

Chapter 10: The biases of the Embassy of France

Certainly, in those crucial days, the Embassy of France was not the only one which tried to influence the course of events and to organize a military operation to evacuate foreign nationals. However, no one else played as meaningful a role during the week following the assassination of president Habyarimana, until almost all the diplomatic missions in Rwanda were closed. A clarification is therefore needed: the strong involvement of the Embassy of France along with its civilian and military representatives does not mean that it was the embassy which established (*ex proprio motu*) this role or made the decisions implemented on the site. The President of France and the Africa bureau, the Department of Foreign Affairs and the Chief of Staff of the armed forces cooperated for the deployment of the operation *Amaryllis*.

Here we are interested in what was happening on-site at the level of the Embassy of France whose representatives provided the necessary information to their Parisian counterparts and in return received instructions. These official guidelines - at least those that are known - will be revisited. In addition, the present chapter is quite widely based on notes written by the author, who was then in Kigali, in mid-1994 or shortly after his return from Rwanda, as well as on additional research work later done to substantiate the relationship between these events.

The personal testimony that I deliver here gives me the opportunity to briefly recall the circumstances of my stay in Kigali. I was requested for a technical support mission by the Department of Cooperation and Development of the Swiss Foreign Affairs. I had to review the development programs of that cooperation in Rwanda and to ensure the passing on of the guardianship to the newly appointed ministers in charge. The period was chosen according to the presumed calendar of the establishing of the institutions of transition of the Arusha accords.

At the end of March, after many postponements, "the Embassies of powerful nations" finally got a final date for the installation of the institutions. Thus, despite the tense internal situation, my departure was maintained and I arrived in Kigali on April 2.

1. The story of an evacuation under duress

Saturday, April 2

Upon my arrival, I was immersed in a turmoil begun by officers and leaders of the presidential clan accusing Prime Minister Agathe Uwilingiyimana for organizing in her house on the first of April a meeting of officers from her home prefecture to make a coup d'état against the president Habyarimana. The RTLM and the pro-hutu extremist press were unleashed. Fearing for their safety, many military and political figures sought protection with close friends. The ambassadors and the mediators redoubled their efforts to put pressure on the various players in the conflict to remove the ultimate obstacles to the signing of the agreements.

A meeting of the signatories was organized by the Embassy of Tanzania on April 2nd. On April 4th, the Bishop of Kabgayi Thaddée Nsengiyumva was asked to meet president Juvénal Habyarimana and on the same day, the United Nations threatened to withdraw UNAMIR in case of the absence of progress in the implementation of the transitional institutions; on April 6th, another meeting was held late in the afternoon at the Embassy of Tanzania between various representatives of the domestic opposition parties and the RPF.

In such an uncertain context, after establishing preliminary contacts with several

personalities of the future Government, it was decided that the evaluation mission that I directed would be in the prefecture of Kibuye.

Wednesday, April 6th

I had spent in Kigali part of the day of April 6 with Clément Kayishema, prefect of Kibuye to organize the work of the mission. The departure for Kibuye was scheduled for April 7th at 6:00 am. However, this early hour was not the preferred option for my colleague Ignace Ruhatana (Tutsi), one of the leaders of *Kanyarwanda*, an association for the promotion of the union by social justice and the editor-in-Chief of the newspaper of the same name, whose turn it was to participate in the "mixed" rounds organised by residents in his area during part of the night to ensure the safety of goods and of people in that area.

In the evening, while at the *Hotel des Mille Collines*, shortly after 8:30 pm., the Swiss Representative informed me of the "crash of the presidential aircraft" and the likely presence of the president of Burundi on the plane. I began calling with my Burundian and Rwandan contacts and became busier as the news of the deaths of both presidents, of Rwanda and Burundi, began to circulate.

I was discussing a proposal with several Rwandan officials who were in grave danger and I wanted to take them to the *Hotel des Mille Collines*, but that presented a problem. They wanted to go to a shelter less prominent. Nevertheless, in the eyes of some of them, there was no state of emergency. Some could not even imagine such a possibility, believing that the protection by the soldiers of UNAMIR was sufficient for them. In particular, his was the case for Landoald Ndasingwa, whose Bangladeshi guards unfortunately fled the next morning upon the arrival of the Presidential Guard (GP).

At the hotel bar were Colonel Charles Vuckovic and the crew of a Belgian C130 of UNAMIR. The Colonel was the military attaché of the United States Embassy based in Yaoundé and also oversaw Burundi and Rwanda. He had arrived the same day, as the crew of the Belgian C130 of UNAMIR, that was scheduled to be replaced that evening by another one, but that plane did not yet have the permission to land at Kanombe. At about 11:00 pm., the members of the hotel staff, who had tried to return home as soon as the information was announced, began to come back, as they were stopped at the military roadblocks. Thus, they were trapped for several days without news of their families and also burdened by a heavy logistical load in the hotel.

Over the hours that followed the president's assassination, while the GP was deployed in the city, many personalities of "the opposition" hid themselves helped by close friends or went into hiding in presumed safe places. Shortly after 9:00 pm., Agathe Uwilingiyimana had been contacted by various political operatives, who suggested that she to go to a safer place such as an Embassy while the opportunities to move were still there. She refused and replied that the death of president Habyarimana required that she stayed in place to ensure the continuity of the State and to safeguard civil peace. She decided to stay at home and informed those she could reach that she would prepare an appeal for calm to the people of Rwanda and she would try to take the situation in hand.

Thursday, April 7th

Two elements marked the night: the installation of roadblocks in the city by the GP and the

FAR (*see annex 78*) units, and from 4:00 in the morning, heavy gunshots were heard in some areas close to the hotel.

At that time, most of the important opposition figures had already gone into hiding (Dismas Nsengiyaremye, Faustin Twagiramungu, Alphonse-Marie Nkubito, André Sibomana, etc.) and could no longer be reached) In the morning, it became clear that the systematic hunting of 'enemies' was really happening. The calls for help from hunted individuals, unable to reach the foreign embassies, increased. One could see on the road overlooking the hotel, the *Interahamwe* militias transported in trucks escorted by the GP securing the neighborhoods and beginning to slaughter real or supposed opponents and the "infiltrated". The respect for "flags" (embassies, Red Cross and humanitarian) was no longer relevant. Fires were reported in the areas of Nyamirambo, Gikondo, Kiyovu and Remera.

Continuous consultations by telephone started between priests, military officers, diplomats, friends trying to organize sending vehicles to those who were asking for help, and how to collect and pass on the information about the fate of each and to each of the others. In addition, as arrivals at the hotel increased, issues of security began to arise. Later on in morning, the FAR soldiers came to the reception of the hotel to carefully consult the registry of hotel guests. They were looking for Dismas Nsengiyaremye (who warned the day before while in Gitarama immediately disappeared in the hills). They then went to the *Hotel des Diplomates*.

A division of labour was introduced between the two unarmed United Nations military officers permanently installed at the hotel (Captain Mbaye Diagne, Senegalese, and Major Paul Victor Moigny, Congolese, the only ones who remained free of their movements), the hotel management team, a few customers familiar with the place and the staff members in whom it was possible to have complete confidence. The first two people ensured the security and provided contacts between UNAMIR and the Rwandan military. The second group covered logistics (mainly personnel, supplies and meals, hygiene), and finally, the third group tried to organize the welcoming, tried to recover those trapped yet still accessible, assured contacts with embassies and the media, provided information to the hotel 'guests' and tried to contain as much as possible the rumors, the crowd or panic movements that was occasionally overcoming the hotel residents.

Captain Mbaye Diagne was the main person for welcoming the hunted personalities or ordinary citizens. These admissions to the hotel were negotiated case by case, and most of the time with cash given to the officers of the Rwandan army who controlled the access to the hotel. Dozens of Rwandans owe him the possibility to reach the hotel, but above all, and very few know, the possibility to be able to stay. Indeed, it was he who asked the front desk staff to discourage the nighttime visits of the Rwandan soldiers, who after taking their bribes during the day, wanted to grab their prey and "finish the job" during the night. Similarly, in close liaison with few embassies, we (that is, the small group mentioned above) had established continuous contacts with the officers of the FAR, who took themselves in charge or provided the vehicles and escorts to transport the threatened people to the hotel.

The Director of the hotel, Cornelius Bik, brought a decisive assistance to these tasks by digging deep in the treasury of the hotel for the payments of ransoms required at the arrival of the survivors. A special mention should be made on the role of few members of the hotel staff, Hutu and Tutsi, who took great risks to protect the people hidden in the hotel, to feed them and to regularly and discreetly moved them from room to room, and who especially and continuously monitored suspicious movements in the hotel and its access, particularly at night.

Among the arrivals from April 7th were five orphans of Agathe Uwilingiyimana, the

murdered Prime Minister, and aged 3 to 18. During the morning, the family escaped the arrival of the soldiers at their home, and the children had sought refuge in the neighboring building of the United Nations Volunteers and had been accommodated in a different apartment from that of their parents. That is the reason they were not captured by the GP hunting their mother. Around 1:00 pm., General Dallaire had visited the scene and met with children (*see annex 79*). In the evening about 6:00 pm., Captain Diagne, accompanied by a Captain Gendarme of the Rwandan army, went to their hiding place and brought them to the *Hotel des Mille Collines*, where they were handed over to the Director of the hotel. So, for some informed residents began a grueling task of hiding and seeking to ensure the safety of these terrorized children who were barely dressed, having almost no understanding of the events happening to them. They were locked in rooms with curtains remaining constantly closed and regularly moved from one room to another not receiving any information on their fate. Foreign radio stations had reported their death with that of their parents, but the GP knew that they were at the hotel. That is how what became “children of Agathe” dossier started.

From 6:15 pm., the gunshots started to progressively lessen in the capital after an uptick of gunfire from 5:45 to 6:00 pm. Then, around 8:00 pm., intense gunshots with heavy weapons resumed in the city center.

As requested by the members of the crew of the C130 of UNAMIR blocked inside the hotel from the night before, Colonel Luc Marchal came to examine the scene, but his passage was perceived as particularly depressing because, after taking enough time to carefully review the layout of the hotel with the American and Belgian soldiers, they concluded to the inability to put in place an effective defense in case of an intrusion or a gun firing of the Rwandan soldiers installed on the road overhanging the front of the hotel. Each hotel guest was left free to make the choice that he considered adequate: staying in the access corridor to the basement, settling in the hall of the elevators at the backside of the hotel, in the corridors of the floors or staying in his own room... The Belgian soldiers of the UNAMIR C130 settled in a basement room with an exit at the backside of the hotel. A new strafing by GP took place shortly after 11:00 pm., followed by more gunfire at dawn.

It was a very tough night. In order to be protected from bullets, most of the hotel residents were laying one against another, behind the concrete walls in the corridors of the floors. Everyone was tired and struggling to stay awake to watch the elevators that occasionally showed to be moving between the floors, and fearing that the doors would brutally open and (to) let through the GP soldiers. In such an atmosphere of fear, some people decided to join the international media. So, from that night, many radio stations and especially American channels of information (in particular CNN) reported the continuous fright and the misadventures of the unfortunate residents of the *Hotel des Mille Collines*.

Friday, April 8th

As soon as the day started out, we decided to discuss openly with the Rwandan soldiers encircling us to know their intentions, and around 6:00 am. Captain Mbaye Diagne contacted the group that controlled the entrance of the hotel. They said that they did not intend to enter, but insisted that they would not tolerate any defense by UNAMIR or any evacuations.

During the day, the hotel received a massive influx of Pakistanis and Indians. They had lost everything; their shops had been looted and they had paid a big price for the soldiers who

escorted them to the hotel. Some 800 people were now being sheltered, including many Rwandan hutu refugees from neighborhoods attacked by the RPF and a number of personalities or ordinary citizens saved by their military friends or rescued from other soldiers.

That day at dawn, heavy small arms fire resumed in the city; all morning, we saw trucks full of soldiers and militiamen passing by. The telephone lines were gradually cut in several areas of Kigali. Taking advantage of a momentary lapse in gunfire around 3:30 pm., urgent appeals were launched with political interlocutors in Paris.

Most of the embassies already organized the grouping of their aid workers and residents, and began the evacuation of the personnel of humanitarian associations to Burundi. The start of the evacuations produced hopes that quickly led to disappointments, generating scenes bordering hysteria at the hotel. In the afternoon, in fact, an attempt to evacuate the American and Canadian nationals organized by the United States Embassy, created very strong tensions within the refugees in the hotel. Although the men in charge of the escort were in uniform, they couldn't prevent the available vehicles being taken over by many candidates for evacuation from various other foreign nationalities and Rwandans. Scenes of great distress occurred when suddenly the evacuation organizers refused with some degree of brutality to embark unwanted people and interrupted the operation.

General Roméo Dallaire recounts a visit to the hotel "late afternoon" in his book *'I shook hands with the devil'*. He does not mention this evacuation attempt - but what he tells quite accurately highlights the atmosphere that prevailed there and the relationships with the Rwandan soldiers and the militiamen who surrounded the hotel.

Saturday, April 9th

Inside the hotel, the night of 8th to 9th was short but quiet. However, all day Saturday was very difficult to manage. The unrest began at around 3:00 am. in the morning, as soon as the insomniacs, who had listened to radios all day and night, heard the news of four French Transall aircrafts landed at Kigali airport. The French military took control of the airport, the whole of the remaining area staying under the control of the FAR. The *Amaryllis* operation began.

At the same time, the American Embassy passed on discreet instructions to all their nationals and others chosen that had been duly identified, and the embassy organized at the hotel a type of commando operation of evacuation about 4-5 am-in the morning, that took short all other applicants for evacuation by surprise. At dawn, when those left behind found out that a selective evacuation had been conducted secretly, an atmosphere of suspicion and stampede was established between refugees according to their country of origin. Described as a betrayal, this operation aroused extremely sharp remarks on the hierarchy of nationalities and the relative value of lives. Collective solidarity could no longer be invoked despite the efforts made by the small group in charge of various 'negotiations' since April 7th (the personnel of the hotel, the two UNAMIR officers and some familiar residents of Kigali).

The unrest was at its height around 8-9 am in the morning due to a massive burst of refugees driven out by the RPF and brought in by the FAR. Vehement disputes took place for the redistribution and the occupation of the rooms.

Later in the day, radio stations announced that 300 U.S. marines had landed in Bujumbura and 600 Belgian paratroopers had left Belgium for Kigali as part of the operation *Silverback*. A first convoy of 200 Western expatriates left Butare for Bujumbura, followed by 200 others,

mainly American expatriates from Kigali, and then by about a hundred United Nations staff members.

No longer having confidence in the news that a flight chartered by the government of India would recover from Nairobi the Indians that the French army could evacuate, these nationals preferred to negotiate with the soldiers of the FAR for "rental" of armored vehicles that could escort them to the Burundian border. They then spent their very last resources...

Finally, the French Embassy asked us to prepare to evacuate the hotel the next day and informed us that we should go to French school Saint-Exupery by our own means. The information that we were charged to convey to the people accommodated in the hotel was the following information: among foreigners, only the nationals of the European Community were affected by the evacuation, there could be only one evacuation and France would be the only operator, including for Belgian citizens. This announcement caused immediate and dramatic scenes among mixed couples, especially among those that included a member who was of African origin. Our small committee strongly disagreed with the Embassy of France, both regarding the cases of these individuals as well for the Rwandan survivors of the ongoing massacres.

An evacuation flight with only forty-three persons on board (children and wives of French expatriates essentially) left Kigali late in the afternoon. No other Embassy had requested to fill in this plane. The twelve remaining members of the family of Juvenal Habyarimana were evacuated on the same flight.

The hope that started that day with the foreign interventions was that they would also put an end to the massacres and restore order. People believing that ended the day in an atmosphere of total disillusionment. Even Colonel Marcel Gatsinzi, the new Rwandan chief of staff, whose action had been requested to evacuate the hidden family was not able to react. Obviously, the levers of command escaped him.

Sunday, April 10th

According to all our contacts, that night was the quietest that Kigali had known since the resumption of the war and early in the morning, the collection of corpses begun in the streets by garbage trucks.

We also learned that some of the people that we had rescued at the hotel were no longer present. According to the hotel staff, the departures had taken place overnight with FAR soldiers without the staff knowing if they had come to save or to arrest them.

At 9:30 am. the Embassy of France requested a list of Rwandans likely to be evacuated. Around 11:00 am. the captains Mbaye and Moigny of UNAMIR came back to recover the children of Agathe Uwilingiyimana to take them into the armored vehicle of General Dallaire parked at the front of the hotel entrance. But at the last minute, General Dallaire ordered to take them back in their room, fearing that they might be arrested by the FAR or the militias. Shortly after, in early afternoon, around 2:00 pm., a very aggressive dozen of soldiers and militiamen coming from the *Hotel des Diplomates* went to the front desk and threatened to blow the doors of rooms with their grenades if the orphans of Agathe Uwilingiyimana, as well as François-Xavier Nsanzuwera, Prosecutor of the Republic of Kigali and his wife (that Colonel Leonidas Rusatira had been rescued and dropped off at the hotel) were not delivered to them. The latter were installed in my own room on the second floor, Agathe children in the adjoining room, and I was

myself wanted. Despite the gravity of the situation, our urgent calls for assistance remained fruitless, either with UNAMIR, or UNDP and French military ("talk, talk", was the reply I got from the Embassy of France). The captain Mbaye Diagne intervened and engaged in a lengthy debate before managing to get the soldiers and militiamen leave the hotel shortly before 3:00 pm. ^[1].

Just after their departure, the Minister of Defense, Augustin Bizimana, arrived with a military escort. After returning from a mission in Cameroon, the minister had retained his functions within the GI. Still reeling from tough exchanges I had with the soldiers and militiamen, I welcomed the minister as soon as he came down from his vehicle (we knew one another personally because of the functions he held previously in the Popular Banks) and denounced the behaviors and violence of "his" soldiers. With an obvious unwillingness, he declared to me that he didn't have any authority over the troops because he was not yet sworn in as Minister of the new Government. Then our exchange continued and the Minister asserted that all roadblocks had now been removed in Kigali, except those of the gendarmerie, and that it would be possible to travel without risk. He promised me to send an escort at 5:00 pm. to Nyamirambo to recover some expatriates in trouble. From 4:15 pm. gunfire resumed again as if to greet the arrival of the first Belgian aircraft, which landed at Kanombe airport around 4:45 pm. I waited in vain for the military escort and I had to renounce going out.

At 5:00 pm., shortly before nightfall, the French Embassy announced that it was in charge of the evacuation of "all foreigners", and asked us to leave the *Hotel des Mille Collines* as soon as possible and to go to the French school by our own means and without escort. After a brief exchange between us, we made known our categorical refusal to evacuate the hotel in a rush at such a late hour. It was decided to postpone the departure until the next day. However, it remained impossible to get a precise answer to the requirement to take with us either Agathe Uwilingiyima's children or François-Xavier Nsanzuwera and his wife. According to the people contacted at the Embassy, responses were evolving, alternating between a firm reminder of the original principle: "France is committed to support foreign residents, all foreigners", "Rwandans are the responsibility of the Belgians, they remain the last, it is up to them to do what is necessary" and with an embarrassed compromise: "Why us?", "Ask the people of the United Nations". All contacts remained vain.

Also as refugees by necessity in the hotel, the members of the Belgian Red Cross spent the night identifying individuals and vehicles and erasing from the minibus of the Sabena any mention of that company. The hotel hosted then 166 foreigners and more than 300 Rwandans (many of whom were not included on any list or were under false names for security reasons). Late at night a Canadian priest arrived accompanied by a Zairian; they had been hiding for several days in the "bush" and were brought to the city by a military patrol. The compensation was 3000 FRw, the lowest rate charged during our stay...

Monday, April 11th

At 5:30 am. we informed the Embassy of France that we were ready to evacuate to the French school. With only a hand luggage, all "foreigners" were installed in vehicles that could be available. Captain Mbaye had already done several reconnaissances on the proposed route and no militia or military roadblocks were still in place. Yet it took two hours before giving the signal of departure from the hotel, because the evacuation of five Rwandan children was again questioned

by our contacts from the French embassy. I told them straightforward that there was no way anyone could leave the hotel until we could have the green light to take them. I was very surprised by their turnaround and our discussions were lively. Indeed, in the night, I had phoned Pierre Péan in France to explain the situation in which we were because of the refusal of the Embassy, and I asked him to personally contact Bruno Delaye, the head of the African Bureau of the Élysée Palace. He had then recalled me back to confirm that the latter had agreed for the evacuation. Regarding the Embassy, I categorically refused to revisit the case of the children. After several lively exchanges, the Embassy eventually gave in, but maintained a formal refusal for the nanny of the children as well as for the Prosecutor of the Republic and his wife. After consultation with our small Committee, we decided to stay firm and to reaffirm our opposition to the departure of the entire group. The Embassy then resorted to the warnings and told me that if we intended to trick them, the trunks of our vehicles would be searched at the entrance of the French school and that any Rwandans found in there could be asked to return, that is, to be delivered to the militias installed nearby. Therefore, the Embassy threatened to prosecute me personally in court upon my return to France for "taking of hostages" and "endangering the lives of French citizens". Finally, Bik, Diagne, Gutekunst and myself decided to give up and asked the Prosecutor, his wife and the nanny already installed in a 4 x 4 wheels drive to go back inside the hotel because the situation was becoming untenable: the absence of roadblocks of militiamen along the road leading to the Saint-Exupéry school could not last forever. Moreover, growing excitement and concern with dozens of people crammed into vehicles in the parking lot of the hotel for more than two hours without knowing the reasons behind the delay. The last setback, at 7:00 am, the Belgian Embassy demanded that its own nationals remain at the hotel in order to be evacuated by the Belgian troops later on! During the night, 400 additional Belgian parachute commandos had indeed arrived in Kigali. The refusal of the Belgian nationals was unanimous. The departure to the French school with the five children finally took place around 7:30 am. A transfer from the school to the airport followed at 10:00 am.

The evacuation of foreign nationals was for all of us, and especially for Captain Mbaye Diagne, our "guardian angel" of UNAMIR, a very painful moment and Diagne lived it as a personal failure due to the criteria of exclusively our nationals. After ascertaining as early as 4:00 am. that no military or militia roadblock was on the route to the meeting place, and referring to people in danger he had brought to the hotel, he said, before we established contact with the Embassy of France: "I did half the work, now it's up to you to do the other half." He was dismayed by the brutality of the refusals of the Embassy of France and, before we left, he had told us that he preferred his military status: "which was powerless, as it was the choice of the United Nations". When compared to "those who had the means but could not (and would not) intervene".

On arrival at the French school, after some very direct interaction with the staff of the Embassy of France who had preceded us there, the case of the couple Nsanzuwera was raised with the French military, who immediately agreed to take me back to the hotel with a Jeep under escort to recover them. The officer in charge of evacuations nevertheless asked that we get a prior approval from the Ambassador before going to the hotel and, accompanied by four French soldiers, I arrived to the Embassy. In the corridors, I met the Papal Nuncio, Archbishop Giuseppe Berthelot, who agreed to accompany me to help me to convince the Ambassador. We asked to be received together, and our request was refused. Moreover, his secretary pointed out that my absence could delay the departure of the convoy to the airport. This point had already been

discussed before the departure from the French school to the Embassy and, after discussion with the ranking officer who accompanied me, this one suggested that he was ready to confirm immediately with his superiors present at Saint Exupery school that he could directly take me to the airport with the Prosecutor, and it was not necessary to wait for our return. We asked again, with the Nuncio, to be received by the Ambassador. Second refusal: "the answer of the Ambassador is unchanged; no Rwandans can be evacuated." The day before, the answer was: "There is no more room at the Embassy of France." There was therefore no way out and the escort took me back to the French school. The convoy then arrived at the airport after crossing, often with some difficulties the industrial areas of the city. At the airport, the identity of the five children without travel documents was not a problem during the controls carried out by the French guards.

In Kigali, the events had accelerated:

"In the city, the fighting intensifies. Most of the French nationals have already been evacuated or grouped in the French school. The operations continue and they concern the French nationals and foreigners. At 3:30 pm., the ambassador in Kigali, "given the decision to close the center used to group the French nationals, the worsening of the situation in Kigali and the installation of the Interim Government in the *Hotel des Diplomates* very close to the Embassy with the risk of being the target of the gunfire", proposes to the Quai d'Orsay the closing of the Embassy of France the next morning April 12th." (*ETR, op.cit.*, t.I, p. 258).

This proposal had already been discussed that morning in an inter-ministerial meeting chaired by François Mitterrand, who was requested to comment on the departure of the French contingent and the closure of the Embassy.

The Papal Nuncio was evacuated around 5:00 pm. to Bujumbura. He arrived shortly before our embarkment and he confirmed to me that it had been impossible to go to retrieve the Prosecutor Nsanuwera and his wife.

Tuesday, April 12th

Upon arrival of the special flight of Air France at Roissy airport with 474 foreign nationals, the Minister of Cooperation, Michel Roussin, and then the representative of Foreign Affairs, when personally approached, they told me that they had been informed of the presence of the "children of Agathe" among the passengers, but that no special measures had been taken for them, even though an effective logistic support had been deployed for the "official orphans" of the Sainte-Agathe orphanage evacuated on the same flight. They could, however, obtain a safe-conduct for six days like all evacuated foreign nationals, while waiting for an official ruling on their case. But, as I had not gotten any guarantee on the possibility of legalising their situation from the prefecture of Lille -where I lived-, at the end of the six days of validity of the safe-conducts, Thérèse Pujolle, Coordinator of the inter-ministerial crisis team created to supervise the repatriation operations, advised me to implement without delay the welcoming procedure in use in Switzerland: for officials, it would be a "private evacuation to the retreat Switzerland destination" *via* a French transit.

In Kigali, the Embassy of France was closed around 9:00 am. in the morning and the last members present, the Ambassador Jean-Michel Marlaud, Colonel Bernard Cussac, Pierre Charon, retreated to the airport. In the afternoon, a French special plane left Kigali to Bujumbura

with Rwandan officials who fled to the Embassy of France. In total, 1238 people were evacuated by French troops including 454 French. Among the 784 foreigners were 612 Africans including 394 Rwandans. A last convoy then left Kigali with Johan Swinnen, the Ambassador of Belgium; Marie-France Renfer, representative of Switzerland; Monique Mujawamariya, a human rights activist in Rwanda, etc. The last Western expatriates were evacuated from the *Hotel des Mille Collines* around 3:00 pm ... Only 26 Swiss members of the ICRC (International Committee of the Red Cross), under the direction of Philippe Gaillard, remained in Kigali. Largely the *Hotel des Mille Collines* remained associated with efforts to shelter Rwandan personalities who had sought refuge there.

Meanwhile, the *Hotel des Diplomates* was closed in early afternoon, after the departure of the GI to Gitarama. Soon after, the Belgian Director of the *Hotel des Mille Collines* passed the relay to Paul Rusesabagina, a Rwandan national, previously Director of the *Hotel des Diplomates*. He then left the place at 5:00 pm. with the delegation of the European Community officials.

In the afternoon, François-Xavier Nsanzuwera could finally be reached by telephone. He indicated that the Belgian Ambassador Johan Swinnen, himself on the departing stage with the last Belgian representatives, was not able to "move" to rescue him.

After the departure of foreigners, the capital was delivered to the GP and the militiamen. Captain Mbaye Diagne had to wait until Saturday 16th to organize with UNAMIR another evacuation attempt from the hotel of those who had remained behind and especially prosecutor in Kigali who was actively sought by the new Rwandan military. Along with General Romeo Dallaire, they managed to evacuate ten people, but François-Xavier Nsanzuwera could not be found under any of the different aliases and room numbers that I was communicating to him directly by telephone. Fourteen UN peacekeepers were stationed at the front of the *Hotel des Mille Collines*, but eventually they were obliged to retreat. The next day, François-Xavier Nsanzuwera, desperate, left a message on my telephone voice mail indicating that he had certainly been informed of the visit of Dallaire but that he couldn't get out to join him. UNAMIR was immediately informed that he was still alive, but, the neighborhood of the hotel was subject to violent clashes between the FAR and the RPF, and the UNAMIR officer I was able to contact told me that it was impossible to repeat the operation of the previous day.

There were other attempts, such as the dramatic and aborted one of May 3rd, where a convoy that was trying to flee the hotel was intercepted by *Interahamwe* who wounded nine people with machetes and imposed a return to the hotel. An operation launched on May 27th was finally successful. After seven weeks of anguish, the refugees from the first days were eventually able to escape their captors and blackmailers.

Epilogue on the evacuation of the children of Agathe Uwilingiyimana

On 24th March 1998, the French parliamentary Mission on Rwanda (MPR) on its first session was informed about the issue of the evacuation of the children of Agathe Uwilingiyimana. The mission then gave rise to many contradictory testimonies even between the staff of the Embassy of France. Various excerpts from the final report of the MPR illustrate the ambivalence of the rapporteurs on many of the comments gathered (*cf. ETR*, p. 268). After having been abused by the testimony of a liar, they even produced an addendum of denial of his assertions that was inserted into all the official copies before its release.

However, we will not know the reasons that motivated the incomprehensible stubbornness of the Ambassador Jean-Michel Marlaud to oppose the evacuation and the welcoming of the "children of Agathe" by France despite the agreement of the African bureau. Nevertheless, it is certain that most of the information I have provided to the MPR on this issue at the request of the rapporteur, Bernard Cazeneuve, could not be included in the report because of the personal opposition of the Ambassador Marlaud, as Paul Quilès -president of the Mission- informed me, during a long face to face exchange (one-on-one) on October 28th, 1998. (*cf. annex 79*, Response of André Guichaoua to the letter of Mr. Bernard Cazeneuve on May 26th, 1998).

2. The arrival of the Rwandan political personalities at the Embassy of France

This second point situates in a broader political context the strong involvement of the Embassy of France in the political transition opened by the assassination of president Habyarimana and the scope of an explicit policy choice. Indeed, as of April 7th, the Embassy of France openly showed its affinity with one of the political components of the Government under Agathe Uwilingiyimana by welcoming in its premises, and escorted by a vehicle of the GP, all Ministers of the MRND political party. These were joined the next day by several representatives of the factions Hutu *Power* of the political parties represented in the Government, even though their colleagues' the "moderates" had been murdered by other commandos of the GP. The MRND Ministers assumed those killings without the slightest qualms. The welcomed personalities held many meetings at the Embassy of France and then appointed the bulk of the most extremist members of the GI [Interim Government] (*see below, last § of this chapter*).

The Ambassador of France, Jean-Michel Marlaud pointed out during his hearing by the French MPR the following about the April 7th: "Around 5pm, three hundred men of the battalion of the RPF emerged from the Parliament building, and the heavy gun battles began between the RPF and the "FAR" (Rwandese Army Forces). At the same time, the first refugees arrived at the Embassy, and the situation continued to deteriorate." (*ETR*, t. III, p. 296). He gave no details on the quality of his guests and their conditions of arrival at the Embassy.

The report adds:

"[Mr. Jean-Michel Marlaud] precisely said that the morning of April 8th had been marked by a new telephone call from the Habyarimana family asking to be evacuated¹²¹[...], the aggravation of the fighting and the arrival at the Embassy of France of several Ministers. They then held a meeting during which they set three directions: replacing the Ministers or officials' dead or missing, trying to subdue the GP in order to stop the massacres and, finally, reaffirming their commitment to the Arusha accords. They nevertheless refused to appoint Mr. Faustin Twagiramungu Prime Minister in replacement of Ms. Agathe Uwilingiyimana." (*ETR*, t. III, p. 296).

He continues his hearing indicating:

"Around 8:00 pm., the Embassy was informed of the appointment of a president of the Republic and of an interim Government. The composition of this Government was apparently in line with the Arusha accords, since it provided for a distribution of portfolios between political parties. However, one could wonder about the real representativeness. Each of the political parties being divided, the nominees represented rather a shift in favor of the more extremist factions." (p. 297)

Let's recall for information the succession of events: April 8th around 9:00 am in the

morning, Théoneste Bagosora and the three key leaders of the MRND party agreed to return to the terms of the 1991 Constitution providing for the appointment of the president of the CND as interim president of the Republic, the time to hold new elections and to bring together the leaders of the parties to form a new Government. Colonel Bagosora personally undertook to bring together those political leaders and the three leaders of the MRND went at Théodore Sindikubwabo residence to inform him.

Although the process of establishing the new institutions was under discussion, that nonetheless the future President, according to the erroneous testimonies, of Mathieu Ndirumpatse and Édouard Karemera (*cf. annex 81*), was not informed of his promotion, and the two leaders purportedly did not know of the assassination of the Prime Minister, and the leaders of the other political parties were not yet designated and gathered together. The Embassy of France welcomed "several Ministers," who organized a meeting, "set directives" and made decisions.

It was obviously privileged ministers, acting as their mandates was renewed - and apparently considered by the Embassy as such. Clearly assured on their own fates, they did not hesitate to decide on "the dead or missing officials" replacements and even to declare that they could not accept a Government headed by Faustin Twagiramungu [the Prime Minister designated by the Arusha accords], while reaffirming "their commitment to the Arusha accords" as the Ambassador of France pointed out!

The rest of the Ambassador remarks certainly raise questions about the "real representativeness [of the GI]. Each of the parties being divided, designated individuals represented rather an important shift in favor of the more extremist factions, "but which paradoxically confirms that the members chosen during the afternoon were designated according to the expectations of those who were at the Embassy of France and who were all, except two people, from the MRND party, the only party that did not need to replace "dead or missing" people...

The self-confidence of the MRND Ministers, hosted at the Embassy of France, is perfectly understandable if one knows that they did not arrive on April 8th as indicated, but the 7th in the afternoon and they have had all the time necessary to consider the formation of a GI taking into account the assassination of their colleagues that happened in the meantime. Crucial negotiations between the leaders of the MRND party and Théoneste Bagosora on the constitutional transition for the benefit of Théodore Sindikubwabo happened on the 7th in the morning. Right after that meeting in the morning with Théoneste Bagosora, the MRND leaders had most of the essential elements for the successful completion of the scenarios considered. So they had a day in advance in the negotiations.

Those "refugees", abandoned to their fate by an UNAMIR holed in its cantonments that it was "inconceivable for him to expel", as the Ambassador Marlaud describes them (*ETR*, t. III, p. 298-299), had in fact been grouped in the early hours of the night of the 6th to the 7th April at the Kimihurura GP camp. They were supported by one of the elite unit among the best units equipped, while other escorts were leaving with mission of eliminating their colleagues. It was even the same in the afternoon while GP squads combed the neighborhood of the embassies in search of hidden personalities.

If the testimonies personally collected from the transferees of the camp of the GP to the Embassy of France (corroborated by numerous testimonies before the Chambers of the ICTR) are anything to go by, their evacuation from the camp to the city center was decided when the machine gun fire resumed nearby on April 7th around 3:00–3:30 pm. A first convoy comprising

most of the high-ranking personalities and their families was formed. This convoy consisted of half a dozen vehicles, which some of them had come to seek refuge in the camp. A vehicle of the GP opening the way, sixty squeezed people arrived at the Ministry of defense using the fastest routes. There, one of the officers on duty felt that the Embassy of France was the safest place and immediately requested to the Ambassador the transfer of the convoy, and he agreed.

All of them were welcomed after declaring their identities upon their arrival, although there were a few blunders from the embassy staff at the entrance. For instance, Daniel Mbangura was reportedly asked to explain how there could be "two Ministers of higher education in function", Ferdinand Nahimana having already announced the same quality without specifying that his entry into service was yet to come. Another had to resort to the interpersonal skills of a friend already installed at the residence of the Ambassador and well known to him to ensure that he was a "big man".

This group included Daniel Mbangura, Pauline Nyiramasuhuko, Augustin Ndirabatware, Callixte Nzabonimana, Prosper Mugiraneza, Casimir Bizimungu, André Ntagerura, Clément-Jérôme Bicamumpaka and Jean-Baptiste Byiringoro. Accompanied by an escort of gendarmes that he had personally requested, Justin Mugenzi and his family joined them, late in the afternoon.

3. The tacit consent of the Embassy of France in the formation of the interim Government

Eight Ministers in function were accommodated at the Embassy of France whose seven belonged to the MRND party¹³¹ and Mugenzi Justin of PL *Power* (Commerce, Industry, Crafts). The assumption is simple: we find here all the Ministers of MRND party in the Government of 18 July 1993 then present in Kigali. The two absent MRND Ministers were on a mission: Faustin Munyazesa accompanied president Habyarimana to Dar Es-Salaam and did not wish to return to Kigali, Augustin Bizimana was in Cameroon and returned only on April 10th. However, his family moved to the Embassy of France like those of other Ministers...

The situation of other members of the Government of Agathe Uwilingiyimana was as follows: Agnes Ntamabyaliro of PL was hosted at the Embassy of the United States, three stayed at home (Gaspard Ruhumuliza, PDC; Marc Rugenera, PSD; Anastase Gasana, MDR) and four Ministers were assassinated (Agathe Uwilingiyimana and Faustin Rucogoza of the MDR, Landoald Ndasingwa of the PL and Frédéric Nzamurambaho of PSD).

All Ministers installed at the Embassy of France were re-appointed in the GI. They added another host present on the place: Clément-Jérôme Bicamumpaka, a personality of the MDR *Power* (appointed Minister for Foreign Affairs).

With Justin Mugenzi, now undisputed single leader of the new PL and Clément-Jérôme Bicamumpaka, acting official spokesperson of the purified MDR in conjunction with Donat Murego and Froduald Karamira, it is obviously the complete group of national policy makers promoted by Théoneste Bagosora and the heads of the Steering Committee of the MRND who were staying at the Embassy. It is there that they exchanged ideas; they organized their activities, their movements and their logistics¹⁴¹. We understand then how the exchanges were so easy between the key decision makers of the MRND and the Ambassador of France:

"Q: Did you sometimes see the Ambassador when you were staying at the Embassy?"

A: Yes, we had the opportunity to meet with the Ambassador in the morning.

Q.: It was the morning of what day?

A: The morning of the 8th. The Ambassador of France came around... called on all Ministers who had spent the night in the Embassy compound. We went, as you have seen... according to the list that you saw.

Q.: Do you mean Ministers?

A.: Yes. The Ministers. And we so had a meeting with him; he gave us the latest information about the situation, about what had happened as the Embassy of France had gathered information, as it was reaching him. It was him who confirmed to us that... - sorry - confirmed the names of the Ministers who had lost their lives. It is him who confirmed to us the situation as it prevailed in the city. And he urged the Ministers who surrounded him to try to do something to get the country out of the chaos in which it was sinking in.

Q: At around what time the meeting with the Ambassador was held?

A: Around 9:00 am in the morning." ^[5]

Then, it is with a "message of encouragement", from the Ambassador of France, that Justin Mugenzi went with his military escort to sit with the other leaders of the parties summoned by colonel Théoneste Bagosora:

"Q.: If, instead, you understood that UNAMIR disapproved the setting up of an interim Government, what [would have been] your attitude when you received this invitation of colonel Bagosora or anyone else to take part in a meeting of the crisis committee?

A: By the way, we had no alternative. It was the Ambassador of France, who, when we were at the Embassy, who... encouraged us as he urged us to play our part with the promise that the international community would also play its role. Therefore, at the time we had been invited to meet with other political leaders, I already had this message of encouragement." (*ibid*, p.69)

So the comments from some diplomats, colleagues of Jean-Michel Marlaud that the latter would have been the only Ambassador in charge in Kigali who personally participated in the formation of the GI on April 8th - comments that were considered by Jean-Michel Marlaud as pure slander in his audition with the members of the French parliamentary fact-finding mission - can find here some foundation.

From their base, once their families had been placed under the protection of the Embassy of France, the militant activism of the Ministers of the GI could unfold without any constraint. These personalities continued under military escort to go about their business during the day and regularly went back and forth at the Embassy. Different sources confirmed this fact. One of them is Joseph Ngarambe, a witness who sought refuge there on April 10th: "Each of all the members of the Government had his escort and they were free to move throughout the day. They spent the night at the embassy. I have at no time had the impression that they were refugees. They were bringing food from the outside. They had met several times, either among themselves or with the Ambassador of France in Rwanda, Mr. Marlaud that I knew very well, or sometimes with the Apostolic Nuncio. These meetings did not take place in an office, but they made sure to be separated from the rest of the people for their meetings and they obviously avoided any intrusion by others." ^[6]

It should be noted that it was not only the hosting and the discussions with the key political interlocutors but also the representation of the branch "extremist" was beyond the only political aspect. The media-financial group included also the prominent Hutu *Power* personalities, with the presence of Ferdinand Nahimana, a well-known pro-hutu leading ideologue and Minister designated in the GTBE³⁵, and the family of Félicien Kabuga, a great trader and one of the major shareholders of radio RTL and the financial provider of the militias of MRND.

We can still cite other two examples that open the debate not only on the tacit approval towards the new authorities, but also on the politics that they were put in charge of. Indeed, one can imagine that the Ambassador of France could have been able to ignore that Eugène Mbarushimana, Félicien Kabuga's son-in-law, was the national secretary of the *Interahamwe* militias responsible for the massacres in Kigali. He returned to Rwanda to resume his activities immediately after his family was evacuated to Bujumbura, and then to Bukavu.

Moreover, among the distinguished guests of the Embassy of France was Ndaziboneye family. The presence of this family at the Embassy is perfectly logical in the light of the foregoing analysis. Well known and appreciated by the services of the Embassy, Jeanne Ndaziboneye was their usual interlocutor at the Protocol Service of the Presidency, where she worked under the supervision of Major Désiré Mageza (Butare). It is as such that she was welcomed at the Embassy with her family. Due to her function, strong links existed between her and Agathe Kanziga (they had been class mates at the school for social workers at Karubanda in Butare) and it is her who followed the organization of the evacuation of the family of "Madame the President" on the first flight organized by operation *Amaryllis*.

Most interesting however is the fact that, in those days, her husband usually low key by nature, Major Charles Ndaziboneye (Ruhengeri), by his function of deputy judge at the Council of War was left with too much time to fill, and his colleague, colonel Ephrem Setako (Ruhengeri), served as guides of the groups of the GP and the militiamen who were busy tracking and eliminating the "enemies" in the Kiyovu area where they resided and where the Embassy of France was located. Indeed, several witnesses (including those who testified in the trial of major Bernard Ntuyahaga held in Belgium and at the ICTR) declared having noticed that senior officers living in that area were giving orders to the GP^[7]. The names mostly cited are those of these two people, known as ethnically extremists who had auto-commissioned since April 7 in the operations of revenge for the death of the president. According to a witness, who is an ex-FAR officer, Charles Ndaziboneye was part of the spontaneous committees set up in the area.

4. A welcome and a selective evacuation

The fourth point concerns the political and ethnic dominant profile of the individuals accommodated in the premises of the Embassy of France, as well as the conditions of access to the Embassy, which gave convincing argument to the accusation of selective practices. The same charges were laid, then, by extension, on the selection criteria of the Rwandan personalities evacuated as part of the operation *Amaryllis*. During that evacuation, as stated above, France assured the evacuation of 394 Rwandan citizens. The refusal to make public the lists of those privileged or simply to explain how the instructions of the Quai d'Orsay had been implemented raised questions. They can be summarized from the following excerpt of the report of the MPR:

"In conclusion, believing that the continuity of the French commitment alongside the components implementing the genocide was obvious from the first days of the crisis although lives were at stake and French own military resources were deployed, Mr. André Guichaoua issued the reflections and asked the following questions:

- from 7th to 11th April, the Embassy of France has been repeatedly solicited by other Western embassies or individuals to host hunted personalities. The reply was almost invariably negative. Thus, the accreditation of the idea that the Embassy of France had welcomed only the "scoundrels", according to the term then in use in Kigali, and you had to apply to the Embassy of

Belgium, of Switzerland and especially to the *Hotel des Mille Collines*, if you wanted to save the opponents. The list of the 178-people evacuated by plane to Bujumbura (classified "secret defense" however obtained by Mr. André Guichaoua from the Burundian authorities) tends to accredit this thesis. Apart from the presence of few personalities rescued such as Alphonse-Marie Nkubito, whose presence in French premises was, so to speak, imposed by the Ambassador of Belgium, the rest mostly comprised the dignitaries of the Habyarimana regime, the members of the GI of April 8th, or personalities like Ferdinand Nahimana (the host of RTLM), who, after having put their family safe at the Embassy could access it without any problem. What instructions were given on this subject by the Ambassador of France?" (*t. III*, vol.1, p.31 - 32)

The reporters of the MPR answered these questions in the following manner:

«The accusation of selective evacuation: France has been accused of, on one hand, conducting an exclusive evacuation of the dignitaries of the Hutu regime without any concerns about the fate of the tutsi or moderate hutu opposition representatives, on another hand, to have applied a different treatment to the French staff of the Embassy and the Rwandan staff personnel.» [...] Regarding the staff of the Embassy, it is false to claim a refusal to evacuate them, as shown in the telegram of April 11th from Paris: "the Department confirms that it is right to provide the opportunity to leave Kigali with the French forces to the Rwandan nationals who are part of the staff of the Embassy (locally recruited), and who could be reached". On the other hand, it is true that the French staff of the Embassy could be more easily contacted than the Rwandan personnel, and also they had to make themselves known, which put them in an unequal situation compared to French nationals. It seems that only Pierre Nsanzimana, a tutsi employed by the Embassy of France and quoted by Ambassador Jean-Michel Marlaud, was able to be evacuated with his family^[8]. In the annex of a collective volume called *The Crises in Burundi and in Rwanda*, Mr. André Guichaoua published a list of 178 people evacuated by the Embassy of France. This list could have been communicated to him by the Burundian authorities and could accredit the idea that the Embassy of France refused to host many personalities and received the dignitaries of the regime. Mr. Jean-Michel Marlaud opposed strongly this thesis and stressed that at the Embassy of France were gathered not only people linked to the regime or members of the GI, but also opponents who felt in danger such as Mr. Pascal Ndengejeho, former Minister from the opposition MDR, and Mr. Alphonse Nkubito, Attorney General, who sought refuge at the Embassy, and had requested political asylum as specified in the telegram No. 350.

Mr. Gérard Prunier noted that to his knowledge, a single political opponent had been able to take refuge in the French Embassy, "by virtue of a personal friendship with a member of the embassy", Mr. Joseph Ngarambe, an official of the Social Democrat Party (PSD), whose all the leaders had been murdered. This is confirmed by the telegram No. 342.

It is true, however, that a very large majority of the people who fled to the Embassy were representatives and dignitaries of the Habyarimana regime. However it is not acceptable to claim that France, by principle, could have evacuated the "génocidaires". (*ETR*, t. I, p. 266-267).

These issues continue to be of lively controversy and it seems to me important to make a point as accurate as possible on each of the themes.

The list of the people who took refuge at the Embassy of France, which I published in 1995 (*cf. annex 83*), allowed me to identify the people hosted at the embassy and the candidates for evacuation. From that document, I was able to reconstitute the profile of 318 Rwandans evacuated among the 394 people who were hosted at the Embassy. That is, 81% of the total, namely the 178 on the list of April 12th, (that is 94 orphans from the orphanage Sainte-Agathe

and their 34 "companions" (whose identities were carefully hidden by the French authorities), as well as the 12 members of the family of Juvénal Habyarimana evacuated on April 9th. Yet, from the beginning of the operation *Amaryllis*, the French authorities devoted a lot of energy to prevent that the information be made public on the identity and the location of all the Rwandan nationals that they secured the evacuation.^[9] Except in the case of the family of the late president, it was very difficult to reconstruct the list of flights organised by France to Paris or other destinations under the control of the French Army (the Central African Republic, for example). The French authorities judged preferable to classify 'secret defense' the various lists of evacuees (flights and land convoys), at least that is the argument that was opposed to me at the time.

Let us notice that the main sources of controversy after the closure of most embassies in Kigali and the evacuation of foreign nationals were around the attitude of these embassies to the vital and urgent requests from many Rwandan nationals, who assailed them and it was actually possible to react only in a very selective way because of the hasty exit of all international stakeholders' strategy. In this optic, apart from the contingencies of the space proximity^[10], the choice of the hunted personalities on the embassies to go to, believing in danger or just willing to take no chances, was based generally on relationships, links or friendships, even based on explicit political preferences. Similarly, unless assimilating an Embassy to a humanitarian organization, the favorable or unfavorable answers of these embassies to the solicitations could not be only reduced to "the capacity issues", although one can imagine that this constraint was heavily weighing in the selection.

A brief review of the list shows that the Rwandans hosted by the Embassy of France represented 20 to 25 families, and few isolated individuals or couples. Most of these families had between them ties of kinship, friendship and/or professional relationships. As an example, Siméon Nteziryayo, a personality of the early days of the regime and his relatives were more than 30 people. Augustin Ndirabatware, with the extended family Félicien Kabuga and his sons-in-law, as well as his close collaborators of the Ministry of planning, had even a greater number. Apart from a few cases, different people mentioned in this list were all known because of the functions they exercised at the time or that they had occupied. And, notice by, almost all the identified personalities were part of the nucleus of high dignitaries of the Habyarimana regime.

Why did these dignitaries preferably sought refuge in the first place at the Embassy of France? The first reason that can be invoked to explain this is the embassy's geographical location. In the neighborhood of Kiyovu where it is located, lived many dignitaries of the regime who could have managed to reach the French Embassy as neighbor's familiar of the places... and who were likely known by the GPs who protected the area. Indeed, it was also a highly protected area. Thus, the National Bank of Rwanda (with its stocks of hard currency), the official residences of the president, of Élie Sagatwa and of Séraphin Rwabukumba, half-brothers of Agathe Kanziga, the wife of the president, made it a space constantly monitored by the GP and the access to that area, soon after the attack on the presidential aircraft, required to overcome the reinforced barriers installed from nightfall. In the morning, there were bodies on those barriers and it was difficult to take the risk to cross without being protected or recognized. While the GP was revenging its Chief, the military escorts of the presidential clan were hunting down the people from the south and the Tutsi (labeled the "enemy") as these targeted people were hidden and could seldom take the risk to show up. This situation discouraged attempts to access the Embassy of France for the well-known opponents and the tutsi personalities without a reliable escort or not having in mind a convincing ploy^[11]. Similarly, several targeted personalities with

whom we were in contact refused to come to the *Hotel des Mille Collines* because we were not able to provide them with a safe military escort –this had become quickly difficult– in order for some just to walk only hundreds of meters that separated them from us.

On 11th April 1994, the Embassy of France sent to the Burundi Interior Minister, Jean-Baptiste Manwangari, a telex asking him to cordially accommodate the refugees present in his premises whose names appeared on a list of 178 individuals (*see annex 83*).

Let us notice, once again, that it is a list announcing to the Burundian authorities the arrival of all those who had wished to be evacuated by the French army before the closing of the Embassy and who had obtained their approval. It does not identify all the Rwandans hosted at the Embassy at that time. Similarly, the list we published was neither the only one nor the last one, since other people were mentioned during the counting on the day of departure. Finally, and above all, the list does not mention those, like several Ministers promoted, who finally decided not to leave Kigali and who had booked spaces to make sure they had a way out if necessary.

Once arrived in Bujumbura, the evacuees were not allowed to leave the international zone and were housed in the old airport, where the Red Cross took charge of them. As a result of difficult negotiations conducted by the Ambassador of Rwanda to Burundi, Sylvestre Uwibajije, and various Burundian and Rwandan personalities, the Minister of the Interior eventually accepted on the 13th during the day, to let inside the country 43 people classified 'at risk' or likely to be in danger in Zaire, so that they could temporarily settle in Burundi or look for another destinations of their choice (Sylvestre Nsanzimana, Alphonse-Marie Nkubito, Pierre Gakumba, Joseph Ngarambe, Dorcy Rugamba,...). The other passengers were transferred on April 14th to Bukavu.

According to the investigations carried out in conjunction with the ICTR, several transferees to Bukavu returned to Rwanda the following day, *via* Cyangugu or Goma. A respectable number of these personalities were subject of investigations and indictments by the ICTR, and that list became an important issue, since it was likely to provide an alibi for the accused to deny their presence in Rwanda, at least in the early days after the installation of the GI.

The copies of these lists were personally given to me by Jean-Baptiste Manwangari, Minister of the Interior, on July 12th, 1994. In 1998, they were handed over to Bernard Cazeneuve, the reporter of the MPR. To my knowledge, the reporters of the mission were not able to get from the concerned French official services the transmission of the originals or any other document relating to this evacuation (and to all others). However, "the reporters of the MPR explicitly referred to them and showed them to Mr. Jean-Michel Marlaud, ex-Ambassador of France in Rwanda, who did not formally challenge their existence or their content, but who strongly refuted the thesis of the selective evacuation" (*ETR*, t. III, p. 281). However, it could have been easy to remedy to the lack of the archiving or the unwillingness of the various Paris administrative services by asking the Embassy of France in Burundi a consultation of the originals from there. On a trip to Bujumbura in April 1999, I again contacted my 1994 contacts that certified the authenticity of the copies. The certificates were sent to Paul Quilès who acknowledged receiving them on the first June 1999 and at the same time they were filed as proof of evidence in the ICTR.

Ten years later, these lists were still in the international judicial chronicle: "the president of the International Criminal Tribunal for Rwanda was recently seized by a Chamber of the Court of the lack of cooperation from France to pass on a list of Rwandan politicians who fled to the

Embassy of France in Kigali at the beginning of the genocide. In an order of November 13th, 2009, that the AFP could consult on Thursday, the chamber no. 3 of the ICTR considers that it does not have any other means to get this list from the French authorities and "has to report accordingly to the president of the Court", Dennis Byron, and that is a very rare decision. The ICTR statutes provide that "when a trial Chamber and a judge are convinced that a State has not met an obligation [...], the Chamber or the judge may ask the president to report to the UN Security Council" (AFP, Nairobi, 19/11/2009).

5. The welcome of the "opponents" to the Embassy of France

As mentioned in the report of the MPR, Jean-Michel Marlaud strongly refuted the idea that the Embassy of France refused to host many personalities and could have only welcomed the dignitaries of the regime and mentioned the names of opponents. Once the "dignitaries of the regime" are removed from the list of people to whom the accommodation and expatriation has been granted, it remains only five atypical families or personalities that could be described as "deviant" and it is particularly instructive to explain how they arrived at the Embassy.

Except error, the most striking finding is the presence of only two tutsi Rwandans and their family in all the group of people welcomed at the embassy^[12]. Each one of them corresponds, in his way, to an exceptional case.

The first one, if the correct spelling of the name is respected, is called Pierre Nsanzimana. According to Jean-Michel Marlaud, he is a tutsi employee of the Embassy, the only one who escaped the massacres. He was an employee of the consular service; he was hidden by an *Interahamwe* neighbour since April 7th and was unable to access a telephone and to reach the Embassy. He could only get there on the 11th April. According to him^[13], the response of his French contact on the telephone was immediately negative, identical to those that had preceded it: "it was impossible to help whoever was Rwandan." He did not hang up the telephone, he supplicated and fortunately their conversation was heard by a French Lieutenant-Colonel that he knew him well and who belonged to the contingent of technical assistance. On his own initiative, this officer undertook to come to pick him up from his hideout. He went there immediately, charged the family in his Jeep around 11:30 am. and entered in radio contact with the Embassy to find out where to drop them off. They sent him to the Saint-Exupéry school, the place that the French army was using to organise the convoys of Western nationals to the airport. The family spent the night there and was transferred to the airport the next morning. Without any welcoming proposal in France and not knowing where to go, Pierre Nsanzimana and his family were added to the list of dignitaries of the regime sent to Burundi. According to him, without the personal commitment of this officer, he could meet the same fate as all other tutsi Rwandan staff of the Embassy. Even he doesn't remember the name of the Colonel that I failed to identify.

The second Rwandan tutsi, Pierre Gakumba, was an official of the Popular Banks and he had nothing to do with the Embassy of France. He was dropped at the embassy by the representative of Switzerland in Rwanda, Marie-France Renfer on April 11th, 1994 in the evening with his wife, Médiatrice Uwanyiligira, also a tutsi, a nurse at the NGO Doctors without Borders, and their child. As a unique case too, he managed to be evacuated after very hard negotiations with the Ambassador. He was part of several people who had found refuge in the premises of the Swiss representation in Rwanda or in the houses of the personnel of the embassy. As this embassy did not have the support of national expeditionary forces to secure its premises and to

evacuate its nationals, her representative was trying to negotiate their accommodations and their evacuation.

On April 9th, after a intense negotiations with Ambassador Marlaud, all those proposed by the Swiss representative were denied to come to the embassy under the pretext that there was no place in the gardens and in the aircraft. Mr. Marlaud had nevertheless requested a detailed list of Rwandans to evacuate. 60 candidates (excluding children) had been presented: staff of the Swiss Embassy in danger, partners of Swiss cooperation, Major Pascal Ngirumpatse with his tutsi friend and their children,^[14] former senior officials such as secretaries general or directors general of departments (Mininter, Minitrape, ...), university professors and a doctor (each of them had a family comprising three to five children). Despite the formal guarantee that all these people could have visas for the Switzerland, the ambassador flatly refused to evacuate anyone. His main concern was to know if Dismas Nsengiyaremye, former Prime Minister, had taken refuge at any Swiss nationals and if he was on that list. The ambassador was then offered a second list reduced to 15 people (children non included) and he refused it as the previous.

Finally, he accepted to support 'two people'. The Swiss representative chose then Pierre Gakumba and his wife and Jean-Michel Marlaud accepted to add their son. When she dropped them off at the Embassy, François Nzabahimana, former Minister of trade and consumption of the MRND and Secretary General of the Popular Banks, the only Minister from the 'civil society' in the Governments of "openness" of 1990-91 close to Jean Kambanda and therefore considered by "extremist elements" of the MRND as an "opponent", was denied a refuge. The embassy also refused to host Josepha Kanzayire, although alone with her children, she was the Director of INADES, a nursery of cadres of the associative movement in the rural area as well as several officers of the FAR close to the opposition and so far, hidden. Upon their arrival at the Embassy of France, they saw a dozen of people hanging on the fence and requesting in vain to enter: "while dropping them off, I personally saw Ferdinand Nahimana, Félicien Kabuga, Augustin Ngirabatware, Casimir Bizimungu, Callixte Nzabonimana, Siméon Nteziryayo and many others. Alphonse Nkubito broke down crying in my arms, when Jean-Michel Marlaud was escorting me to the gate." The Gakumba family was transferred on April 12th to Kigali airport and evacuated to Bujumbura, from where he joined Switzerland^[15].

These two tutsi families were not politically engaged, were not opponents, and were saved, for the first case, by the chance of a presence and for the second, after a painful and arbitrary choice between many applicants.

In my case, for all similar requests I had made, I received the same principled refusal of a low 'accommodation capacity'. And in this happened, no matter the level of speaker reached when the filter of the telephone receptionist was passed, whether the first counselor William Bunel, very active in this machination, or finally the Ambassador in person. The only Rwandan tutsi refugees at the *Hotel des Mille Collines* that we managed to evacuate "with the agreement of the French authorities" after a transit at the French school before reaching the airport declared, as we had convened, that they had lost their identity cards. They presented themselves as natives of West Africa and the Captain Mbaye Diagne of UNAMIR called the Embassy to confirm this origin.

Three other cases of "opponents" present at the Embassy were hutu personalities. A name emerges immediately among them, the one of Alphonse-Marie Nkubito, Attorney General at the Court of Cassation, ill-treated by the regime since the beginning of the 1990s. He was also one of founding militants of NGOs, which then launched the Rwandan movement for the defense of

human rights^[16] and gained an international reputation. Hunted since the morning after the president assassination, he had managed to escape from his own residence, accompanied by one or two gendarmes who escorted him. He finally managed to reach the residence of the Ambassador of Belgium, Johann Swinnen, on April 7th around 5:00 pm... The Belgian community being particularly targeted with the assassination of the ten para-commandos of UNAMIR and several civilians, the position of the Ambassador was particularly delicate. Therefore, by adding this 'public enemy' of the prohutu extremists to some other thirty "opponents" who had already been given refuge at his home, the Ambassador was taking a big risk.

It was convened with Alphonse-Marie Nkubito, depending on the evolution of events, any solution that could ensure the safety of each and others would be considered. On Saturday, April 9th, the Ambassador took advantage of the visit of a delegation of the members of the new Government (Clément-Jérôme Bicamumpaka, Augustin Ngirabatware, and Casimir Bizimungu), who were going to the Embassy of France thereafter, and asked them to take there one of his "friends"... He then called, around 3:00-4:00 pm., his French colleague Jean-Michel Marlaud, who accepted that Alphonse-Marie Nkubito would be assured of a better security at the Embassy of France. That is how these Ministers, indeed obliged, took him under escort to Jean-Michel Marlaud who could give all the guarantees of a secure home and treatment. Thus, the Embassy of France found itself with a resigned and unexpected host among the "clan", which was reconstructed on the basis of its political affinities.

The name of Joseph Ngarambe, a member of the PSD party, brought at the Embassy by a French friend, has also been cited as opponent. However, he did not occupy a position in the organizational structure of the party that could have made him a target wanted by the GP or the militias.

Finally, a third case of an opponent, the Ambassador of France has cited the presence of "Pascal Ndengejeho", a former Minister of the opposition MDR. The qualifier is just: in fact he served in the multi-party Government of Dismas Nsengiyaremye in April 1992 as a member of the MDR, but he has not been reappointed in the one of Agathe Uwilingiyimana, whose members of the MDR (pro-RPF faction of Faustin Twagiramungu) were effectively hunted down. Moreover, and this argument seems to me crucial, the main explanation for his presence on the premises of the Embassy of France is the fact that he stayed nearby and that his wife was the sister of Léoncie Bongwa, wife of André Ntagerura, MRND Minister and dean of the ministers of the GI.

Just a serendipity that unintentionally led two tutsi families and one well known opponent in the premises of the Embassy of France, where, contrarily to most "dignitaries" of the regime, took all a one-way ticket to Bujumbura.

Incidentally, let us note that this list comprises various people who were among the first to seek asylum in France while their political records were already well loaded. And others, no less famous, followed. Since then, these dignitaries and the auxiliaries (for whom they provided) under their protection are very likely to reside in France, the parliamentary fact-finding Mission being unlikely to open this dossier - much more delicate in terms of solidarity with the French officials who welcomed them - during its hearings.

For example, the Minister of the GI, Augustin Ngirabatware, a holder of a Gabonese passport delivered under his proper name on 31st December 1996, was issued by the service of the Privileges and Immunities of the Quai d'Orsay a "special card" in lieu of a residence permit

on 20th April 1998 (three weeks after the start of the hearings of the MPR!) on the account of an international organization in which he did not work (*see annex 84*). When the ICTR organized his arrest in Paris on 26th November 1999, and while his home was put under surveillance, he was able to conveniently leave the French territory for Libreville, where the Gabonese authorities located him and asserted that he was under surveillance to allow the time for the procedures and... to let him disappear.^[17]

We will also note the installation in France of two eminent cadres of the Ministry of Planning, in particular Téléphore Bizimungu, former Secretary General of the Ministry of Planning, close to the CDR^[18], and Antoine Ibambasi, a native of the Nyamyumba commune (as Augustin Ngirabatware) and an advisor for technical affairs of the minister. This well-known leader of pro-hutu extremists since 1992 was himself married to the sister of the wife of Séraphin Rwabukumba, half-brother of the wife of the president. It was him, who organized and supported the strike of Onatracom in August 1992. Questioned by the government for the actions of his adviser, the Minister Augustin Ngirabatware did not do anything. Among the members of the "presidential clan" also installed in Paris, were two other Félicien Kabuga sons-in-law: Fabien Singaye, former first advisor at the Embassy of Rwanda in Switzerland, expelled from Switzerland in 1994 for spying and who, once arrived in France, worked for Paul Barril; and Eugène Mbarushimana, Secretary General of the *Interahamwe*, host of the Embassy of France, who embarrassed his protectors on his arrival in France. His wife and himself^[19] were denied the refugee status by the Board of Appeals for Refugees (CRR) on 19th June 1996 (*see annex 85*). An alternative was immediately considered in Belgium. Both obtained a refugee status in Belgium in January 1997, then their naturalization, the wife in 2004 and the husband in August 2005.

6. What kind of motivation for such an exclusive solidarity?

The defense system used by Ambassador Jean-Michel Marlaud as part of his hearing with the MPR can be explained in these words:

"He declared that it was monstrous to assert that a selection could have been used among the Embassy staff or that an evacuation could have been knowingly denied. At about 8:30 am, the time at which the president Habyarimana's plane was shot down, the Rwandan employees of the embassy were at home, and there, the greatest majority did not have the telephone. It was very difficult for them to find a telephone to call the Embassy. Moreover, with the areas or streets without names and the houses without numbers, it was also difficult to get to the homes of the local staff. Only two people could make themselves known: M. Pierre Nsanzimana, a tutsi employee of the consulate, who managed to call, was evacuated with his family. He produced a written testimony about the conditions in which his evacuation took place. An employee of Air France managed to alert his company in Paris, which in turn contacted the Ministry of Foreign Affairs and then the embassy was informed. His evacuation required sending soldiers twice, because the first attempt proved to be futile, given that he had to hide himself with his family." (*ETR*, t.III, p.299-300).

Beyond the information previously provided, this argument must be assessed in the light of the clearly stated official policy in the telegram of April 11th from Paris:

"The Department can confirm for you that it should be provided to give to the Rwandan nationals who are part of the staff of the Embassy (locally recruited), and who can be reached, the opportunity to leave Kigali with French forces." (t.III, p.266).

The conduct of order No. 3 of April 11th at 8:12 pm, brings a slight change in the mission. It still requires securing the airport and the roads leading there to allow the "evacuation of some foreigners and our diplomatic mission scheduled for 12th April from 7:00 am.". The evacuation of the French nationals is complete. It is now time "to accelerate the evacuation of the foreigners and the personnel of the Embassy, and to prepare for a progressive withdrawal of units".

It is worth noting that there was no distinction based on the nationalities of the staff of the Embassy. The final departure was scheduled for the following day that was a Tuesday. The military orders were not opposed to looking for the Rwandan Embassy staff and then for their evacuation." (*ETR*, t. III, p.254.)

Therefore, there still is a need to understand the interpretation (allegedly), which could have been given on-site to the directives from Paris. On this aspect, the statements of the then politicians and the military officers are quite similar. If, in principle and in the name of principles, they refuse to imagine that any political selection or sorting could have prevailed on site, they all state that the evacuation decisions have been taken on the site. Thus, the Minister of Defense at that time "[declares] not knowing if, on-site, the discrimination had been established between the ethnic groups during the evacuation"; Foreign Affairs "points out that the evacuation decisions had been taken on the site by the Ambassador of France" with an emphasis on the constraints facing the Embassy. The Director for Africa of the ministry "ensures that the Ambassador could have evacuated the local staff, who was no longer present at the Embassy, if he had been able to reach them and that he had also received a telegram in that sense.". Finally, the Chief of staff of the armed forces "ensures that it was not the responsibility of the soldiers to sort out the people to evacuate." and advised "to question the Ambassador on the criteria which led him to gather a certain number of people at risk, that the French Government had chosen to protect." (*ETR*, t. III, vol. 1, p. 98-99; vol. 2, p. 156; vol. 1, p. 238 and 240).

On my side, what I have been able to see and to hear being on site, the watchword repeatedly passed on (every time) by the personnel of the Embassy of France to those who could contact them during the days when a part of the city was no longer reachable by telephone, was that only the French nationals and Westerners were likely to be evacuated and that the strict adherence to this 'agreement' with the 'Rwandan authorities' – but whom was it: the GI, the GP, the FAR? – guaranteed the safety of the evacuation of foreigners and concretely their moves to the grouping centers established by the French forces. The possibility to save the tutsi personnel of the Embassy, of the French Cultural Centre or any other structure under the French administration was not therefore part of the tasks set for the French units.

If the French authorities can be questioned for not having intervened in this matter, it is better to make it clear that almost all the embassies and international agencies have acted in a similar way. When the embassy of the United States evacuated its nationals along with the citizens of some other pre-selected nationalities from the *Hotel des Mille Collines* on April 8th, I don't remember having seen them taking Rwandans. The same case happened for Faustin Twagiramungu, that the Ambassador of the United States properly and promptly dumped by entrusting him to the head of the American NGO Care. Moreover, although being in charge of the evacuations gave exclusive responsibility to the French and Belgian troops, many press releases reported several cases of denial on the part of both French and Belgian authorities. Even if, from a strict comparative point of view, the attitude of the Belgian troops was, according to many testimonies, occasionally more flexible in the application of this exclusive, the total number of the evacuees was significantly lower. Conversely, multiple examples of rescue and

evacuation identified prove that, despite the difficulties, it was always still possible to save tutsi Rwandans and opponents and to evacuate them when the will and the mobilization of stakeholders were clearly defined. The "filter" by the Embassy of France in Rwanda of the personalities of distinct categories, whose cases have not been made public, show that this option was implemented, but under a strict selection based on affinity, political and ethnic ground.

It appears that the selection system was due by the inertia carried out versus the instructions received in a difficult and risky context, but beyond the grave faults committed by omission, and common to most diplomatic representations, one can wonder about those deliberately committed or inherent to a political bias of the French diplomatic representation which underpinned all of the action during this dramatic week.

It is, in my own opinion, a spontaneous bias more than a "strategic" decision, which is at the origin of this inertia or the refusal to evacuate the Rwandan nationals considered as deviant and at risk. By granting its protection to so many decision makers with close ties with the military units and the militia responsible for the killings, the Embassy was not in a position committing it to accept any "agreement" forbidding it to safeguard its own tutsi personnel. In the same way, a categorical refusal of the Embassy of the request to host the Prosecutor of the Republic of Kigali remains incomprehensible, given that the embassy had to resign itself to host his immediate supervisor, the Prosecutor General Alphonse-Marie Nkubito. Similarly, the evacuation of the five children of Agathe Uwilingiyimana could have been claimed as an advised humanitarian gesture, in counterpart to the evacuation of all the orphans of the Sainte-Agathe institution. Beyond the bias inherent to the proximity with the authorities related to the Habyarimana regime, the question remains: where was the political interest of such exclusive solidarity with the most radical component of the prohutu camp?

A last example will illustrate how this choice was "natural". The reporters of the MPR had to vigorously refute the erroneous charge - without however specifying its origin - that the Embassy of France could have evacuated the Belgian journalist Georges Ruggiu of RTL - a character of a very limited importance in any case. But during my investigation on this issue, I've collected the following additional elements:

"If Ruggiu was not in fact at the Embassy, I was surprised to hear Hassan Ngeze^[20], called (first!) among the VIPs to evacuate (those of the first round). And I had not seen him at the Embassy from 10th to 12th April." ^[21]

In fact, Hassan Ngeze, one of the most famous antitutsi activists, was not evacuated to Bujumbura, like other dignitaries reassured about their fate on 12th April, nevertheless, what is most remarkable is that the principle of his support by France had clearly not aroused reserves, whether on the part of those, extremely vigilant as we have seen, who had established the lists of elected officials, as well as on the part of the Ambassador of France. Indeed, the ambassador could not ignore this because he was the one who personally supervised the calling of the VIPs.

"The man in question, who had the appearance of a military officer in civilian clothes, called people of the first list together with Ambassador Marlaud, and that man gave the task of calling the people to embark of the "Less important second group to the Minister Casimir Bizimungu, who personally added names to "his" list."

Hosting the "most extremist" members of the outgoing government, endorsing the installation of the GI, if it is not his deadly policy, was one thing, but not setting any limit to the acquaintance of politicians likely to be "appointed" and co-managing with them the selection of the candidates for the evacuation revealed close familiarity ties and a strong ideological osmosis,

far away from the diplomatic caution.

While on April 11th the GI scuttled the "Pacification" operation that began the day before with the aim of suspending the mass assassination -operation that had not yet shown its effects-, did the unreserved expression of those biases rely on the ignorance, the collective self-deception or on the complicity of the ambassador and his staff?

Footnotes

^[1] Regarding the failure of the intervention of the general Dallaire at the hotel to pick up the children, Ambassador Marlaud found impossible to entrust such operation to the French troops, when the life of French nationals was also threatened. The next version of this episode is delivered by the rapporteurs of the French MPR:

"On Sunday, April 10, the Ambassador of France Jean-Michel Marlaud had indicated to Mr. Moal [Deputy Director of the United Nations for Development Program] that it was not possible to evacuate the "children of Agathe, without risking to cause very serious incidents, in view of the prevailing climate of hate ", he [Mr. Le Moal] had returned to the *Hotel des Mille Collines*, where he had learned that the children were to be picked up by Mr. André Guichaoua and an American national [Marc-Daniel Gutekunst, a French citizen who resided in the United States]" (French parliamentary Mission, *the Rwandan tragedy [ETR] survey*, Paris 1999, t.I, p. 268).

^[2] From 7 to 9 April, the members of the presidential family were present at their residence of Kanombe. They were evacuated by the French army on April 9 to 3:00 pm. to embark around 6:00 pm. on a plane to Bangui, and then to Paris, where they arrived on April 17, 1994. The 7 and 8 April 1994 were spent on bringing the body of the Rwandan and Burundian presidents in the morgue of the Kanombe camp and the evacuation of other members and friends of the family (*see annex 54*).

^[3] Bizimungu Casimir (health), Mbangura Daniel (higher education), Mugiraneza Prosper (public service), Ngirabatware Augustin (Plan)^[3], André Ntagerura (transport, communications), Pauline Nyiramasuhuko (family, women affairs), Callixte Nzabonimana (youth).

^[4] The absence of the personalities of the PSD and the PDC can be easily explained, since the two directions of these parties were "to recompose" and it was only in early afternoon of April 8, that the new "chosen", selected by Théoneste Bagosora and the heads of the MRND, were added to the Group of negotiators from the parties.

^[5] Transcript of the hearing of Justin Mugenzi, trial Bizimungu *and alii*, ICTR, 8/11/2005, p.51-52.

^[6] Deposition of Joseph Ngarambe, ICTR, Arusha, quote KO133228, 9/04/2000, p.4.

^[7] Anonymous testimonials MFR, PN, VN, SM, JMVU, etc.

^[8] *Cf. annex 95*.

^[9] Collected informally after the end of the operation, this figure was then officially confirmed (*see ETR*, t.I, p.266).

^[10] It is how Agnès Ntamabyaliro, Minister of Justice (PL) contacted the Ambassador of the United States at his home and received his approval (*cf. her hearing in trial of Bizimungu and alii*, ICTR, 28/8/1995, p. 37).

^[11] So, according to an eyewitness, around the 8-9 April night, Désiré, the eldest son of Alexis Kanyarengwe, Chairman of the RPF, who was seeking refuge at the Embassy of France, was arrested on the street called Youth Street in front of the residence of major Bernard Ntuyahaga, where the latter was in the company of colonel Ephrem Setako in a military Peugeot 505 with *Interahamwe* militiamen. After being identified, the boy was shot. RTLM immediately announced his death. His body was collected by the Red Cross several days after.

^[12] There were also tutsi spouses, but they were only there as a result of the presence of their husbands. Any verification is also made difficult because the families, wife and children, are usually registered under the name of the father.

^[13]Testimony taken personally on May 7, 2006.

^[14]At the service of colonel Laurent Serubuga, he used during those days that function... and the vehicle of Serubuga to save many tutsi personalities then dropped them at the *Hotel des Mille Collines*.

^[15]Telephone exchanges with MU (April 26 - May 11, 2006).

^[16]President of the Coordination of leagues and associations for the defense of human rights (CLADHO).

^[17]Having circulated then in various African and European countries, Augustin Ngirabatware was finally arrested in Germany on September 17, 2007.

^[18]He was granted refugee status by the services of the OFPRA (the French Office for Refugees) in December 2001.

^[19]See Appeals Commission of refugees SR, June 19, 1996, 280638, Ms. K. wife M., and SR, June 19, 1996, 280634, M. M., published: November 2, 2004.

^[20]Founder in 1990 and editor-in-Chief of the *Kangura* newspaper, who made himself the champion of the ethnic prohutu theses. Member of the CDR in Gisenyi, he spoke many times on radio RTLM.

^[21]A testimony of a refugee present at the Embassy, personal notes, May 16, 2006.