

CASE NO: ICR-98-41-7
EXHIBIT NO: DB 128B
DATE ADMITTED: 23-9-2009
TENDERED BY: DEFENCE
NAME OF WITNESS:

K0249194

Crown
Prosecutor

Brussels

Police Judiciaire

Division: Criminal

PJ204

Annexes: 0

Hearing: 1

No.: 46.938

Record no.:

Dated:

Pursuant to
orders issued by
Examining
Magistrate
Vandermeersch

Note:

Case: 57/95

Dated: 20/11/97

Regarding:
murder of ten
Belgian Blue
Helmets

Suit filed by
families

Purpose:

Hearing of
Joseph
Murasampongo

Indicator no.

Transmitted to Examining Magistrate Vandermeersch

Brussels, December 1997

For Chief Superintendent of Judicial Delegations

PRO JUSTITIA

In the year nineteen hundred and ninety-seven, the first of December at 9:30 a.m.,

I, MICHEL STASSIN

Police inspector, officer of the *Police Judiciaire*, auxiliary to the Crown Prosecutor of Brussels District, accompanied by Mr. Verhelst-Reul, Deputy Crown Prosecutor, hereby summon and hear in our offices the following:

Joseph Murasampongo, born in Bulinga (Rwanda), on 03/07/1949, of Rwandan nationality, spouse of Christine Kambayisa, applicant for refugee status, domiciled in Uccle, rue Charles Bernaerts, 1/1,

who declares the following in French:

"I wish to express myself in French."

I had the rank of Colonel and Chief of Personnel at Army General Staff headquarters.

In 1969, after completion of secondary school, I enrolled at the Officers School in Kigali. I completed my studies in 1971, and held the rank of Second-Lieutenant. In 1973, General Habyarimana led a *coup d'état* and took power. It must be pointed out that at that time, the South dominated the other regions of Rwanda. More than 80% of the officers hailed from the North. On 05/07/1973, after the *coup d'état*, different personalities from the South and in particular Gitarama Prefecture, my native Prefecture, were either murdered or chased away. There was a real cleansing, by that I mean that people sought to eliminate the intellectuals from the South in relation to those from the North.

After having worked in several different units, I found myself in Cyangugu as a Company Commander. On 1 October 1990, the RPF

attacked Rwanda from the North and I was among the first persons sent to intervene. I stayed at the front until 1993.

In the meantime, there came the advent of the multi-party system and I would say that the opposition was rather virulent in Gitarama Prefecture. I was not affiliated with any party, but I did espouse the political ideas of the PSD. Opposition parties began to raise the issue of regional equality, and pointed out, justly so, that all of the important posts, notably those in the armed forces, were held by people from the North.

During 1993, an opposition Prime Minister, Dismas Nsengijaremje, was appointed, and the situation did not change much. As regards me personally, and on the basis of political party pressure, I was taken off the war front and assigned to General Staff headquarters, where I held the rank of Lieutenant-Colonel. I had some minor problems, because tracts about me were being distributed around Kigali, saying that the Prime Minister, who was also from Gitarama, was starting to stack the army with people from the same Prefecture as himself.

Within the General Staff, my functions were as Chief of Personnel. I had a deputy, who held the same rank as I, and who hailed from the North. His name was Jean-Bosco Ruhorahoza. I always believed that he was appointed in order to monitor me.

I came to realize that my relationship with the Chief of General Staff, Déogratias Nsabimana, was not very good. He rarely met with me, and trusted more in my deputy. Nsabimana appointed the officers to be assigned to certain garrisons and in some cases, he went so far as to even appoint some non-commissioned officers. That surprised me and was beyond my comprehension, to see how he could go so far and intervene without consulting me. I worked in those conditions up until 06/04/1994, the date the presidential plane was attacked.

On that date, at around 8:30 p.m., I was at home. I received a telephone call from the transmissions officer, Captain Rutakamize, who told me that the presidential plane had gone down on its way back from Arusha. He could not give me any more details. I went straight to General Staff headquarters, where several officers from MINADEF and General Staff had already gathered. Among them:

- Colonel Bagosora
- Major-General Augustin Ndindiliyimana
- Colonel Jean-Bosco Ruhorahoza, my deputy
- Colonel Ephrem Rwabalinda, liaison officer between the Army General Staff and UNAMIR
- Colonel Paul Rwarakabije, (Gendarmerie G3)

- Colonel Kanyandekwe, who was standing in for the G3 who was on a trip to Egypt
- Colonel Augustin Rwamanywa (Army G4)
- Colonel Balthazar Ndengeyinka, advisor to the Minister of Defense
- Colonel Léonidas Rusatira, Commander of ESM (*École Supérieure Militaire*)
- Colonel Cyprien Kayumba, Head of logistics at MINADEF
- Colonel Félicien Muberuka, Operations Commander in Kigali city
- Lieutenant Colonel Jean-Marie Vianney Ndahimana, Commander of General Staff HQ base
- Major Théophile Gakara, Gendarmerie G1
- Major François Xavier Nzuwonemeye, Commander of the Reconnaissance Battalion (RECCE)
- Major Gérard Ntamagezo, officer attached to the G2 bureau, and then myself

It was during this assembly that I learned that the Chief of General Staff, Nsabimana, had perished in the attack. I did not know that this person had accompanied the President to Arusha. However Nsabimana had informed certain Unit Commanders in Kigali, including the Commander of the Paracommando Battalion, Major Ntabakuze.

The meeting with all of these officers that I have just mentioned was in fact a crisis committee. Colonel Bagosora was the one who took control of the discussions. He was in fact the *Chef de Cabinet* of the Minister of Defense, and since the Minister of Defense was out of the country on mission to Togo, Bagosora stood in for him. He therefore took the floor as someone who was replacing the Minister, even if Ndindiliyimana was the highest-ranking and most senior officer present.

Since the Chief of General Staff had just died with the President, Bagosora proposed the name of Marcel Gatsinzi to be interim Chief of Staff. Gatsinzi was Commander of ESO (*École des sous-officiers*) in Butare Prefecture.

There was also a discussion over drafting a communiqué to be read over the radio to advise the population of the situation. This communiqué was approved by Bagosora, since it was written on behalf of the Minister of Defense.

Most of the officers present were convinced that the presidential plane had been shot down by the RPF. There was a group of officers who said that the military should take over power and another group which disagreed with the first, and rather supported a continuation of the peace process provided for in the Arusha Accords.

Bagosora was part of the first group, moreover, he was the one who put the idea forth. One could read it on the faces of the officers who agreed with Bagosora. In fact, those who agreed with him were the officers from the North, Colonel Rusatira excepted. Rusatira stated that such an idea was an aberration and that it was necessary to pursue the Arusha Accords. Each person stuck to his opinion, and there was no vote. I would like to point out however that General Ndindiliyimana did not express his thoughts, and he expressed no opinion. In the meantime, General Dallaire showed up at the meeting. He even followed most of the discussions. Dallaire proposed that Prime Minister Agathe Uwilingimana be a party to the discussions. Bagosora rose up in opposition to that proposal and no one else insisted. Given the standstill, it was decided that the UN Representative, Roger Booh-Booh, should be consulted. A delegation, made up of Bagosora, Ndindiliyimana, and Rwabalinda went to see Booh-Booh. Dallaire also left the meeting at the same time, but I do not know if he accompanied the delegation or not.

Upon their return on 07/04/1994, at around 1-1:30 p.m., Bagosora explained that Mr. Booh-Booh had advised them against the military solution, because according to the UN Representative, no country would support that choice. Bagosora also added that Booh-Booh advised that another person from the MRND should take up the Presidency as called for in the Arusha Accords. The mission to consult representatives of the MRND was entrusted to Colonel Bagosora.

Also during this meeting, it was decided that a meeting of all the Sector Commanders (*Commandant de Secteurs*) in the country should be convened, on 7 April at 10 a.m. at ESM. The objective of the meeting was to update them on the situation in the country and to request their approval for what had been decided the previous night.

Upon questioning:

During the meeting, other white officers came in, but I could not tell you whether or not Colonel Marchal showed up, because I had never met him and therefore would not recognize him. I had no contact whatsoever with these officers.

Upon questioning:

There was never a question of Prime Minister Agathe making a radio address the following morning.

After this meeting, I left the General Staff headquarters at around 3 a.m., to rest and to be ready to attend the next day's meeting.

On 07/04/1994, at around 8 a.m., I first went to General Staff headquarters, in order to look at the messages that had come in from the different units in their respective sectors. On the way, I heard sporadic gunfire, in almost all of the *secteurs* in Kigali city. I told myself that the

gunfire was coming from soldiers who were manifesting their anger over the death of the President. I stayed at headquarters from 8 to 9:40 a.m., and after that I walked to the meeting at ESM which was scheduled for 10 a.m. I therefore walked past Kigali camp. When I arrived in front of the entrance to the camp, there was a crowd gathered in front of the command buildings of Kigali camp. I went into the camp and I saw the bodies of four white men who were Blue Helmets. They were spread out on the ground, and were no longer moving. They had wounds all over, mostly to the head. Some soldiers were still going at the bodies by throwing stones. I spoke to the Commander of the camp, Lieutenant-Colonel Nubaha, to find out what had happened. He told me that the bodies were those of Belgian Blue Helmets, and they had just been killed by soldiers who suspected they had been part of the attack against the presidential plane. Because soldiers were still throwing stones at the bodies, I addressed myself to Major Nzuwunemeye, Commander of the Reconnaissance Battalion, and to Colonel Ndahimana, Commander of the base, to ask them to move the soldiers away and make them to go back to their work. Lieutenant-Colonel Kanyandekwe was also present. No one among these Unit Commanders moved an inch. No one made the slightest gesture. I therefore turned to Lieutenant-Colonel Nubaha and asked him to look for a vehicle to take the bodies to the hospital, located approximately 100 meters from the camp. He too did not move. Not far from there, there was a green minibus with a driver inside. I thought that the vehicle must have belonged to *Génie* Company. It had a military license plate and had been given as part of a technical assistance aid package by the Germans. I signaled to the driver to come over to us. At that point a soldier stood in front of the vehicle and stopped the vehicle from moving. This soldier said that there should be no pity over what happened to these Belgian soldiers. The officers and soldiers present looked at me as if to mock me, at which point I realized that I had no authority over them.

Given the officers' lack of reaction, I considered that they must have been accomplices in the massacre with their men.

You ask me if I saw or heard six other Belgian Blue Helmets. I did not, not while I was there.

You also ask me if I saw any Ghanaian Blue Helmets. No, I did not see any at that point in time. I repeat, I only saw the four white soldiers' bodies and Rwandan soldiers.

Before leaving the camp to go to the meeting at ESM, I repeated my request to the Commander of Kigali camp for him to evacuate the four bodies.

I then continued on towards ESM. I realized that Nubaha was closely following me, because we both entered ESM at the same time. Nubaha

entered through the door for authorized personnel, whereas I came in through the public entrance and went to sit down in my place in the audience. Nubaha went towards those presiding the meeting, namely Bagosora, Ndindiliyimana, and Rusatira. He spoke with Bagosora who was seated between the other two. The conversation lasted for about one minute and then Nubaha left. The audience was not made aware of what was said between these two men. Right then, I did not know what Nubaha told Bagosora, but I imagined that he had come to update Bagosora on what happened at Kigali camp.

I point out that General Dallaire arrived at about the same time that Nubaha left the room and the meeting continued. Dallaire sat down close to entrance, not far from the board, in the first row of the audience. He followed the meeting. I do not think that he ever spoke. The Operations Sector Commanders were informed of what the crisis committee had decided the previous night. However, I will point out that they were told that Mr. Booh-Booh disapproved of a military takeover of power that had been accepted by the Sector Commanders. Still, they asked that Colonel Tharcisse Renzaho be added to the list of crisis committee members.

The mission of this crisis committee was to follow the security situation of the country and to assist the policy-makers.

During the meeting, at around 11 a.m., loud shots were heard, and it sounded like assault fire. Some left the room, and then came back to the meeting and continued. It was only during the meeting of the crisis committee, at around 8 p.m., that I learned that these shots had come from the Prime Minister's residence at the time she was being murdered. During this same meeting, I should point out that was a prevailing climate of mistrust, because communication was not direct. It appeared that some people knew what was going on and others did not.

Another example is the fact that during the day, President Kavarunganda was murdered, but I knew nothing of it. It was also during the evening that I was made aware of that. I was convinced that some among us were aware of developments in the situation, but it would appear that it was all a secret, because no one said anything about it.

Upon questioning:

You ask me during these events or perhaps even prior to them, if there were soldiers or gendarmes who guarded the residences of certain personalities such as Ms. Agathe or President Kavarunganda?

Indeed, people who made such a request were in fact assigned gendarmes guards.

That was the case for the personalities that you mention in your question. The same went for Minister Félicien Gatabazi. He was murdered well

before the President's death. He had bodyguards from the Gendarmerie in his vehicle.

QUESTION:

Is it conceivable to you that General Ndindiliyimana was not aware of these assassinations during the day of 7 April, and in the case he was aware, do you know the reason why he did not inform all of the members of the crisis committee of them?

I am convinced that at every moment a personality was killed or taken away, Ndindiliyimana was made aware of those developments.

The reason he did not inform all the crisis committee members of the situation is unknown to me, and I have no explanation for that.

Getting back to the meeting of Sector Commanders, it was decided that a communiqué would be drafted and it would inform the population of the decisions that had been taken and make appeals to the people to remain calm. The plan was for everyone to meet at the canteen at ESM for lunch together, but in fact everybody left without even saying goodbye. Kigali turned into a powder keg and each person wanted to get back to his respective sector, not necessarily to directly resume command functions, but mostly to get out of Kigali as quickly as possible, because there was a sense of imminent danger.

For my part, after the meeting, I left back towards General Staff HQ, and once again I went by Kigali camp. I saw the four bodies still lying on the ground in front of the command building of the camp. The crowd was no longer there. I know that upon leaving the meeting, Bagosora went to Kigali camp and entered it. I think that he was alone.

I arrived at General Staff headquarters and had my meal there. I stayed there until 6 p.m., and I had to go back to ESM for another crisis committee meeting. As I went by Kigali camp again, I no longer saw the bodies.

At this evening meeting at ESM, Colonel Rusatira asked what happened to the Blue Helmets. I took the floor and talked about what I had asked the camp Commander, and since on my way back to ESM I did not see the bodies, I figured that they had been brought to the morgue at Kigali hospital. It was proposed that Gatsinzi, the new interim Chief of General Staff, go to the Belgian embassy to present condolences. I do not know if anything along those lines was done.

Upon questioning:

Besides Rusatira and myself, no one said or asked anything about the death of the Blue Helmets.

It was also during this meeting that Colonel Rusatira raised the issue of who was going to chair the crisis committee, thus focusing on Bagosora, who was retired from the army. Rusatira believed that the chair of the committee should be an officer in active service. He hinted at General Ndindiliyimana who was the highest-ranking and most senior officer. All of the members present fully agreed with Colonel Rusatira. Bagosora lost his temper, saying that they were trying to exclude him from the committee, whereas he was the one behind its creation. Finally, nothing else was decided or brought up. However, Colonel Bagosora was tasked with contacting members of different political parties, so that they could gather to resolve the issue of the vacant presidency. Opposition members in difficulty could contact MINADEF which in turn would contact the Gendarmerie General Staff HQ to provide an escort. MRND members could move about freely, but to go through roadblocks, they were also escorted for fear of falling into an ambush of RPF elements who, to remind you, were at the CND (*Conseil national pour le développement*).

The present hearing adjourns at 2:45 p.m.

At 3:00 p.m., the present hearing resumes.

On 07/04/1994, at around 9 p.m., I went back to HQ. General Ndindiliyimana showed up shortly thereafter and told me that General Dallaire wanted to go to see the mortal remains of the Blue Helmets. He asked me to accompany them to the Kigali hospital morgue. The bodies were located on a plot not far from the morgue. They were piled one on top of the other and it was impossible to identify them. Augustin and Dallaire left. Personally, I stayed, and with the assistance of a Congolese worker at the hospital, I began to line up and lay out the corpses. I covered them with blankets that I had taken from ESM. I continued doing this until 3 a.m., hence on 08/04/1997 [sic]. I could also see that there were 10 bodies. I asked my driver and this worker to watch the bodies until the next morning.

I did not know that there were six other Blue Helmets who had been taken prisoner. Only on 08/04/1994, in the morning, did I return to Kigali camp and notice that the building in which the six others were being held had been riddled with shots. Before that date, I had not noticed anything. Because I only saw four bodies, I can suppose that the others died between 10 a.m. and 12 p.m. on 07/04/1994.

The Presidential Guard was the private domain of the presidency. The real chief was Colonel Elie Sagatwa, the President's brother-in-law. This unit was completely independent of the General Staff, except for its logistics. The unit was also controlled by Major Protais Mpiranya. He was practically a member of the President's family, and he was faithfully

obedient. Virtually no officer could exercise control over this unit, except for Colonel Bagosora, who had access to confidential information. That is not the only control Bagosora exercised. But here I digress.

My younger brother was killed in the Bukavu camps. His name was Jean Marie Vianney Bagezaho. Before the events, he was advisor to the Minister of Foreign Affairs, Boniface Ngulinzira. He was present during each of the negotiations at the Arusha Accords. He told me that during a negotiation mission to Arusha, Bagosora headed the military mission. He had to return before the end of the mission, because there were problems in the negotiations. Upon his return, Bagosora declared that the Arusha Accords would lead nowhere and that he was going to unleash the Apocalypse.

During these events, I continued my work, which was mostly administrative, and consisted in compiling lists of wounded soldiers and transferring personnel to reinforce certain areas. I left Kigali towards the end of June 94 for Gisenyi. My office had just moved to that city. I must say that I used this pretext to go to Gisenyi, but also to try to make it to Goma where my family was. When I personally arrived in Goma, I was told that my family had gone to Kinshasa in an attempt to try to go to Belgium. I returned to Gisenyi and stayed there until 12/07/1994. I then left again for Goma where I stayed in the refugee camps. There was widespread insecurity due to the actions on the part of the Zairian soldiers. I left for the Bukavu camps where I joined other members of my family, and I stayed there until September 1995. I then left for Nairobi.

Upon questioning:
Do you know Major Ntuyahaga?

Yes, I know him. During the murder of the Blue Helmets, he worked at headquarters. During an investigation I led into the death of the ten paracommandos I learned that Major Ntuyahaga had brought the Blue Helmets to Kigali camp after removing them from Prime Minister Agathe's residence, where they were disarmed by presidential guards who no doubt were coming from the President's residence in Kiyovu neighborhood.

I questioned Ntuyahaga. He told me he was coming from his house, in Kiyovu neighborhood, and was on his way to his office at headquarters. He went past the Prime Minister's residence and saw the paracommandos who had been disarmed. One of the paracommandos spoke to the Major and asked him to drive them to Kigali camp. The Major had a minibus and hence brought the ten Belgians to the camp, where he put them in the hands of a team of Ghanaian and Senegalese soldiers. Then he went on to headquarters and had no problem whatsoever. At no time did he specify if

the soldiers who had disarmed the Belgians were FAR or members of the Presidential Guard.

After some reflection, it seems to me that, following Ntuyahaga, the Belgians presumably asked him to take them to the closest UNAMIR camp and, knowing the area well, he presumably took the initiative to take them to Kigali camp.

In Kigali, I lived at Avenue de la justice, 21, in Rugenge *Secteur*, Kiyovu neighborhood. The house did not belong to me, but it was an official residence. Just for information, I point out that my salary was 45,000 Rwandan Francs per month, net after taxes.

Upon questioning:

Regarding the three officers who were at Kigali camp, I saw them in Bukavu, but currently I do not know what has become of them.

Upon questioning:

I should specify that the gunshots heard at around 11 p.m. were probably the gunshots behind Agathe's murder. I did not hear sustained gunfire after that, and so I do not know how the other six Blue Helmets died. I confirm that on the day of 07/04/1994, I was never more than 500 meters away from the guard post at Kigali camp.

Upon questioning:

I did not have a very specific function in the camps. I was to intervene to ensure a peaceful coexistence between the civilian population and the military.

As I have stated, my office was transferred to Gisenyi. Later, the computers were moved to Goma camp. That is how I was able to draw up the list of soldiers who had not yet received their pay for the month of July.

The money was located in a commercial bank in Goma. The bank was called the Banque Commercial du Zaire (BCZ). The G4 took care of paying the soldiers, who were in Goma and also Bukavu. After July 94, the funds from the Banque Nationale du Rwanda were transferred to Kinshasa, upon a request by the Zairian authorities. The objective of this was to avoid problems between Rwandan refugees and Zairian soldiers and civil servants who had not been paid for some time.

Having read the above, I confirm and sign.

Duly noted.