

CASE NO: ICR-98-41-7  
EXHIBIT NO: D.B. 135 B  
DATE ADMITTED: 23-8-2004  
TENDERED BY: DEFEH SE  
NAME OF WITNESS: .....

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**PRO JUSTITIA**

**WITNESS TESTIMONY**

At 2:15 p.m. on 31 July 1995, I, Damien Vandermeersch, examining judge at the Court of First Instance, Brussels,

Assisted by Anne-Pascale Dehant, a 21 year-old Belgian, acting registrar, in replacement of the Registrar-in-chief and the Registrar who were unavoidably absent, who earlier declared solemnly before me: " I pledge loyalty to the king, obedience to the Constitution and laws of the Belgian people",

In our chambers at the Court House in Brussels, took a statement from the under-mentioned witness, in the absence of the accused.

The witness requested to give his statement in French.

We interviewed him in the said language and asked him his surname, first names, age, civil status, occupation and place of residence, and whether and to what extent he was a servant, relation or relative by marriage to the parties.

The witness answered as follows:

Filip Reyntjens, born on 14 June 1952 at Antwerp, registered at Keiserstraat 84, 2000 Antwerp.

And after stating that he was neither a servant, relation, or relative by marriage to the parties, he solemnly declared in French to tell the whole truth and nothing but the truth and stated before us in French as follows:

**STATEMENT**

I am a professor at the University of Antwerp and a part-time lecturer at ULB and KUL.

I teach Introduction to African Law there and, in Antwerp, I also teach at the Institute for Development Policy and Management.

I taught at the Faculty of Law in Butare for 3 years, from 1976 to 1979 and then went there on average one or two times a year for a period of two weeks to two months. It is in that context that I continued my research on the region and contributed to education in Rwanda as a visiting lecturer.

I have authored about ten articles and five or six books on law and politics.

My last trip to Rwanda was in the second half of October 1994. In fact, I have returned there once after the events.

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At this point in time, I feel that it is not desirable for me to return there, given that my safety there would not be guaranteed, since the present authorities do not accept my criticisms about them.

As concerns the background to the events which occurred on 6 April and the ensuing days, I gathered a series of information and testimonies thereon. In fact, I interviewed about 150 people.

I intend to publish a book of about 150 pages on it and I will send you my notes. I insist that these are only notes which have to be corrected and finalized. Of course, the notes are being sent to you under the confidentiality of the investigations.

The book covers the period from 10:22 p.m. on 6 April when the President's plane was attacked to the morning of April 29, when the so called authorities of the transitional government were sworn in.

My hypothesis is as follows: in the night of 6 to 7 April, there were two lines of action. A distinction must be made between the first line which is visible, the crisis committee meeting which was held from 9 p.m. on 6 April to about 2 a.m. on 7 April.

During that meeting attended by the Special Representative of the UN Secretary General, Mr. Booh-Booh, the crisis committee took a number of measures which seemed good enough to take care of the situation. However, among the committee members, there was a divergence of views between the young officers in particular who considered taking power, on the one hand, and those who wanted to avoid giving the impression that they were about to carry out a coup d'etat, on the other hand.

A second line of action started around 2 a.m. and consisted in setting in motion the killing machine which had been prepared long ago.

That is where it is important to follow up the time-table of Colonel Bagosora who was in contact with certain military units, in particular the Presidential Guard, and probably also with the Hutu Power militia.

On this issue, I know that Bagosora had a radio network parallel to that of the Army, which linked him to the Presidential Guard, the Para-commando Battalion and the Reconnaissance Battalion.

As far as I am concerned, the massacres started around 5:30 to 6 a.m. on 7 April. The people I questioned said that some roadblocks had been erected before the attack on the President's plane; but then, the speed of the reaction does not seem to me to be a convincing argument to prove that the military command was aware of a planned attack.

The massacres which started at 5 a.m. were intended to eliminate the members of the opposition who, in accordance with the Arusha accords, were supposed to accede to the highest State offices.

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The first persons targeted were therefore the Prime Minister, the President of the Constitutional Court and the two candidates for the Chair of the transitional committee.

A constitutional void was thus being created which, in the minds of the conspirators, had to prevent the implementation of the Arusha accords.

I did not carry out any research on the more widespread massacres which followed in the ensuing days. However, I know from many reliable testimonies that a plan for genocide and political killings had been in existence for a long time and the first signs thereof could already be seen by the end of 1991.

As concerns the massacres in Kigali, an in-depth research undertaken by the UNAMIR civil police revealed that, as early as January 1994, there was a network of arms depots and ammunition caches, as well as a command structure which made it possible to spark off large-scale massacres.

In September 1992, I went to the field to investigate on the existence of death squads and, on the basis of various testimonies and after cross-checking on the field, I was able to draw up a first list of persons who according to me made up the nucleus of this violent destabilization machinery.

The nucleus subsequently spread out and its methods became dreadful.

At the time I prepared a five-page report in which I mentioned about fifteen names.

The names included, in particular, Protee Zigiranyirazo, Seraphin Rwabukumba, Theoneste Bagosora, Elie Sagatua, the President's brother-in-law.

From the findings of my investigations, I was able to call into question the people around the President but not the President himself with certainty.

Let me point out that Habyarimana came from a small family while his wife came from a fairly large Abakonde (landowners) family. This explains why the family-in-law was predominant in the exercise of power before 1994.

Upon investigation, I found out that no member of Habyarimana's family held a political or strategic post in the former regime, which was not the case for the family-in-law.

I recollect that only one of Habyarimana's brothers was Dean of the Faculty of Medicine in Butare.

It is almost certain that there were conjugal problems in the Habyarimana home and that on several occasions Madam Habyarimana sought refuge at the apostolic nunciature and at the home of the Archbishop of Kigali.

Politically, some sources talk about the family-in-law's determination more recently to oust the President of the Republic and, from the beginning of 1994, certain members of

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the President's inner circle were surely worried about concessions the President would make when it came to the implementation of the Arusha accords.

In that regard, mention could be made of the meeting which took place on 2 or 3 April in Gisenyi over breakfast at Alphonse Higaniro's and over dinner at the President's home, which brought together the principal authorities of AKAZU (the President, Mr. Joseph Nzirorera, Mr. Pasteur Musabe (Bagosora's younger brother), Colonel Anatole Nsegyumva, Mr. Alphonse Higaniro and their respective wives, as well as Mr. Booh-Booh.

According to Mr. Booh-Booh, during the meeting, members of AKAZU rose up vehemently when Mr. Booh-Booh insisted on the rapid setting up of transition institutions.

The second point I will like to make is that, according to several witnesses, Colonel Bagosora stated on 4 April 1994, on the occasion of the celebration of the Senegalese National Day by the Senegalese contingent of UNAMIR, that the Arusha accords should not be implemented and that the Tutsis had to be killed. The witnesses say that he was inebriated.

Colonel Marchal and other witnesses whose names I will give you talked to me about it. You are asking me if Bagosora mentioned anything on the President's upcoming trip to Dar-es-Salaam. That was not mentioned by the witnesses.

As to the various hypotheses concerning the attack on the President's plane, I will refer you to the manuscript I will give you. After assessing all the data, none of the four hypotheses can be taken with certainty.

You are asking me for my analysis of the sequence of events; that is, the massacres which took place in the days and weeks following the attack on the President's plane.

I was not there and I did not carry out any investigation in the field. As regards the facts, the report prepared by African Rights in September 1994 appears to me to be the result of a thorough and conscientious investigation. I should also point out that the overwhelming majority of the acts of violence were not spontaneous; they were organized.

It should also be noted that the violent acts were politically and not ethnically motivated. Hutu and Tutsi members of the opposition were targeted but Tutsis were mainly targeted because they were considered to be allies of the RPF.

This observation does not in any way affect the characterization of genocide because Tutsis were targeted for extermination "as such".

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Lastly, let me point out that, even if there is little information available on the subject today, the RPF was also guilty of crimes against humanity, war crimes and, perhaps, even acts of genocide.

→ As for Bagosora, he was related to both President Habyarimana and his wife Agathe.

He was the one who actually governed under the guise of political negotiations to draw up the constitution of the interim government.

As far as I am concerned, he was the central link between the AKAZU and the Army.

As from the morning of 8 April, there was a split between Bagosora and the other members of the crisis committee. Bagosora then went to the Ministry of Defence where he began political negotiations without remaining in contact with the crisis committee which he put before the fait accompli.

Upon investigation, the interim government was composed of representatives of MRND and the Hutu Power wings of the other parties. It was no longer a coalition government but a team of the most radical Hutu Power expression of the President's political spectrum.

I am aware that Bagosora subsequently went to Gitarama with the interim government and continued to be the chef de cabinet of the Ministry of Defence. His definitely continued to play a foremost role because a number of witnesses, senior officers of the Rwandan Armed Forces, told me that in practice he was the Minister of National Defence.

I am also aware that, after he fled to Zaire, he continued purchase weapons and ammunition.

As for Bernard Ntuyahaga, I know that he was the major and Deputy Camp Commander who escorted the ten Belgian soldiers right to the Kigali Camp.

As concerns Rwabukumba, let me point out that Janvier Africa is currently in Douala, Cameroon and, in my opinion, he would come to Belgium to testify if he were granted a visa.

As concerns Alphonse Higaniro, he was the Minister of Communications at one point in time. He was known to be very close to the family of the President. I should point out that the post of Manager of the match factory was a high profile post which was only given as a reward, given that the appointee earned a lot of money; in fact, more than a minister's. That could certainly be a promotion from the post of Minister.

His wife was the daughter of the President's personal doctor who was his right-hand man. He was a man who had obscure duties and influences which certainly went beyond those of a doctor.

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I have never classified this person as being close to the family-in-law. Neither do I associate him with the AKAZU.

As concerns Enoch Ruigira, I never mentioned him as a member of the death squads. I consider him a moderate. However, it is evident that he was aware of a certain number of unhealthy practices and he seemed to have done nothing to put an end to them.

He conceded that to me himself when he and I discussed my observations on the death squads.

Besides, it is of significance that he refused to be a member of the interim government when he was approached.

As for Augustin Ndindiliyimana, I have always considered him as a moderate and democratic officer and I think he remained the same as from 6 April. That notwithstanding, he displayed a certain naivety or even ambiguity as the events unfolded.

In fact, he did not use the means at his disposal to fight against the violence which sparked off in Kigali as from 7 April.

As concerns Vincent Ntezimana, I only recall seeing him once during a pilot programme of the Rwandan Television in 1992. On that occasion, his statements were perfectly democratic and very critical of the Habyarimana regime. I cannot say anything else about him.

As concerns, Joseph Kanyabashi, I have known him for a long time. Like everyone else, I knew him as somebody who never practised ethnic discrimination and who always did everything to maintain peace in his commune.

He did not belong to the Power wing of his party, the PSD. Not only did he get married to a Tutsi but his cordial relations with the Tutsis in town got him to be reproached with being a Tutsi lover.

Another point which struck me was the friendly ties he had with Queen Mother Rosalie Gicanda.

Reports on the genocide, in particular the report by African Rights, do not mention him as an accomplice and, to my knowledge, his name does not appear on any list of suspects, not even on the list drawn up by the present government. Let me add that, to interview prosecution witnesses inside Rwanda today is a delicate thing because the witnesses are giving their statements in an extremely constraining atmosphere and tend to say what they think the authorities expect from them.

As concerns Elie Ndayambaje, I do not know him as well as I know Kanyabashi but I can say that it has never been suggested that he got involved in acts of ethnic discrimination.

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After having several conversations with him before and after the events, I would be surprised that he could carry out violent acts against the Tutsis under him.

Interview ended at 5:43 p.m.

(Signed)

Read and signed.

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