

Kanombe Military barracks is not the place of departure of missiles that shot down Habyarimana's Falcon 50.

The Mutsinzi Commission of enquiry, said to be of independent experts, was set up by the Rwanda Government to shed light on the attack that took the lives of President Habyarimana, his Burundian counterpart President Ntaryamira, their suites as well as the French crew; so that the perpetrators be brought to justice. In its report, the Commission concluded that the attack was committed by FAR (Rwandan Government Forces) extremists and that missiles were fired from Kanombe military barracks or in the vicinity of the residence of former President Habyarimana.

However any objective analysis of available evidence including the facts and testimonies in the Mutsinzi Commission's report, clearly shows that President Habyarimana's Falcon plane could not be shot down from Kanombe Military barracks or from the vicinity of the President's house. The direction of the aircraft, the type of the missiles used, the point of impact of the missiles on the aircraft, the point of the crash, the angle of the fall of the debris and the impact on the ground as well as the terrain, nature and command structure of Kanombe military barracks discredit the conclusions of Mutsinzi reports and confirms the findings that show that the missiles were fired from a farm on Masaka hill (La Ferme) also called CEBOL, by persons that other finding pin down to RPF hit squads, now ruling RPF army.

A. The missile could not have been fired from Kanombe military barracks.

1. Kanombe camp is located between Habyarimana residence and the Kanombe airport where was landing the presidential Falcon. An aircraft intending to land flies over the former President's residence, where the debris of the shot aircraft fell, and then flies over Kanombe military barracks before landing at Kanombe International Airport
2. The missiles used, SAM 16, are guided to their target by the heat from the engines of an aircraft. Since the heat is behind the aircraft, the shooter must be at least at height or behind the aircraft. In this case, the shooters should wait for the Falcon to be at the height of Kanombe military barracks or to have passed it.
3. A person in the Kanombe military barracks can only see the aircraft which is about to land at Kanombe airport, once it has passed Habyarimana's residence. Since SAM 16 missiles are direct shooting firearms, it is impossible to shoot an aircraft that you do not see.
4. If the shots had been fired from the military barracks, the aircraft crashing point should have been between Kanombe military barracks and the airport or even on the runway. The aircraft could not crash on a point it had already passed i.e. the residence of the former President.
5. The military barracks had a population of more than 2000 soldiers, women, and children as well as civilians who worked in the barracks. Given the noise made by the launch of those missiles and the fire behind each projectile, it is unthinkable that their noise and fire

would have gone unnoticed or would have been ignored by all the people living in the barracks. None of these individuals was able to identify the point from where the missiles were fired or the identity of shooters, unless everybody was part of the conspiracy to kill President Habyarimana, something which is hard to believe.

6. Kanombe military barracks accommodated more than seven different military units each with its command structure and commanding officer who received orders from of the army's headquarters in Kigali. It is hard to believe that all the soldiers and commanders would have been in the conspiracy to cover an act of Hutu extremists especially that the report mentions only one commander in the whole barracks as extremist, Major Ntabakuze as we will see below.
7. Kanombe military barracks is surrounded by the neighbourhoods called Utujagari which contain small shops and pubs. At night these neighbourhoods are full of people; there is also a taxi terminal in front of the military barracks. How is it that the commission did not find a single person able to assert that they saw the missiles being launched from the barracks and indicate with precision the exact place from which these missiles were fired? However, Captain Isidore Bwanakweri who was near the camp (Utujagari) informed the commission that he heard the noise of two shots coming from the hills behind President Habyarimana's residence and that he saw a vast fire spreading in the sky above the residence (p.32¹), not over or after the barracks.
8. The commission describes the terrain and layout of the military barracks as having among other areas, the officers' quarters, the cemetery or shooting practice area. Nobody standing in any of these locations can see an aircraft landing at Kanombe airport before it has passed the military barracks. Contrary to the assertions of Belgian Lt Colonel Dr Pasuch Massimo who claims to have seen, from his living room an aircraft burning at Habyarimana's residence (p.69), no one standing in the officers' quarters let alone inside the house in the living room can see beyond the military camp. The shooting practice field was in the extension of Nyarugunga valley located on the other side of Kanombe Hill facing Habyarimana's residence. Though the testimony is faulty, it still shows that the shooting could not have originated from the military barracks.

B. It is impossible that the missiles could have been fired from Habyarimana residence

9. It is impossible that the missiles could have been fired from the residence's fence since a shot aircraft cannot descend like a stone and crash on the side of the shooters. If the shooting had originated from the fence of the residence, the logical thing would have been that the crash point would be in the vicinity of the military barracks or beyond. Since the residence is some distance of more or less 2000 m from the beginning of the

¹ All references are from the report's French version

runway, the aircraft would have been still flying at a reasonable altitude and moving at a substantial speed. Therefore it could not just drop in the residence's garden.

10. To demonstrate that the aircraft crashed in Habyarimana residence's garden, the commission used a report published 01/08/1994 by the sub section of the investigations of the Belgian air force. The report pointed out that: "The aircraft crashed into a banana plantation heading West and that the angle of the descent had to be relatively narrow (20° max) given the limited depth of the crater (Rep A) in the loose ground. It also indicated that the aircraft must have had an incline on the left (heavily damaged right wing and whole right hand horizontal tail plane, left wing and left horizontal plane)" (p.92). However this low angle of 20° shows that the missile reached the aircraft while it was still far from its crash point; otherwise if the shooting took place from the fence and the aircraft dropped down the angle would have been around 90° something which is unthinkable. This seems to be what the commission wants us to believe by its video clips.
11. Another testimony in Mutsinzi Commission report shows that the missile did not reach the aircraft above the residence. Patrice Munyaneza was the control tower controller in the evening of 6 April 1994 (page 58 of the report). This is what he told the commission: "While I was preparing to communicate with the pilot to authorise him to land, I heard an explosion. When I looked in the direction where the presidential aircraft was coming from I saw fire around the aircraft. I rushed to call the pilot, but he was no longer responding." This was confirmed by Cyprien Sindano, who was the airport commander on duty that evening and who told the Commission: "I immediately asked the control tower what had just happened. The controller replied that they had been in contact with the pilot and that they had discussed the final indications in preparation for the landing, but that the communication had suddenly been cut off" (p.59, emphasises added). This shows clearly that the explosion of the aircraft took place while the pilot was asking the controller the final landing instructions. These instructions are requested when the pilot passes above a light located at Kabuga (to the left of Kabuga centre, direction Kanombe next to Mr Ntiyamira Jean Paul's residence). A beam flashes on the aircraft's dashboard when it flies above the light and the pilot must announce that he is in landing final stages; that is exactly what the Falcon's pilot did. This shows that the explosion took place a few seconds after the aircraft has passed Kabuga, otherwise Munyaneza would have had time to respond to the pilot. The aircraft was to be between Kabuga and Kanombe hill.

C. The exact point from which where the missile were fired.

Most testimonies are consistent on the point that the missiles reached the aircraft from the left side, even the Belgian military air force investigation report confirms it by saying that the aircraft touched the ground bent towards the left and that the left side was the most damaged. In this space between Kabuga and Kanombe hill, the aircraft had at its left the Masaka hill where is located "La Ferme" also called CEBOL, place that other investigators except the government sponsored Mutsinzi commission indicate as the place where the missile were

fired from. From the evidence given, the shooters could not be located at Kanombe but at Masaka.

D. The alleged shooters

The Mutsinzi commission designates FAR extremists as the shooters without any precision on their identity. It is extremely difficult to imagine that all the units in Kanombe would wish to kill their commander in chief, Major General Habyarimana.

According to the report, the following military officers are alleged to be the sponsors or people responsible for the shooting: Colonel Bagosora, Lt Colonel Nsengiyumva, Major Ntabakuze, Major Mpiranya and Colonel Muberuka, who was the Kanombe barracks commander. Among these alleged sponsors, only Ntabakuze had his unit (the Para-commando battalion) in the Kanombe barracks, Bagosora had no unit and could not therefore organise meetings of Kanombe camp's soldiers as the commission claims. Nsengiyumva was Gisenyi Company's commander; Mpiranya was commanding officer of the presidential guard which was based in Kimihurura, Major Nzuwonemeye's reconnaissance battalion that the commission seeks to implicate in the shooting was based in Kigali military barracks.

Strangely, out of seven military units, only the military commander of one military unit the Para-commando battalion is accused of being part of the plot to shoot down the President's aircraft. The commander of Anti-Aircraft Battalion alleged by the Commission to have anti-aircraft missiles is not mentioned. Obviously there is no way that two missiles could be fired by one military unit, (there is no explanation why they would be fired by the Para-commando unit) without being seen and identified by soldiers from other units.

E. Ridiculous testimonies

In order to prove that Rwandan soldiers planned the shooting down of the aircraft the commission tried hard to use the testimony of soldiers from the Para-commando unit (p.136). They allege that the commander of the Para-commando battalion, Major Ntabakuze, suspended two companies' parachuting exercises that had to take place in Nyandungu valley in the morning of 6 April 94 in order to attend an urgent meeting at the army headquarters. However, after examining activities that took place on the 6th of April 94 at the army headquarters, no meeting took place that day apart from one in the evening after the attack. With regard to parachuting exercises, the absence of a battalion commander cannot prevent the progress of the company exercises, his presence is not necessary. The commission deliberately disregards the truth that the exercises could not take place in the morning of 6 April 1994, since the Rwandan army had a single aircraft capable of doing companies parachuting (Nord Atlas), which had taken the Rwandan delegation to Dar-e-salaam Tanzania which had accompanied the President. The aircraft has remained there since then.

F. No reason to believe that the Rwanda Government Forces (FAR) had surface- to-air missiles

The commission asserts without proof that the FARs possessed sol-air missiles allegedly purchased from Russia, Korea, Egypt, Brazil and France. The commission only publishes letters of intent to purchase this type of weapons. The RPF seized all FARs documentation at the Ministry of Defence; if these missiles were actually purchased, why would the RPF have failed to find dispatch notes, bills or even delivery notes of these weapons to units?

It is public knowledge that the anti-aircraft battalion guarding Kanombe airport was using 37 mm bi-tube and 14.5 mm quadruple cannons. It beats any imagination that the government forces would have had not used some of the 40 and 50 missiles that the commission says were in the hands of the Government Armed Forces.

Information according to which the UNAMIR Belgian contingent had reported the presence of 15 missiles Mistral in the arsenal of the FARs and the information given by General Dallaire that the FARs had anti-aircraft batteries at Kigali airport and an unknown number of SA-7 missiles is baseless for the following reasons.

On 20th December 1993 General Dallaire, commander of UN forces (UNAMIR), signed as part of the Arusha Peace Agreement between the Rwandan government and the RPF, a protocol relating to Kigali Weapons Secure Area (KWSA). Under the protocol, Kanombe area was officially under the UNAMIR control, including all weapons located in this zone; and from that date all military barracks weapons stores (Kigali, Kimihurura, Kacyiru, Kanombe) were under the control of the UNAMIR soldiers. They kept the keys of weapons stores. The weapons available to military on duty in each camp were recorded by UNAMIR including these anti-aircraft batteries used to guard the airport. One wonders how the UNAMIR would have missed out to record these missiles if they were known by the Belgian contingent in charge of the Kigali city and the UNAMIR Commander himself. (p.153). If there was a problem there were complaint procedures in place to follow which never happened.

If the FARs had missiles in great quantity, how did they beg two missiles from France in 1993, according to Patrick de Saint Expéry cited by the commission, when the FARs had not yet used any of their missiles, including the 15 Mistral supposedly bought in France earlier?

Regarding the runways at Kanombe Airport, the committee attempts unconvincingly to demonstrate that RPF did not ban to fly over the CND where the RPF battalion was based and to let believe that there is only one runaway at Kanombe. However, in all world aviation manuals it is clearly written in the Kanombe International airport approach procedures that there are two tracks for take-off and landing, the 28 and 10 and this is also indicated at Kanombe on the central ramp connecting tracks to the aircrafts parking by arrows indicating their directions.

It is because of the existence of these two runways that when he entered the Rwandan territory, the presidential Falcon's pilot asked the controller to allow him to make a direct approach on 28 (p.42). This is because there was another alternative to land on runaway 10, except that this track was no longer used for landing. Since the time RPF shot on a Belgian

C130 on 8 January 1994 the runway 28 was used for landing and runway 10 for take-off in order to avoid flying over the CND. This means that aircrafts had to go to the same place for landing and take-off. Colonel Andrew Kagame confirmed to the Mutsinzi committee that it is the RPF which requested that the CND be no more flown over by aircrafts for security reasons (p.163).

G. Alleged concoction of false messages by the Government Armed Forces (FARs)

The Committee presents a certain Richard Mugenzi as being a FARs transmissions centre's director, without however indicating neither where this centre was located in Gisenyi nor one or other people who have worked with Mugenzi in this centre. As Mugenzi himself says on page 87, he was a mere radio operator in the interior ministry (Mininter) working in Gisenyi. As the Mininter radio frequency range allowed you to view the frequencies on which RPF worked, he was simply asked to provide Gisenyi Military Commander with messages that he "picked" from RPF transmissions and his role ended there. He could not transmit a message to the army's HQ or to any FARs unit because he did not have an appropriate transmitter to enter into the Rwandan army network. It is important to point out that only military barracks were linked to the army HQ by radio, and that only the main army HQ station could authorise a military barracks to send a message to another military barracks.

Units in a same military barracks did not have their own transmission centres, therefore were unable to send a message to a commander of another unit without this message passing through the camp commander and the army HQ. In this regard I cannot understand how Mugenzi could send messages to officers such as Ntabakuze and Bagosora (the latter did not command any military unit).

If ever Lt Colonel Nsengiyumva wanted to send a fake message to the army HQ, he did not need to go through Mugenzi, it was enough for him to write his message on an appropriate form and give it to his operator for transmission. Only camp commanders were entitled to allow transmission of a message. In addition, here again, it is hard to see how Lt Colonel Nsengiyumva who was Gisenyi company's commander was involved in galvanising the army units, this work is done by the army G2 and G3.

To show Mugenzi's importance, the commission invokes the training he would have received from the French without however giving the subjects he was taught - even Mugenzi himself cannot remember. Asserting that six Frenchmen came in Rwanda to teach him how to randomly turn on a receiver's button to listen to a station (p.88) is not convincing

It is also inconceivable that the FARs could entrust a military transmission centre to a civilian with such a low educational level while the army had within its transmission unit (the TR company which had its facilities at Kimihurura), transmissions senior and junior officers trained in France, Belgium, Germany and even telecommunication engineers qualified from the Belgian Royal Military Academy. Mugenzi and of course the Commission are not aware

that it is this unit that was responsible for forwarding transmissions within the Rwandan army and for the maintenance of equipment and facilities.

When recruiting operators, contrary to the assertions of Colonel Bizimana André (I can understand him after spending so many years in Rwandan prisons), the army HQ used to organise a recruitment of interested volunteers among soldiers from different units and the TR company dispensed the training.

Saying that a gendarme officer recruited an operator for the army is a lie. Speaking Gikiga gave no advantage to Mugenzi because there were in the army including the transmissions company, several soldiers originating from Byumba who spoke perfectly dialects of the North.

H. Assertions that the RPF did not have missiles.

Out of the blue, the Commission concludes that the RPF had no missiles and could not load them at Mulindi in trucks meant to supply firewood. This is contrary to the UNAMIR officials' assertions that claim that the Blue Helmets military that accompanied these trucks used to lose trace of the truck from the time they arrived at Mulindi RPA military headquarters and the time they escorted them back to Kigali. They did not check the cargo before departure from Mulindi or at the time of offloading at the CND.

I. Other evidence

The commission has failed to query the first people affected by RPF missiles, notably the RPA missile platoon soldiers who were responsible for the High Commandment's defence. The committee did not interview any FARs pilot. At the beginning of the war in October 1990, the FARs lost three pilots; the commission also failed to contact a Gazelle helicopter pilot who survived missiles fired by the RPF on 23 October 1990 at Nyakayaga. There is no else apart RPF who would have had an interest in downing the helicopter on the front line or the Islander airplane in Matimba on 7 October 1990.

Furthermore we need to recall that the two missiles that shot Habyarimana's aircraft, were collected in Masaka, photographed and their serial numbers recorded by Lt Engineer Munyaneza. Judge Jean Louis Bruguière traced these two launchers in Russia where he found, evidenced with invoice that these two launchers were part of a batch of 40 missiles purchased by Uganda and Uganda has not until today disputed this finding. Uganda has not even disputed that these two missiles were fired in Masaka by indicating a different location or other circumstances in which these missiles that are part of its arsenal were used. And as there is no other known aircraft shot at Masaka or in its vicinity, there is no doubt that these two missiles were used to shoot down Habyarimana's aircraft. The commission had full knowledge of Bruguière folder, why didn't it seek to ask Ugandans to know whether they used themselves these missiles or whether they have given them to someone else who used them?

The Mutsinzi commission simply concludes that the RPF had no missiles forgetting that in 1993 the RPF had declared to the UNAMIR that they had short range sol-air missiles from Eastern countries.²

J. Conclusion

If the Mutsinzi commission has done its utmost to find among the FARs the shooters and sponsors of the attack against President Habyarimana's aircraft, and that it has found nothing, it is because it looked on the wrong side. Those who looked at the RPF side clearly identified the shooters; the place from where the shots were launched, the sponsors' names and arrest warrants were issued against these individuals. It is normal that the Mutsinzi commission has found nothing of the sort, since these murderers could not be members of both the FARs and the RPF.

**Major Pilot Jacques KANYAMIBWA.
Toulouse, 3 February 2010**

² Dallaire, R, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, Random House Canada, (2003), p.112