge exposes himself.

Is it inexcusable incompetence or political machinations or both?

On the 17th of November 2006, Judge Louis BRUGIERE 1st Vice President of the “Tribunal de Grande Instance de Paris” requested the French Chief Prosecutor for permission to issue International arrest warrants against senior Rwandan officials for involvement in the 1994 shooting down of a Rwandan plane, Falcon 50, numbered “9 XR-NN”. The following individuals perished in the plane:

- Juvenal HABYARIMANA, President of Rwanda and Chief architect of the genocide in 1994.
- Cyprien NTARYAMIRA, President of the Republic of Burundi
- Deogratias NSABIMANA, Army Chief of Staff
- Elie SAGATWA
- Thadee BAGARAGAZA
- Juvenal RENZAHO
- Emmanuel AKINGENEYE
- Bernard CIZA, Minister of Planning from Burundi
- Cyriaque SIMBIZI, Burundi Minister of Communication.

Aboard the plane were three French crew members:

- Jacky HERAUD, Pilot
- Jean – Pierre MINABERRY, co-pilot

- Jean – Marc PERRINE, mechanic.

Judge BRUGUIERE'S action was ostensibly made following a judicial process initiated by Madame Sylvie, Marie, and Simone MINABERRY, daughters of Jean Pierre MINABERRY. Madame Annick PERRINE, widow of Jean Michel PERRINE, and Madame Francoise HERAUD, wife of Jacky HERAUD joined the case as civil litigants.

Agathe KANZINGA Habyarimana, wife of Juvenal Habyalimana, and Habyarimana's children, Bernard RUGWIRO, Jean Luc, Leon Jean Baptiste Aimable, Marie Merci, Marie Aimee, and Jeanne NTILIVAMUNDA also joined the case.

In pursuit of a long term French Plot to destabilize the Government of the Republic of Rwanda, Bruguiere has launched a thinly veiled political attack on the Government under the veneer of a judicial process. France and Bruguiere seem to believe that Justice is simply war by other means.

Rwanda owes it to the world to refuse this perversion of Justice, and this outright attack on International Law and Order. In view of the fact that Judge BRUGUIERE gives a preponderant weight to geopolitical¹ considerations to the detriment of any considerations of justice, we cannot but conclude that this is indeed a political process that demands a political rebuttal. This rebuttal should therefore been seen in that light. It is a political response to a political process. However, it does not discuss in detail, the role of France in the genocide of 1994.

¹ Bruguiere claims he has extensively considered the geopolitical environment in which the attack on the plane was carried out. The witnesses he calls are, however, almost exclusively picked from among the revisionists and negationists of genocide, or those who simply deny it. Those that do not are proponents of the double genocide theory first espoused by President Francois Mitterand and senior French government officials.

While there is no doubt about the responsibility of France in the Rwandan tragedy, this role has been left to an independent Commission to elucidate. Government will, in a subsequent legal brief, show that Judge Bruguiere, action has no basis in Law, including the laws of France. This political brief is partly a reaction to Judge Bruguiere's claims to have extensively considered the geopolitical environment in which the attack on the Falcon 50 in which Habyarimana died was carried out.

Government is convinced Judge Bruguiere falsified the historical record in his attempts to elucidate the circumstances under which the conception of the plan occurred, the manner of its planning, and the details of its execution. The judge in his zealous attempt to tar the RPF and its leaders with a crime they did not commit, rides roughshod over consecrated investigative procedures, ignores material facts in his possession that the attack was carried out by those who planned and executed the 1994 genocide, deliberately misrepresents facts and criminally attempts to revise the history of the genocide, while laying the ground for its denial.

The Government of the Republic of Rwanda has a historic duty to resist this attempt by France to desecrate the memory of millions of Rwandans who died. Bruiguiere is entirely wrong in both motivation and fact. This brief examines why and how.

2.0 Incredible witnesses (Ex RPA Soldiers)

No reasonable Judge in the world would rely on the evidence that Judge Brugueire relied upon to issue the indictments. A list of his witnesses consists of wanted persons in Rwandas' criminal circles and opposition groups.

Judge Bruguiere has, almost entirely, reproduced the allegations of individuals for whom arrest warrants have been issued by Rwanda and/or International Courts, either for their participations in the Rwandan genocide, or are fugitives from Rwandan justice for crimes committed in Rwanda.

Furthermore, he extensively relied on the uncorroborated statements of known Rwanda dissidents, and of selected French officials viscerally opposed to the Rwandan Government.

During the six years that the investigation reportedly lasted, Judge Bruguiere never visited the scene of the crime in Rwanda, nor did he send a rogatory commission on his behalf. He never made the simplest attempt to get the alternative version of events from the individuals whose good names and reputation he has shamelessly besmirched.

On the other hand, working hand in hand with French intelligence, the Judge has held discussions with, and in many cases hidden from International justice, individuals suspected to be among the masterminds of the Rwandan genocide. A list of his witnesses consists of a 'who is who' in Rwandan criminal circles, or political opposition groups. Some of the witnesses have subsequently denounced the coercive nature and arm twisting tactics of this political judge. They have publicly denounced, as lies, the assertions attributed to them in Bruguiere's document.²

² One such witness is Emmanuel Ruzigana. In an extensive interview with Contact FM on the 30th of November 2006, he reported that he had written a protest letter to Judge Bruguiere on seeing being mentioned as a key witness in the shooting down of the Falcon 50. He also contested the judge's claim that he was a member of something called "the network commando." Ruzigana's exile was facilitated from French intelligence operating out of Dar es Salaam. On his stop over in Paris, he was reportedly immediately put in touch with Judge Bruguiere with whom he had an immediate fall out when he refused to sign a document incriminating the current Rwandan leadership in the downing of the plane.

Analysis of some of the witnesses presented to advance the judges' political theories.

2.1 Key witness Abdul Ruzibiza.

Ruzibiza Abdul is a former RPA/RDF officer who deserted the army in 2001 following his conviction and sentence to 10 years imprisonment and stripping of Army ranks by the Rwandan Military Tribunal for embezzlement. He is the son of Ruzibiza Athanase and Mukasine Belancille. Born 28th June 1970 in Nyamata, Eastern Province. Ruzibiza joined the RPA in 1990. Until 1994, he served as a Nursing aide in Yankee Battalion and 59th Battalion. During the last phase of the war, and the time of genocide, Ruzibiza was serving as a Nursing aide in the H Company of 59th battalion, based at Kisaro, northern Rwanda. He was never in the CND, the former Political headquarters, or in the 3rd battalion as alleged. Abdul RUZIBIZA claims that in February 1994, he was part of a unit that had infiltrated Kigali under the command of Herbert Kamugisha. He also claims, according to Judge Bruguiere, that he was at some point in his career with the RPA, attached to the RPA Headquarters in Mulindi. Bruguiere therefore presents him as somebody in the know, an authoritative voice on what he calls the “network commando” and a direct witness on the planning and the shooting down of Habyarimana’s plane. This is all false. Ruzibiza was not under the command of Herbert KAMUGiSHA.

He was a Nursing aide, under Captain BANGA, commander H Company of 59th battalion, and its subsequent commanders. He was never attached to Mulindi headquarters in any capacity. The code name “network commando” exists only in

the mind of French intelligence and the individuals they have managed to corrupt.

It does not, and has never existed.

Abdul RUZIBIZA was promoted to 2LT in 1996 and appointed Administrative Officer of 9th battalion. In this position, he was in charge of personnel welfare for his unit. He was arrested for embezzlement of soldiers' funds. He was acquitted of the charges on first judgment; partly because of a longstanding neuro-psychiatric problem for which he was undergoing treatment at the Ndera neuro-psychiatric Hospital. RUZIBIZA was released pending conclusion of the appeal process. During the appellate process, evidence was produced of a guilty plea he made in his statement of 9th May 1997 and in a letter to the military prosecutor dated 29/06/1998.

Furthermore, his brother, Rurangwa Joseph, provided testimony to the fact the RUZIBIZA had indeed embezzled the funds, which were then deposited on account No. 115/0000591/18 in BANCOR, co-shared with Rurangwa Joseph. Ruzibiza was later convicted on appeal and sentenced to 10 years imprisonment. He was stripped of his rank and all military insignia.

Abdul RUZIBIZA was exfiltrated by French intelligence through Uganda in January 2001. He has served as a convenient mouth piece for those who exfiltrated him and granted him asylum in Europe. As a lowly Nursing aide in an infantry company during the war, Ruzibiza is extremely ill placed to be an authority on military doctrine, strategy, geopolitics, and clandestine activities that French intelligence and Judge BRUGUIERE would like the world to believe.

Ruzibiza has since denounced Judge Brugueires' remarks which clearly shows that this judgement is political rather than legal.

2.2 Key witness No.2 Alloys Ruyenzi

A private in the Army could not have been involved in major high level military command decisions. Judge Brugueire is just an amazing Judge.

Alloys RUYENZI, allegedly corroborates Abdul Ruzibiza's version of events in 1994. But who is this Alloys RUYENZI? He was a private in 1994. He joined the RPA in 1990 and faced continuous disciplinary reprimands. Ruyenzi was moved from the Republican Guard partly as a result of his continued indiscipline. Owing to this poor record, he was passed over for promotion a number of times. When he deserted the army in 2001, he was a Second Lieutenant pending prosecution for being absent from duty without objective reasons. Alloys RUYENZI was not in any position of command, and he can not be a credible witness to major command decisions during war to a reasonable person. He was never, unlike his claims, a close bodyguard to Paul KAGAME.

2.3 Key witness No.3 Innocent MARARA

Innocent MARARA was interviewed by the Judge on 3rd September 2001. He claims to have joined the RPA in 1991, was attached to the close protection of Paul KAGAME in 1992, and in this respect, was present at a series of meetings, the first one allegedly in 1993, in which the decision to assassinate President Habyarimana was taken. This should be read as the fiction that it is.

Innocent MARARA joined the army in 1994, not in 1991 as he claims. He received basic training and was later deployed in the Republican Guard as a driver. He escaped from prison in 2001. He was under investigation for membership of a network of armed gangs involved in robberies in the City of Kigali. The assertions that Marara was privy to planning of the assassination of Habyarimana at a time he had not even joined the RPA

should outrightly be dismissed as the nonsense that it is. Having no credibility whatsoever as a witness of events before 1994 which is the year he joined the army, Marara claims, and Bruguiere accepts as evidence, that in 2000, six years after the events of 1994, as an escort to President Kagame, at a public ceremony at MATIMBA in commune KAGITUMBA, local singers composed and sung a song in honor of one of their sons; a Captain promoted for his participation in the assassination of Habyarimana. This is a naked lie. Nobody in Matimba remembers the event and the song described. In any case, if it were true, it would suggest that an entire village in Rwanda knows who shot down Habyarimana's plane. This is absurd to all reasonable people.

What a pity for a Judge to stoop so low in his quest for political glamour!

2.4 Key witness Emmanuel Ruzigana.

He has denied the statements attributed to him by Bruguiere. Ruzigana was a demobilized soldier who wished to leave Rwanda for greener pastures. He was contacted by Abdul Ruzibiza, who promised to put him in contact with some people who would grant him a schengen visa and find him asylum in Europe. He then went to the United Republic of Tanzania, where the French Embassy organized a visa and a ticket for him. He went through Paris where he met Judge Bruguiere at the Airport. The Judge allegedly had a document for him to sign, implicating current Rwandan government officials in the shooting down of the plane. Ruzigana has since written a protest letter to Bruguiere for misrepresentation and defamation.

A judge manipulating a witness and doctoring evidence!

3.0 Another set of incredible witnesses. (Genocide masterminds, suspects, deniers, revisionists, etc...)

The bigger group of Bruguiere's witnesses are individuals who participated in the genocide and are either facing International justice or are still fugitives. Instead of the Judge helping to apprehend them and bring them to justice for their heinous crimes, he has become the conduit for the perversion of Justice.

3.1 Agathe Kanziga HABYARIMANA. Widow of late HABYARIMANA.

She was a leader of the extremist Hutu faction responsible for the genocide. She was a key financier, backer, and supporter of RTLM, the hate Radio broadcasting genocide propaganda and ideologies. She was evacuated from Rwanda by France on the 9th of April 1994 to escape possible capture by the RPF.

Agathe Kanziga faces charges of genocide and crimes against humanity in Rwanda. Despite this, she has continued to enjoy the hospitality of the French Government.

A Category 1 genocide suspect, she is Brugueires' chosen key witness.

3.2 Col Theoneste BAGOSORA

He was the mastermind of the genocide, and is currently facing justice at the International Tribunal for Rwanda based in Arusha, Tanzania. There is increasing evidence that Bagosora had a major hand in the downing of the falcon 50 9XN-NN.

3.3 Maj. Gen. Augustin NDINDILYAMANA

He is currently at the ICTR charged with the crime of genocide and crimes against humanity. Government is aware that Judge Bruguiere is in possession of evidence from Ndindilyimana that contradicts the assertion that the plane was downed by the individuals mentioned in the Bruguiere report.

3.4 Col. Ntirikana Faustin

He was a Huye battalion commander in 1994 and is currently in FDLR/FOCA. There are charges pending in Rwanda against him for crimes committed in Butamwa, Gitikinyoni, Nyakabanda, Kimisigara, and Mont Kigali during the genocide.

3.5 Lt. Col. Kanyandekwe Emmanuel

He was deployed in Manyagiro /Bungwe in 1994 and he is currently a member of FDLR /FOCA. There are charges pending against him for activities carried out at the so called i Kilima cya John Bugutira in Gisaha.

3.6 Maj. Rwamanywa Augustin

There are charges pending against Maj.Rwamanywa for the murder of Gisumati Jean Claude, Sindabye Jean de Dieu, Makanika, Mutabazi Augustin and others, at Gisaha.

3.7 Maj. Aloys Ntabakuze

He was in the PARA battalion in 1994. He is currently detained at the ICTR in Arusha for genocide and crimes against humanity.

3.8 Lt. Munyaneza Augustin

There are charges pending against him for genocide and crimes against humanity. He is also a key accused in the murder of Maj Mberabahizi and WOI Hategekimana Cyprien.

3.9 Col. Aloys NTIWIRAGABO

He is currently a member of FDLR/FOCA and was one of the chief financiers of the genocide forces. There are charges pending against him for genocide and other crimes against humanity.

3.10 Col. Joseph Murasampongo: ExFAR.

3.11 Col. Tharcisse RENZAHO

He was a key architect of genocide in the city of Kigali. He is currently detained at the ICTR in Arusha.

3.12 Joseph NZIRORA

He was a leader of the MRNDD, President Habyarimana's party.

4.0 A set of Political dissidents, members of Armed groups, petty criminals, etc... are another category of Brugueires' bunch of witnesses.

The other group of witnesses Judge Bruguiere relies upon are the political opponents of the current Rwandan Government. The group is comprised of people who allegedly were members of the RPF before falling out with the movement, or members of the armed opposition who have known ties to the genocide of 1994.

This category of witnesses also consists of individuals currently under prosecution for genocide and crimes against humanity.

4.1 Christopher HAKIZABERA

Bruguiere presents Christophe HAKIZABERA as a dissident RPF member who joined the movement in 1990. Hakizabera claims to have received information on the culpability of the named RPA officers from Theoneste LIZINDE, Leonard MUREFU, and Colonel Caesar KAYIZARI.

Christopher HAKIZABERA is currently a member of the FDLR, the successor group to the Exfar/ Interahamwe which committed genocide in Rwanda in 1994. He currently is the Vice –President of FDLR- CMC (commandement militaire pour le changement), a

dissident faction of the FDLR. Of the people mentioned as the sources for the hearsay evidence Bruguiere accepts, two are dead (Theoneste Lizinde and Leonard Murefu), and Ceasar KAYIZARI does not know him.

4.2 Sixbert MUSANGAMFURA

He was the Secretary General of Internal Security for one year. He went into exile in 1995. He is an early proponent of the theory of double genocide, which idea was dear to late French President Francois Mitterrand.

4.3 Jean BARAHINYURA

Jean BARAHINYURA is a former member of the RPF who left the movement in 1991 after approximately less than a year as a member. However, he did not leave the movement in 1991 because he had information of RPF plans to eliminate Habyarimana as Bruguiere claims. If that were true, Barahinyura would have shared that information with Habyarimana and the World at large. He did not. Barahinyura left the RPF because he believed the movement had too many Tutsis for his liking.

4.4 Jean Baptiste MBERABAHIZI

He is a former member of the Rwanda Socialist Party. Although he went to the RPF headquarters at Mulindi during the war at the invitation of Seth Sendashonga, he was not a member of the RPF. He represented his party, the PSR in the first transitional Parliament after genocide. He is currently the Vice President of the Democratic Front Union (FDU- INKINGI) a group with close ties to the FDLR.

4.5 Jean Pierre MUGABE

A former journalist of LE TRIBUN DU PEUPLE, Mugabe claims he is a former employee of the DMI, which he is not. He left Rwanda on 13th July 1999, possibly to escape the numerous court cases pending against him for libel, defamation, and extortion in abuse of journalistic license. Investigations into the deaths of Charles MUGENZI, Jean Claude Margined, Eric Murigande and Joseph Rusanganwa were also getting uncomfortably close to the Mugabe family.

4.6 Emmanuel HABYARIMANA

He is a former Minister of Defense (post 1994) and is currently the President of the opposition group FDU-INKINGI, a group with known and close connections to the FDLR. Emmanuel Habyarimana has been tried and convicted in Rwandan courts for desertion. He was convicted to a five year term and stripped of his military rank and privileges.

4.7 Balthazar NDENGEYINKA

He is a former ExFAR and was an RDF officer. Balthazar NDENGEYINKA was charged and convicted by Rwandan Courts for desertion. He was sentenced to five years imprisonment and stripped of his military rank and privileges. Furthermore, there is a case pending against him for genocide and other crimes carried out in 1994 at Gasyata in Kigali, and in Bugesera and Ngenda.

5.0 Most Incredible lot of French officials; mostly genocide deniers and/or revisionists

Judge Brugueire supplements this evidently biased Rwandan list of witnesses with not a shred of credibility and with an equally less than credible sample of French former officials desirous of protecting the tattered honor of France; by falsely tarring others with the crimes their country committed.

Strikingly, Bruguiere has ignored the hundreds of French citizens and officials who continue to deplore and question the role of their Government in the genocide in Rwanda.

5.1 Bernard DEBRE

He is a former French Minister of Cooperation who in his book, confesses his hatred for Paul KAGAME and the RPF as the executors of a Tutsi Anglo- Saxon plot to oust the French and their Bantu allies from the region. He lauds the presence of a French designed and supported “Bantu” line in the sand in Central Africa with the avowed aim of reversing the gains of the RPF.

Debre explains Frances’ support for Habyarimana as the fact that the former President was a Hutu and Francophone. He detests Paul Kagame for being Tutsi and Anglophone.

5.2 Lt Col Gregoire de Saint Quentin

He was the French advisor to Habyarimanas’ army. Lt Col Gregoire de Saint Quentin was based at the Para - commando unit at the time the plane was shot down. He supervised the placement of a 14.5 mm Anti Aircraft gun less than 100 meters from Kanombe International Airport the night of April 5th 1994. He was also allegedly involved in the training of the Interahamwe militia. De Saint Quentin and his men were

reportedly one of the few people allowed access to the crash site by the Presidential guard.

5.3 Rene Galinie

He was the Defense attaché and chief of the French military mission of cooperation to Rwanda. French training of the Interahamwe took place under his watch.

5.4 Col Bernard Cussac

He was the French defense attaché in Rwanda. His testimony about the events in Rwanda is very highly suspect. On one hand, he claims to have had evidence of a SAM 16 missile launcher allegedly captured by the FAR from the RPA in the Akagera park in 1991. On the other hand, he affirmed to Jean Pierre Minaberry, co-pilot of the falcon 50, in 1994, that the RPA had no SAM 16 missiles.

5.6 Jean Marie Dessales, security advisor

5.7 Col. Jean Jacques Maurin, deputy defense attaché

5.8 Bruno Ducoin, French military mission in Rwanda, 1990-1993.

All the above are French officers bent on covering up their own role and that of the French government in the genocide.

6.0 Well-known foreign apologists

The final major group of Brugueire's witnesses are individuals within the academic, religious and humanitarian Community, well known as apologists, negationists, revisionists or outright deniers of the genocide.

6.1 Phillip REYNTJENS a Belgian Academic, he was the Legal Advisor to President HABYARIMANA. He was also the architect of many of the Rwandan pieces of legislation that entrenched divisionism and sectarianism in the country.

6.2 Herman COHEN

He was the former American Secretary of State for African Affairs at the United States Department of State. At the time he was auditioned by the French Parliamentary Commission of information on July 7th 1998, Mr Cohen was a paid lobbyist for the Democratic Republic of the Congo, then in conflict with Rwanda. He pursued a vehement and venomous anti Rwandan Government agenda in the United States and elsewhere in the World.

6.3 Michael Hourigan; Former ICTR prosecutor

He is associated with former Congresswoman Cynthia McKinney in a determined anti Rwandan Government campaign. He is also a former representative of some families of the survivors of genocide in a legal case against the United Nations Organization. The families later dropped him in protest to his increasingly genocide revisionist agenda.

7.0 Brugueires' conclusions: A politically biased statement rather than a Judicial process.

7.1 Bruguiere did not select his list of witnesses haphazardly. He carefully selected those who would help him provide judicial support to an untenable political thesis. The judge is not interested in the veracity of the claims of his witnesses. If he were, he would not have accepted the hearsay nature of all the testimonies. Instead, he would have examined

alternative political theories on the shooting down of Habyarimanas' plane, many of which are supported by enough factual evidence to warrant deeper investigation.

On the basis of evidence available, including the ICTR's evidence adduced in the course of numerous trials and on the basis of different UNAMIR reports, the Government is convinced that Bruguiere wants to advance a revisionist political hypothesis.

Brugueire shamelessly states in his report, as if that is his final verdict, without any trial or defense, evidence that:

- The RPF wanted political power at any cost. Brugueire alleges that; in order to achieve this, they planned to topple the Hutu Government and assassinate Habyarimana as far back as 1991. He alleges further that in the process, the RPF deliberately planned to sacrifice Tutsis living inside Rwanda because they were considered Habyarimana's accomplices.
- The RPF were not happy with the Arusha Peace Accords of 1993, because the party, being Tutsi, could not hope to win a democratic election in a majority Hutu country.
- Once the RPF's political aim of assassinating Habyarimana was accomplished, the movement resisted all attempts to investigate the crash of the falcon 50.

7.2 In support of this political theory, Bruguiere makes additional claims that, in his view, confirm the involvement of the RPF in the shooting down of Habyarimana's plane. He alleges the following;

- That only the RPA had missile capability, and that the Ex Rwandan Forces (FAR) had neither the capacity nor capability to use missiles.

- That the plane was downed by a SAM 16 missile.
- That said missiles belonged to a stock sold by the USSR to the Republic of Uganda.
- That therefore, only the RPF could have owned these missiles, being close allies of Uganda.

8.0 Contrary evidence available to Brugueire which he neither disclosed nor examined.

Unfortunately for Judge Brugueire, these assertions are contradicted by evidence on the ground. The claims are examined hereunder; one after the other.

8.1 RPF's Ambition.

It is true that the RPF, from its formation in 1986, had the legitimate ambition to exercise political power in Rwanda as is its democratic right. The fundamental rights of its members and indeed of the majority of Rwandans having been denied by the Government of the day for decades, supported by her International partners and allies, in particular, the Republic of France, the only option was an armed struggle.

The launch of the armed struggle in 1990 was supported by the majority of Rwandans the world over; including Rwandans in the Diaspora and those within Rwanda, when political space was liberalized in 1991. The RPF and the internal opposition had formed a strong united front against the genocidal regime of Habyarimana. Despite the concerted attempts by the International Democrate Chrétien (IDC), Belgian chapter, to weaken this common front by lobbying for a common Hutu front against a putative Tutsi enemy; by 1993, it was clear that the interim Post Arusha political arrangements would be dominated by the RPF and her allies.

Indeed, French officials were working feverishly, together with Habyarimana to salvage a semblance of control within the transition arrangements and in the upcoming electoral process which they strongly suspected they would lose.

8.2 Panic, Shake up in the military and Consolidation of the plans for Genocide

In order to bolster the repressive machinery of the State, especially the armed forces, in light of the increasing popularity of the RPF, and the unarmed opposition, Habyarimana retired many of the officers of the North who had led the army for decades. Thus Colonel Serubuga was replaced by Col Nsabimana as Chief of Staff, and Colonel Rwagafirita was replaced by Col Nindiliyamana. Under the guidance of French Officers, the new commanders attempted a reorganization of the army. More importantly, they redefined for their men, who the enemy was.

On the 21st of September 1992, Col. Nsabimana released a document which defined the enemy as *“All Tutsis, in the Diaspora or in the interior of the country, extremist and nostalgic of the exercise of power. He has never accepted, and will never accept, the reality of the Social Revolution of 1959, and wants to recapture power in Rwanda by all means, including through the force of arms”*. The ideological underpinning the genocide was thus given a military strategic cachet. It is this ideology, enunciated by the FAR, under French tutelage that Brugueire has revived and given a judicial cachet.

The extremists within the CDR and MRNDD were so incensed by what they saw as Habyarimana’s soft stand against the RPF that they openly menaced and threatened him with death on radio RTLM and other extremist publications. For example on the 49th

edition of Kangura, September 1993, a political cartoon shows Habyarimana in his helicopter flying off, while Alexis KANYARENGWE, Chairman of the RPF and Paul KAGAME, his deputy, tie together all leaders of the opposition and whip them. The caption read something like this:

Kanyarengwe: “Hit those enemies of peace.

Kagame with raised whip: “Come here, all of you, enemies of peace.”

Habyarimana in his helicopter: “Courage. What can I say? It is better that I retire. My mandate was coming to its end in any case.”

This cartoon, its emotive appeal to opposition politicians aside, is a reflection of the extremists’ conviction that the RPF was politically ascendant. It had no need to plan the assassination of Habyarimana in order to get political power. The extremists and the French on the other hand were on the losing side and were desperately looking for a radical way out of their quagmire.

The feverish activities of the French ambassador in Kigali, in a bid to unite all Hutu politicians under one banner, and his support for the inclusion of the CDR into the transitional political arrangements is a case in point. The charge that the RPF had decided to sacrifice the Tutsi living in the interior of Rwanda because they were considered Habyarimana’s allies is too ridiculous and insulting to be dignified with a reply.

As discussed above, Habyarimana’s Army high command, under the tutelage of France, had, as early as 1992, designated the tutsi’s as enemies, and therefore legitimate military targets.

This is the truth Bruguiere is trying to obscure. He relied on the testimonies of Bernard Debre who invents a conversation with unnamed RPF officials which nobody remembers

occurring. He also relies on the testimony of Innocent Marara, a former RPF officer who claims to have overheard plans to assassinate Habyarimana on three occasions beginning 1993. This is a pure invention of stories. Innocent Marara joined the RPA towards the end of 1994 as judge Brugueire would have found out had he practiced the most basic procedures of his trade.

9.0 The extremists reject the Arusha Peace Accords, declare apocalypse, incite the population But Judge Brugueire in a sadistic mindset finds the RPF ‘guilty’ and condemns them.

Brugueire claims that the RPF was unhappy with the Arusha Peace Accords because they knew they would not win a democratic dispensation. This assertion is based on the opinions of Filip Reyntjens, Bernard DEBRE, Barahinyura Jean, Jean Pierre Mugabe and others. This is not true. Of all the parties signatory to the Arusha Accords, the RPF was seen by all observers as the clear winner during the negotiations.

Indeed, the extremists, led by Theoneste Bagosora stormed out of the talks to go “prepare the apocalypse”. Habyarimana declared the accords as “Mere pieces of paper” and French officials declared them unworkable because they gave the Tutsis too much power, especially within the armed forces.

The CDR, which Bruguiere now attempts to defend, rejected the Arusha Peace Accords in total. This rejection was expressed, in part, through the 47th edition of Kangura, produced on August 1993. In it, the CDR, through Hassan NGEZE, who is currently under custody at the ICTR had the following to say;

“Those Accords are only useful to those political parties who have seats in government and therefore the occasion to loot the country, and use state funds for recruitment. The

other party interested in the Arusha Accords are the Tutsis the world over because for them, it is an occasion to return the Hutu to slavery and a trick to recapture power. It is clear that the so called Peace Accords are against the interests of some, and these are the majority.....There will be unceasing protests by those who do not find their interests in the conclusions of Arusha and who want the holding of elections which is the only way to move Rwanda out of disorder. But that does not concern me, I am CDR”

Hassan NGEZE continues cynically and dangerously :

- a) You, Hutu who recovered your property in 1959 after the fleeing of the cockroaches from Rwanda, abandon them, the cockroaches have come to repossess them in accordance with the Arusha accords. That does not concern me, I am CDR;
- b) Rwandan citizens, prepare yourself for a government of the whip and prepare to pay taxes in order to enrich cockroaches as contained in the Arusha accords. That does not concern me, I am CDR;
- c) Soldier, Rwanda’s shield, hand in your gun and return to cultivating your fields in the swamps, as the Arusha accords say. That does not concern me, I am CDR;
- d) Rwandan businessman, you who has already seen so much, prepare yourself for a raise in taxes so that the Government opened to cockroaches can repay the debts the cockroaches contracted in order to purchase the weapons with which they aggressed the majority people, in conformity to the Arusha accords. That does not concern me, I am CDR;

- e) Hutu government Minister, leave the capital city and go work in Byumba, where the Inkotanyi can easily get hold of you, as the Arusha accords say. That does not concern me, I am CDR;
- f) Rwandans who use taxis as your means of transport, prepare yourselves to fill the pockets of the cockroaches. You can see that their brothers do not stop increasing transport prices even before they get here. When they come, the 40 francs will be multiplied by four. That does not concern me, we shall use our own, I am CDR;
- g) Civil servant, give up your office, leave it to the cockroaches as the Arusha accords say. That does not concern me, I am CDR;
- h) Hutu, all of you, get ready to be treated in hospital by cockroaches who pay no attention to needles full of AIDS, the Arusha accords have given them full powers in the realm of health. That does not concern me, I am CDR.

9.2 The Hate Publication crystallized the extremists' standpoint

This Kangura publication is the crystallization of the extremist rejection of the Arusha Accords. We wish to point out that both Kangura and the CDR were the creation of Agathe Kazinga Habyarimana and her extremist friends. These are the people Brugueire is trying to white wash through his politico-judicial process. The RPF correctly rejected the CDR as a militaro-fascist organization. This analysis was accurate and prophetic. The CDR was at the forefront of the genocide in Rwanda in 1994, and was subsequently banned with the defeat of the genocidal forces. Bruguiere is fighting a rear guard action to rehabilitate them before history.

Government believes that it is criminal for an anti-terrorist judge to attempt the rehabilitation of a terrorist organization.

At the time Habyarimana and his party were rejecting the Arusha accords, the RPF had fulfilled its part of the bargain. At considerable risk to them, Senior RPF Political figures were sent to Kigali in anticipation of the formation of the Government as contained in the Arusha Accords. Habyarimana put roadblock after roadblock to the formation of the said government which was vehemently opposed by the extremists.

A Regional Summit to urge Habyarimana to implement the Arusha Peace accords thus became necessary and was called for on the 6th of April 1994 at Dar es Salaam. Under regional pressure, Habyarimana agreed to swear in the Government, to the expressed consternation of CDR and other extremists. He was not allowed to do so, his plane was shot down and the rest is history. This is the truth Bruguiere wishes to hide. In any case, the Judges' assertion that the RPF could not win an election in Rwanda has been disproved by the RPFs' overwhelming victory in the 2003 elections.

10.0 Wild and Defamatory allegations on the shooting down of the Falcon 50

We now turn to the ridiculous claim that the RPF and Paul KAGAME in particular, have not called for investigations into the crash of the Falcon 50, and that indeed, they have actively hindered it.

10.1 This assertion is based on hearsay evidence allegedly provided by Sixbert Musangamfura, who claims that his proposal that the shooting down of the plane be investigated was violently rejected by Paul Kagame, and that subsequently, Col. Karake KARENZI advised him to drop the idea. The alleged meeting with Paul KAGAME did

not take place. Karake KARENZI has categorically refuted the allegations by Musangamfura. Anybody who knows the characters and moral stand of the two would choose to believe Karake KARENZI over Sixbert MUSANGAMFURA. That Bruguiere would choose to do the opposite is certainly a reflection of his non-existent ethical standards.

The Falcon 50 crashed into President Habyarimana's gardens. The French and the Presidential guard immediately secured and sealed off the site. Indeed, two Frenchmen were allegedly handed the planes' black box. Attempts by the UN forces on the ground to have access to the crash site were blocked by the FAR under the advice of the French. Later on, a French mercenary, Paul Barril publicly claimed he had found the black box. He did not have it, but his presence in Rwanda at that material time raises questions which Bruguiere should have answered.

Paul Barril is a former No.2 of the Groupe d'Intervention de la Gendarmerie Nationale (GIGN), a French police special force. He reportedly helped to create an anti-terrorist cell in the Elysee palace that answered only to President Mitterrand. He was also reportedly close to Judge Brugueire. Barril had worked for Habyarimana since 1989, when he reorganized the intelligence services under the Presidential guard. His presence in Kigali on the 7th of April 1994, and the immediate suicide of Francois de Grossouvre, French Presidential Advisor on African Affairs, on learning of the shooting down of the plane raises serious questions about the role of France in the event. Judge Brugueire makes reference to the warning President Mobutu gave Habyarimana on the eve of the Dar es

Salaam Summit. He, however, does not inform the world, that the said warning came to Mobutu from French Intelligence at the Elysee.

Contrary to the assertions of Brugueire, the French government and the extremist Interim government blocked all attempts to investigate the crash when they were in control of the crime scene. It is only on May 2nd, 1994, almost a month after the event, that the Kambanda government reportedly wrote to Roger Booh Booh, confirming the readiness of his Government to receive an International Commission of enquiry. On the ground however, Kambanda's government continued to block access to the site of the crash.

10.2 RPF asked for Independent investigation into the crash.

Judge Brugueire is wrong when he claims that the RPF led government never asked for an investigation into the crash of the plane.

In March 1996, through its Minister of Transport, Dr Charles MURIGANDE, the RPF Government wrote to the International Civil Aviation Association (ICAA) requesting the organization to investigate the crash. The French head of the Organization at the time blocked this demand.

We wish to point out that on the 5th of April 1994, a day prior to the Dar es Salaam Summit, under the supervision of De Saint Quentin, a French military advisor, a 14.5 mm Anti Aircraft gun was placed less than 100 meters from Kanombe International Airport. Furthermore, in contravention of long established protocol, the Diplomatic Corps, for the first time, were not convened to welcome the President on his return from Dar es Salaam. Only Enoch Ruhigira, his Director of Cabinet, was present to receive him.

This raises the question; Did France and the extremists know the President would not land? Is this the reason the diplomatic corps was not convened to receive him? For whatever reason, France and her extremist allies seem to have known Habyarimana would die.

Indeed, 'Kangura', had for sometime predicted that something would happen to the Head of State between the 5th, 6th and 7th of April 1994. As already pointed out, 'Kangura' was a known mouth piece for Agathe Habyarimana and her political friends. Surprisingly, Brugueire exonerates the extremists on the flimsy basis that they were in disarray after the shooting down of the plane and that many fled to foreign Embassies. He alleges further that Agathe Kanzinga was evacuated on the 9th of May 1994. This is simply disingenuous.

The organized killings started in Kigali and in Gisenyi in the far North, a mere two hours after the downing of the plane, the night of April 6th 1994. The killings were based on pre-established lists. At the same time, all the extremist members of government were not available. They had been secured by the Presidential guard. These actions were not spontaneous actions of a bewildered group in disarray; instead, they were the cold calculated beginnings of a longstanding plan of mass murder. The extremists and their International supporters simply miscalculated as far as the RPF was concerned. The RPA, once it decided to launch the offensive in reaction to genocide, on the 8th of April 1994, moved much faster than the extremists had anticipated. By April 9th 1994, its advance units were at the gates of Kigali and the 3rd battalion based in Kigali as per the Arusha Accords was in control of key strategic areas around the city. That is why France

evacuated Agathe Habyarimana and her extremist friends and abandoned the rest of the targeted Rwandans to their fate. That is also why the Sindikubwabo/Kambanda government was forced to evacuate from Kigali to Gitarama.

The extremists were not in disarray because Habyarimana was dead. They were disoriented by the unanticipated lightening military gains made by the RPF/RPA.

11.0 The killer missiles: The Judges made wild assumptions and revealed his true worth.

11.1 We now turn to the question of the missiles that allegedly shot down the Falcon 50.

We note that although it is now accepted wisdom that the plane was shot down by SAM 16 missiles, the source of this information is a single report by the FAR. The FAR claims that on 25th of April 1994, they found the missile launchers involved in the crime. A Lt. Munyaneza (Ex-Far) reportedly wrote down the serial numbers of these launchers. His account was reportedly corroborated by a witness in Masaka where the missiles were allegedly launched from. This witness reportedly told Filip Reyntjens, in October 1994, that he saw the missiles launched and that a month later the FAR had found the launchers and taken them to Kanombe. The story is hard to believe.

- Why would those who shot down the plane, conveniently leave the launchers on the ground for the FAR to find, in their good time, almost three weeks after the fact?
- If the perpetrators, whoever they were, could transport the missiles and launchers to the site, why would they be unable to transport the launchers out?

- In any case, where are the missile launchers allegedly reported on by Lt. Munyaneza?

Apparently, Judge Brugueire claims that they were handed over to Zairean General Tembele in Goma, for onward transmission to Mobutu. Of course Mobutu is now dead and the launchers have disappeared; if they ever existed to begin with. So we are left with conjecture and an unbelievable story.

Two missile launchers are conveniently left for the FAR to find. They are displayed at the Headquarters of FAR for other officers to see and, presumably, note the serial numbers. They are photographed and the photographs sent to Paris, but the launchers themselves are not sent for scientific forensic examination. Instead, they are given to a General Tembele, of the notoriously corrupt Zairean Armed Forces, for transmission to Mobutu. The latter, an acknowledged good friend to the late Habyarimana, does nothing to investigate the death of his friend. Instead, the launchers disappear into thin air. One would be extremely gullible to believe this story. Government does not.

It seems to us that an investigation into what type of missiles downed the plane is the place to begin for any serious investigation into this event. The accepted wisdom that it was downed by a SAM 16 missile needs to be investigated. Brugueire not only concludes that a SAM 16 missile downed the plane based on a single report from Lt. Munyaneza but he further makes a claim that the FAR had no missile capability and that therefore, the missiles could only have been fired by the RPF. We have already

shown that the witnesses on whose testimony this assertion is based are not credible. We also know that their testimonies are false.

Evidence abounds that the FAR had a recorded Air Defense Capability and had indeed used it to try and protect Rwandan airspace in 1990 and 1991. We have already alluded to the placement of a 14.5 mm Anti Aircraft gun near Kanombe Airport, under the supervision of a French officer, on the eve of the downing of the Falcon 50 in 1994.

11.2 Evidence of Purchase of Missiles by Habyarimana's Government

As early as 1992, evidence shows that the air defense battalion received orders at different times to go to Ruhengeri and Rusumo, to try and down aircraft over flying Rwandan airspace. Beginning 1991, the Rwanda Government procured missiles from different sources. Orders went out to North Korea, the Soviet Union, Brazil, and third party arms merchants then based in Monrovia, Liberia. Orders for six SAM 16 missile launchers and 30 missiles went out to North Korea. An order for 50 SAM 16 missiles went out to Brazil. An order for 15 SAM 16 missile launchers and 100 missiles went out to the Soviet Union. An order for twenty SAM 16 missile launchers and 100 missiles went out to arms dealers based partly in Monrovia, Liberia. This contradicts Brugueire's assertion that the FAR faced no aerial threat from the RPF and therefore had no need to develop an anti aircraft capability.

We also know the FAR had a missile capability supplied by France from its own stock and from stock, according to some witnesses, captured in Iraq during the first gulf war. With the acquisition of a missile capability, the FAR also developed a trained cadre capable of utilizing them.

We have shown above that the assertion that the Falcon 50 was downed by a SAM 16 missile is still a matter of conjecture that needs further investigation, the claims of Judge Bruguiere notwithstanding.

11.3 Examination in detail about the question of the SAM 16 launchers on which Bruguiere bases his arrest warrants.

The French Parliamentary enquiry in its annexes shows that the FAR and French officers present in Rwanda claim that the Rwandan Armed Forces, in May 1991, allegedly captured a new and unused SAM 16 launcher from the RPA in the Akagera Park. The supporting documents are; a telegram from Col. Galinie, Chief of the DAMI, dated 19th May 1991, a telegram from Col Bernard Cussac, dated 13th August 1991 and a letter from General Quesnot, Chief Military advisor to Mitterrand, informing the latter of the finding of the SAM 16 and expressing the opinion that it might be part of Ugandan stock. This missile was brought to Camp Kanombe where it was allegedly seen by experts. This raises the question of why Rwanda would have missile experts if they had no missiles?

The missile in question was not sent to France for proper examination but instead, it disappeared in 1991, the day Quesnot wrote his note to Mitterrand. Interestingly, the reported serial numbers of this new missile, 04924 seem to be in the same lot as those reported by Lt. Munyaneza, 04814 and 04835, as having been the launchers from which the missile that shot down Habyarimana's plane was fired.

11.4 It should be noted that in a telegram dated May 22nd 1991, the Defense Attaché presented the new SAM 16 launcher found in the park as just a sample of missiles found and owned by the FAR. This contradicts Brugueire's assertion that the FAR had no SAM 16 capability. We wish to point out that there was no fighting between the FAR and the

RPA in the Akagera Park on the 18th of May 1994, the day the launcher was allegedly captured by the FAR. The missiles, which we believe were many, could not therefore have been captured from the RPA.

Another source for the missile launchers should be investigated. Are they part of a stock captured by France during the gulf war as some experts have claimed? Judge Brugueire concludes that SAM 16 missile launchers 04924, 04814 and 04835 correspond to a lot allegedly sold to Uganda by the former Soviet Union. This is based on a list of Ugandan missiles released by French intelligence, the DGSE. Yet, the DGSE Uganda list does not contain the serial numbers in question although it contains numbers similar to them.

To muddy the waters further, the French Parliamentary Commission has not released the list of missiles captures by France in Iraq for comparison. Col. Ntahobari (Ex-FAR), deposed by Judge Bruguiere, reported being fired at, in 1990 by RPA SAM 7 and SAM 14. In contradiction to French military officers, he made no mention of SAM 16 missiles.

11.5 In summary the FAR themselves, claim that as early as 1991, they were in possession of SAM 16 missile launchers, some new and others unused. They claimed to have captured them from the RPA, and on one occasion, this assertion was false. The evidence that the FAR possibly had many SAM 16 missiles is strengthened by a French Army officer General Mourgeon, Chief, Rwanda cell at French Army Headquarters.

In a note to the French Parliamentary information mission, the General wrote “**The Rwandan army could very well have captured other missiles from the RPA.**” He then qualifies the statement by saying the FAR did not have ground air missiles. He makes this contradictory affirmation based on the fact that the French heavy caliber

munitions were under the control of a French officer. This must be a deliberate diversion on the part of Mourgeon.

We know for example, that a list of FAR weapons and ammunition collected by Human rights Watch, after the defeat of the FAR, contained a number of missiles including; 40-50 SAM 14 and 15 Mistrals. These weapons and ammunitions were found in a warehouse in Goma, Zaire, guarded by the defeated FAR officers, under the benevolent eye of the French. France therefore, at least on one occasion, supplied the FAR with a Missile capacity.

We note that the MISTRAL is considered a more sophisticated missile than the SAM 16. That France could supply a genocide government with such weapons is beyond comprehension. The FAR therefore clearly had a missile capacity and we have evidence that this capacity was under the control of the French officers mentioned in General Mourgeon's note.

11.6 Judge Brugueire's affirmation that Habyarimana's plane was downed by SAM 16 missiles, numbered 04835 and 04814 raises more questions than it answers. We have shown that the judge is silent on what eventually happened to the new SAM 16, held by the FAR since 1991. We have shown that this and other missiles including those alleged by Lt. Munyaneza to have been the culprits in the 1994 attack are not found in the DGSE list of missile launchers held by Uganda. We have shown that according to General Mourgeon of the French Army, the FAR could well have had other SAM 16 missile launchers and we have shown that in any case, the FAR had a substantial missile capacity including MISTRAL missiles supplied by France.

11.7 Other important facts

The French Parliamentary enquiry into the Rwandan tragedy received two lists of SAM 16 missiles produced by the French intelligence, DGSE. One was an inventory of the missiles allegedly held by the Ugandan army, the other, a list of the missiles captured by the French Army in the gulf war. Clearly then, France had SAM 16s captured in Iraq. The French Parliamentary mission publishes the DGSE Uganda list but does not publish the French Iraq list.

Is it possible that the new missile allegedly captured in the Akagera National park, during an encounter with the RPA which never happened, was part of this stock?

The French Parliamentary enquiry reported that the French Ministry of Defense transmitted photos of two missile launchers taken on the 6-7 April, 1994 which were allegedly received by French military intelligence from their military cooperation mission in Kigali. Judge Brugueire makes use of these photos as further supporting evidence for his case and yet he simply ignores the following observations made by the Mission of enquiry we find pertinent.

12.0 France's Parliamentary Commission Findings.

- The photos, taken in Rwanda were only registered in the books of military intelligence on the 24th of May 1994 and yet they were allegedly taken on the 6-7 April 1994. This delay for such sensitive information is abnormal.
- The photos show only one launcher on which the serial numbers are visible.
- That the visible serial number is similar to the number reported by Lt. Munyaneza on one of the launchers responsible for the attack on Habyarimana's plane.

- Yet an analysis of the photo shows that this particular missile was never fired.

Therefore, the French Parliamentary Commission concluded that this particular launcher, reported by Munyaneza (Ex-FAR), whose serial numbers were later sent by Col.Theoneste Bagosora to Filip Reyntjens and are now retained by Judge Bruguiere as the culpable missile launcher, had nothing to do with Habyarimana's plane. Bruguiere glosses over this important detail made by his own members of Parliament. We cannot gloss over such detail.

In any case important questions remain.

- Who took the photos sent to the Parliamentary mission? When? Where? For what purpose?

If the photographs were taken on the 6th- 7th of April, then these were not the missile launchers used to down Habyalimana's plane and Judge Brugueire must look elsewhere for the missiles that shot down the plane. If the photographs were taken earlier than April 6th, then the FAR and the French were culpable for the attack, being the owners of the launchers with which the crime was committed.

In either case, Judge Bruguiere owes all of us an explanation for his sloppy investigative methods to say the least. We note in passing, that although some of Brugueire's witnesses claim to have transported SAM 16 missiles for the RPF, they do not provide the serial numbers of the missiles they carried, nor do they provide any verifiable photographic or other proof that they actually did so. Government believes Bruguiere and his witnesses have simply taken us on a wild goose chase.

13. Judge Brugueire's selective memory and evidence.

Brugueire claims that some of his witnesses, including Luc Machal and Jean Pierre Minaberry, confirm that the RPF had missiles within the CND (Parliamentary Building), the Headquarters of its 600 strong battalion. We examine the selective nature of Brugueire's so called evidence. Brugueire makes mention of a letter written by Jean Pierre Minaberry co pilot of the Falcon 50 to Bruno Ducoin, expressing his concern that the RPF had some missiles. Yet an examination of Minaberry's letter finds that he was concerned about SAM 7 missiles. He reported that Bernard Cussac, one of Brugueire's witnesses had told him the RPF had SAM 7 missiles but was categorical the RPF did not have SAM 16 missiles. We should be reminded that in February 1994, Bernard Cussac had asked Luc Marchal whether the RPF had no missiles at the CND. Marchal, surprised, and while not ruling out a French disinformation operation, ordered a search of the CND premises and did not find any missiles. In the same month, February 1994, Cussac tells the French co pilot, Jean Pierre Minaberry, that the RPF had SAM 7 missiles but not SAM 16. This is extremely strange because it is the same Cussac, who, in a letter dated the 13th August 1991, requested that an expert examine the SAM 16 missile allegedly captured by the FAR from the RPA in the Akagera National park. Either Col. Bernard Cussac lied to Jean Pierre Minaberry and is therefore an accomplice in his death, if indeed the plane was shot down by a SAM 16, or he told him the truth, in which case Judge Brugueires' case collapses under the weight of its lies.

In either case, Bernard Cussac disqualifies himself as a credible witness as far as the RPA is concerned. Clearly then, Judge Brugueire's case against the RPF and its leaders

collapses under the weight of its contradictions. He sets out to prove RPA's culpability and only succeeds in raising questions about the involvement of France and her officials in the events surrounding the death of Habyarimana.

13.2 Some of the other outrageous assertions made by Judge Bruguiere.

The judge quotes extensively, hearsay evidence from Col. Balthazar NDENGEYINKA that then Col. Charles MUHIRE confessed to him that the RPF downed the plane. That the Dar es Salaam Summit simply was a ploy to get Habyarimana out of the country and that immediately the Falcon 50 took off from the Dar es Salaam, a phone call was made to Mulindi, then the general Headquarters of the RPF. Lt. Gen. Muhire states categorically that no such conversation occurred between him and Ndengeyinka. Furthermore, the RPF had no role whatsoever in the convening of the Dar es Salaam summit. It was not even invited.

14.0 Judge Brugueire fishes/solicits for more enemies for Rwanda

14.1We dismiss the allegations that President Kagame was associated in the killing of President Ndadaye of Burundi in 1993, with the contempt it deserves. Government finds it unacceptable that such a grave accusation can be made by France, against the leader of a sovereign state, with absolutely no evidence to back it up. This can only be construed as an attempt by France to spoil the excellent relations existing between the Government of Rwanda and the Republic of Burundi.

14.2We shall not respond to the insinuations that President Museveni of the Republic of Uganda deliberately delayed the Dar es Salaam Summit so Habyarimana could return

to Kigali late and thus present a perfect target to the RPF. We know this is an attempt to make Yoweri Museveni an accomplice to the assassination of Habyarimana, but we also are aware that the Government of Uganda is more than capable to respond to this accusation.

14.3 Neither shall we respond to the accusation that the Government of the United Republic of Tanzania denied Habyarimana's request to spend the night in Dar es Salaam even when he expressed fear for his life. Again we know that the Government of the United Republic of Tanzania is capable of addressing this ignoble assertion. We simply are amazed at the incredible arrogance of this judge and his government who, without a shred of evidence, can make such grave accusations against the leaders of three sovereign governments in a cavalier fashion. He is animated by such venom against Anglo-Saxon community that he has simply thrown all ethics and caution to the wind.

15.0 Judge no more than a genocide denier/revisionist and mouth piece of genocide ideas.

Judge Brugueire's basic thesis is that without the downing of the Presidential plane, genocide in Rwanda would not have happened. That the RPF knew that downing the plane would trigger off the genocide and that it is therefore the RPF that was responsible for the deaths of the millions killed during the genocide. Government believes this criminal attempt to distort history should be dismissed with the contempt it deserves. It is a well known fact the genocide of the Tutsi started in 1959. Furthermore, we have shown that, as early as 1992 the FAR, under French tutelage had designed all Tutsis of the

diaspora and the interior as the enemy and therefore legitimate targets irrespective of age or sex.

In October 1990, Para-commandos under Alloys NTABAKUZE annihilated Bahima pastoralists in Umutara. Ntabakuze simply divided the population into two camps based on their ethnicity as mentioned on their identity cards and killed off all the Tutsi. This is the same Ntabakuze who is today, one of Brugueire's major witnesses against the RPF.

Partly in reaction to these killings, the French Ambassador in Kigali wrote the notorious cable that contained the chilling words that;

"...the Rwandan population of Tutsi origin ...still count on military victory ...which...will enable it to escape genocide."

Bruguiere et al therefore knows that the Tutsis faced annihilation with or without Habyarimana. This chilling decision taken early during the conflict by Habyarimana and his French advisors was confirmed by Paul Dijou (a French official) to Paul Kagame in 1992 when he advised him to simply submit to Habyarimana's dictates because the RPF would never be able to defeat him and if they did, they would find "all their brothers exterminated."

In January 1991, in reaction to an RPA attack on Ruhengeri that freed many political prisoners, a campaign to exterminate the Bagogwe, pastoralists believed by the regime to be of Tutsi descent, was organized and carried out. In Gisenyi and Ruhengeri, the methods later used in the genocide were perfected. The killings were organized at the highest levels of the Habyarimana government. Col. Charles Uwihoreye, commander of the Ruhengeri garrison, received orders to kill from Col. Elie Sagatwa, Habyarimana's private secretary. He refused and was imprisoned for his insubordination.

In 1991, the Interahamwe took part in mass killings of Tutsis in Murambi. Then in 1993, the Tutsi of Bugesera were targeted for extermination. In these massacres, the militia, local authorities and members of the armed forces participated. In these killings, the language of genocide was perfected. “Clear the bush! Pull out the bad weeds!” the locals were exhorted. This meant, kill the Tutsis.

An Italian nun, Antonio Locatelli went to see the Burgomaster responsible for the killings, Fidel Rwambuka, and urged him to stop the killings. Later, she denounced the killings on International media. Two days later, soldiers shot her dead. This is the genocide Judge Brugueire euphemistically refers to as “ethnico-political troubles.”

Genocide therefore occurred when Habyariamana was alive. Indeed he planned and perfected its methods. When he died, the machine he had prepared to perfection was unleashed on the Rwandan people. For this, we hold him and his International mentors and logisticians, primarily France, responsible.

16.0 Sadism on the part of Judge Brugueire.

Brugueire holds the RPF responsible for the deaths of the Tutsis killed during the genocide because, as he says, although the RPA was militarily superior to the FAR, they refused a ceasefire when the massacres were in progress and refused to authorize an International force to reestablish order and stop the genocide. This is evidence, according to Bruguiere, of the desire for total victory by the RPF at the price of the massacre of the Tutsis of the interior, considered as collaborators of Habyalimana.

Government is indignant that this French Judge is allowed to propagate to the entire world one of the basic tenets in genocide revisionist literature with impunity and with no shred of evidence. First, the killings of innocent Rwandans was not occurring at the frontlines in 1994, it was happening hundreds of kilometers behind Government forces, in places such as Kibuye, Gisenyi and Kibungo.

The key to stopping the genocide was not a ceasefire but the defeat of the genocidal forces as fast as possible. Indeed, Abdul Ruzibiza, Brugueire's key witness, has accused the RPF of deliberately slowing its offensive so that the Tutsis could be eliminated. Playing Arm Chair general after the fact, Ruzibiza even had the chutzpah to design a more effective and quicker RPF offensive that could have stopped the carnage faster. Laughable as Ruzibiza's attempt is, it only serves to emphasize a simple fact. In 1994, only the genocidal forces and their International supporters wanted a ceasefire so they could complete the genocide unencumbered. Bruguiere is fighting a rear guard action on their behalf after the fact.

16.2 As for an International force to stop the genocide, Brugueire has his guns aimed at the wrong party. When genocide began, the International Community was present in Rwanda in the form of UNAMIR. Instead of strengthening it and mandating it to stop the genocide, the UN withdrew the force and let Rwandans perish. The Secretary General of the UN has apologized for this. As a matter of fact, a UN commissioned report into the failures of that body in Rwanda, produced by Ingvar Carlsson, is scathing on the role of the International Community in the genocide in Rwanda in 1994.

Powerful countries in the Security Council have consistently blocked the tabling of the report for consideration by the UN Security Council or its' General Assembly.

When France wanted to save the genocidal forces from defeat, it organized Operation Turquoise, over the objections of the RPF and indeed of many in the International Community. France had the political will to save the killers. She made the choice to stand with the genocide forces against innocent victims. France bears a heavy responsibility before history, before the world, before Africans and before Rwandans. We shall demand for an accounting, the antics of Judge Jean Louis Brugueire notwithstanding.

17.0 The language used by Brugueire is revolting and really shows we are dealing with a dangerous person.

In his report he extensively uses the words and describes RPF as Anglo-Saxons, Tutsi, Tutsi Anglophones and English speaking as a legal basis for indicting Rwandan leaders. (See pages 11, 27, 30, 62 etc...)

In identifying victims of his hate political views under the guise of a judicial process, he alludes to the fact that Rwandan leaders are foreigners either Ugandans or Congolese or of unknown addresses. What a shameless judge to the legal profession!

18.0 France and Judge Brugueire have ignored precedent/Jurisprudence of their own case.

In September 1994, a company called "Dictionaire Le Robert" under the subtitle Rwanda, made an allegation that RPF had shot down Habyarimana's plane. RPF filed a civil suit in defamation against Dictionare Le Robert in Tribunal De Grande, Instance de Paris, the same Court where Judge Brugueire makes similar allegations.

On the 12th April 1995, the Court made a ruling in which it condemned both Dictionnaire Le Robert and an author by the name Bertrand Pierre Henri Eveno for having defamed FRP. The Court ordered the company to pay damages to FRP and ordered that all editions of the Dictionary be withdrawn from circulation and that in all subsequent editions, such defamation should never occur.

It is amazing that a Judge sitting in the same Court makes the same defamatory allegations with impunity and no respect whatsoever of the verdict issued by his own Court and by his own colleagues.

What do you make of such a Judge? Is it so much political pressure or sheer incompetence or both?

We shall examine these issues in a legal brief we are preparing to challenge the infamous International arrest warrants. We shall not let Brugueire or his backers escape the long arm of the Law.

19.0. Conclusion:

Rwanda has shown that France, through Judge Buguire has continued its campaign against the Rwandan people and their Government. We are deeply concerned at this naked bullying and misuse of power by a Permanent member of the Security Council. The activities of Bruguiere have been instigated, financed, and assisted by Government circles, including intelligence circles, in a bid to destabilize the elected Government of the Republic of Rwanda. The conclusions of this Judge have no basis in fact, are a blatant attempt to deny and revise the genocide of 1994, and rehabilitate its perpetrators. We shall not allow this to happen. Finally, we reject the French Government's attempt to see

Justice, including International Justice, as simply the continuation of War by other means. Government believes such a strategy is dangerous to International Law and Order.