

ICR-98-44-T

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ANNEX

E

MRND. It resolutely sided with them against the President Habyarimana whom it accused of hanging on to power he no longer had. This point has been sufficiently developed and no longer needs dwelling on.

On the other hand, it should be stressed that in respect of the late President no analysis has been done on matters worth dealing with, particularly:

- The content of the Arusha Peace Accord regarding which Mr. Booh Booh was assigned to have it implemented through its signing. It is stupefying to note that Booh Booh was mistaken even with regard to the signatory parties to the Peace Accord of 4 August 1994 and wrongly affirmed that the signatories were the political parties and RPF.⁶⁴
- Political assassinations and other acts of violence.
- Failures of UNAMIR, the reason which he tried to attribute to Dallaire's partiality only.
- Widespread insecurity in Kigali town and elsewhere in the country well before 6 April 1994.
- Disagreements within the MDR and PL political parties.
- RPF's intransigence encouraged or at least tolerated by certain influential diplomats serving in Kigali.
- The wrong decisions taken by the United Nations Security Council or by some of its members such as the United States of America and Belgium.

Roger Booh Booh blamed RPF for its intransigence, but spared when it comes to murder and crimes against humanity. As regards General Roméo Dallaire, complaints are overwhelming but do not result in any practical measure to correct the errors committed. Moreover, the complaints against Dallaire cannot relieve Booh Booh of his responsibility. He was the head of mission, Dallaire's boss and he did nothing to make him see reason. The problems within UNAMIR and especially the rivalry between its senior officials created an enabling climate for the deterioration of the situation which resulted in the Rwandan tragedy and which still continues. Booh Booh and Dallaire are certainly involved and their writings do not provide the clarification much expected from such high-ranking witnesses. The account of Booh Booh is very superficial for someone who had assumed very heavy responsibilities and whose failure, admitted, had consequences that are deployed by everyone. He must do more in the interests of justice and truth.

3. The orchestrated genocide hypothesis

3.1 *Manipulated copies of the original fax removed for the record*

⁶⁴ See UNAMIR Doc., CD #1:L000-2292 (mir-276/CRN-36).

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The cable messages which brought into being the genocide plan hypothesis have been kept secret for a long time. During his testimony in the case of *Bagosora and others*, General Dallaire, cornered, was compelled to disclose to the Defence the entire correspondence between UNAMIR and the Headquarters in New York following his famous fax of 11 January 1994.

It would be a serious hypocrisy to deny that General Roméo Dallaire's fax of 11 January 1994, sent to the Headquarters of the United Nations, was not the basis of the centrepiece on which the International Community relied to conclude that the tragic events of April to July 1994 in Rwanda should be described as the "genocide of Tutsi, planned and executed by Hutu."

The reader therefore needs to be informed about this important point: there were two fax messages bearing the date 11 January 1994. The first one was actually sent from Kigali by Roméo Dallaire and received in New York by Maurice Baril. The fax focused mainly on some so-called arms caches disclosed to UNAMIR by the informant Jean Pierre. The second fax mentioned a plan to exterminate Tutsi and to kill Belgian peacekeepers in addition to the much talked about arms caches located at the headquarters of MRND in Kimihurura. The originals of said two faxes are nowhere to be found. The Prosecutor produced as evidence a manipulated copy from which elements had been deleted, which elements could have allowed the Defence for Jean Paul Akayesu to contest its originality. Today, the elements gathered following investigations allow to assert that the Prosecutor used a false document to support his argument and obtained the conviction of people on such basis.

Regarding the characterisation given to the April-July 1994 mass massacre in Rwanda, it is important to tell the reader to distinguish the political characterisation given by policy makers such as the United Nations Security Council or the governments of the member states of United Nations from the jurisdictional characterisation expected from the International Criminal Tribunal for Rwanda (ICTR). The ICTR, a subsidiary organ of the United Nations, set up by Resolution 955 (1994) of 8 November 1994 have the mandate to legally verify whether the required intentional element of the crime of genocide and all the physical evidence were present so as to legally find the crime of genocide.⁶⁵

It is in this regard that I am interested in the famous fax of 11 January 1994 which involves the physical evidence produced by the ICTR Prosecutor to support the idea of planned genocide of Rwandan Tutsi, as well as other fabricated materials⁶⁶ just to demonstrate this hypothesis. The fax of 11 January 1994 mentioned many personalities and others intervening parties⁶⁷ in the April-July 1994 events in Rwanda.

⁶⁵ In a legally incomprehensible decision of 16 June 2006, the Appeals Chamber judges closed arguments on charge of genocide by taking judicial notice of the much debated facts.

⁶⁶ As regards the documents fabricated in order to convince opinion there was genocide of Rwanda Tutsi, there is need to cite, for example the letter tract sent on 1 December 1993 to General Roméo Dallaire by RAF officers and the guilty plea agreement of 29 April 1998 maliciously taken away from Minister Jean Kambanda by the Deputy Prosecutor of ICTR, Mr. Beranard Muna.

⁶⁷ The important personalities concerned include Mr. Boutros Boutros Ghali, Kofi Annan, Roger Booh Booh, General Maurice Baril, General Roméo Dallaire, Faustin Twagiramungu and Colonel Luc Marchal. Others are: Jean Pierre Turatsinze, Senegalese Captain Amadou Démé and Belgian Captain Frank Clues.

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The investigations conducted in respect of the copies of the telegram appended to the case-files of accused persons at the ICTR, and which contributed to convincing the judges in pronouncing the first convictions for the commission of genocide vary from one another. Moreover, a thorough analysis of their content shows gross anomalies in regard to the reactions of Kofi Annan and Maurice Baril. Obviously, the text to which these two senior United Nations officials reacted did not mention any plan to exterminate Tutsi or any provocation of Belgian peacekeepers. It talked about arms that were supposedly stored at the headquarters of MRND in Kimihurura. Such interpretation is corroborated by General Roméo Dallaire's unequivocal response during an interview with a Canadian Radio-Television on 14 September 1994. He stated as follows: "I think that the slipover could not be designed [...]. Never, I think that no one could have planned the scale of the massacre."

Dallaire could not talk like this in September 1994, after having sent to the United Nations Headquarters in New York on 11 January of that same year, the famous telegram mentioning a plan to exterminate Tutsi. Thus, on 14 September 1994, the famous telegram fabricated to support the idea of a planned genocide of Rwandan Tutsi was not yet in existence. This is confirmed in Annex III of the present work.

Much more disturbing is that the Assistant Secretary General of the United Nations for Legal Affairs admitted that the archives of the United Nations and those of UNAMIR did not have the original of the cable of 11 January 1994. Extensive research conducted at the United Nations Headquarters revealed that the copy available in the archives, of which photocopies were made public and added to the case files of the accused persons at the ICTR in Arusha, was filed in the UN archives on 28 November 1995. The original document is also not in that file.

It is all these anomalies⁶⁸ which encouraged defence teams at the ICTR to continue the search in New York., Kigali, Brussels, London and at the ICTR to find all the elements of which the analysis below will provide further information about the origin of and the reasons behind the media manipulation which came to give credence to the hypothesis of the existence of a plan to exterminate Rwanda Tutsi, designed and implemented by Hutu "extremists" after having assassinated their President.⁶⁹

It is true that the ICTR Prosecutor has definitely abandoned the hypothesis that President Habyarimana was assassinated by "extremists" from his camp, well before the publication of the Report of the French Judge, Jean Louis Brugière who implicates, President Kigali in particular. In doing so, the Prosecution has itself weakened its hypothesis of genocide plan especially that this position is in blatant contradiction with the statement made by the ICTR Prosecutor, Carla Del Ponte: "*if it is the RPF that shot down the plane, the history of Genocide must be rewritten.*"⁷⁰

⁶⁸ Responding to letters addressed to the United Nations Secretary General by lawyers defending the accused Joseph Nzirorera and Aloys Ntabakuze, the Secretary General's Legal Assistant, Ralph Zacklin wrote: "*We have conducted an extensive research of the organization's archives, both for the original of the document that was signed by Brigadier-General Dallaire and transmitted from Kigali and for the original of the transmission that was received in New York. We regret to inform you that we have not been able to locate either of those original documents.*"

⁶⁹ The main generators of this theory are: Alison Des Forges, Gerard Prunier, Jean Chrétien and Colette Breaman:

⁷⁰ Carla Del Ponte's interview, published by the Danish newspaper "Aktuel" of 17 April 2000.

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Under the circumstances, I sincerely think that the public, abused up until now, has the right to be informed about the circumstances in which the fax was drafted and made public, to know more about the reason for the disappearance from the archives of the United Nations and UNAMIR the original of the fax transmitted by General Romeo Dallaire to General Maurice Baril and the reason for the fabrication of a new manipulated fax of which the copies did not match the said original fax were circulated long after the ICTR was set up.⁷¹

Therefore, tedious investigations have been conducted by the Defence since the production by Prosecutor Richard Prosper of a redacted copy of the fax of 11 January 1994 in Jean Paul Akayesu's trial, during the testimony of Alison Des Forges at the hearing of 13 February 1997.

The investigations were recently strengthened by documents produced by General Roméo Dallaire during his testimony in the *Bagosora* case. On that occasion, the Defence lawyers methodically made bare the tricks painstakingly arranged by General Roméo Dallaire in association with the appointed Prime Minister, Faustin Twagiramungu.⁷²

3.2 *Jean Pierre, an alibi witness*

Before his employment by MRND as a driver, Jean Pierre Turatsinze had worked at the Central Intelligence Service (SCR), then attached to the Office of the President of the Republic. He was initially the driver of Donat Hakizimana then Director of Immigration at SCR at the presidency. Appointment Préfet in Kubuye, Donat Hakizimana retained Pierre Turatsinze as his driver, the way he had retained him since November 1990, that is, the date he was called to the Office of the President as Chief of Central Intelligence Service, until his replacement by Augustin Iyamuremye in late June 1992. It was his time as a driver in the various services at the Office of the President which formed the basis of the made up story that Jean Turatsinze was a former member of the President's security.

The well-known top level instructor of *Interahamwe za MRND*, **Jean Pierre Turatsinze, alias Abubakar, alias Kassin**, was therefore a civilian with no military knowledge. He was dismissed from MRND in 1993 and when he left, he had no possibility of accessing sensitive or confidential information found at the MRND National Secretariat in January 1994.

Moreover, to be considered as a serious indication is the fact that the Prosecutor did nothing to protect him unlike other turncoats who are provided with security, enjoying significant and regular payment of funds for their maintenance. Because despite the weight of his testimony before the ICTR regarding the information the source of which is attributed to him, which allegedly enabled General Roméo Dallaire to draft his famous fax of 11 January 1994, Jean Pierre Dallaire was eliminated by RPF, as he was not protected by ICTR which, however, had

⁷¹ Resolution 955/1994 establishing the Tribunal was passed on 8 November 1994 and the first judges and the functionaries arrived at the ICTR in late December 1995 and early January 1996.

⁷² In an interview with Thierry Cruvellier, published in No. 83 of the periodical: *Diplomatie Judiciaire*, March 2002, Faustin Twagiramungu admitted that he was VIP that put Jean Pierre Turatsinze in contact with military chiefs of UNAMIR. Mr. Roger Booh Booh and General Roméo Dallaire had even gone to see him on the matter, before assigning the operation to Luc Marchal.

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since 1996 been presenting him as an important Prosecution witness. Therefore, it is preferred to have a legend and not the source which may change version or be contradicted.

It is really inconceivable that the Prosecution did not find it appropriate to call Jean Pierre Turatsinze as a Prosecution witness in the trial implicating the 2nd Vice-Chairman of *Interahamwe za MRND*, " whereas he was still alive. During the trial closing arguments, Counsel Tiphaine Dickson went as far approaching the Court on the matter by complaining about the absence of evidence justifying the excessive demonization of *"Interahamwe za MRND"* as follows:

*"By the way where are the Interahamwe before this court? Where are those who were their instructors? Where are those who were subject to instruction? Who were taking the instruction? We did not see not one. Not one of them. Where is Jean Pierre Turatsinze, the informer of General Dallaire? The one who was getting ready to kill one thousand Tutsi in 20 minutes? We have the impression that we are dealing with shadows."*⁷³

As stated above, the original of the famous telegram of 11 January is nowhere to be found in the archives of the United Nations. In the two letters respectively dated 27 January 2003 and 6 June 2003, Ralph Zacklin, Assistant Secretary-General for Legal Affairs admitted it by responding to Counsel for Joseph Nzirorera and Aloys:

*"We have conducted an extensive research of the organization's archives, both for the original of the document that was signed by Brigadier-General Dallaire and transmitted from Kigali and for the original of the transmission that was received in New York. We regret to inform you that we have not been able to locate either of those original documents."*⁷⁴ [Emphasis added]

3.3 The manipulation by Roméo Dallaire and his accomplices is taken apart

The documents⁷⁵ produced by Reméo Dallaire at his testimony in the *Bagosora et al.* case, added to those already made public⁷⁶ as well as the recognition of the existence of outstanding events that preceded Reméo Dallaire's initiative, leave no doubt about the objectives aimed at when drafting his fax of 11 January 1994, the original of which is nowhere to be found in the archives of the United Nations and UNAMIR, as earlier stated.

⁷³ See Transcripts of 17 June 1999 in *Rutaganda*, p. 98.

⁷⁴ Letter sent by Ralph Zacklin, Assistant Secretary-General of the United Nations for Legal Affairs, dated 27 January 2003 and 16 June 2003, to Counsel for Joseph Nzirorera and Aloys Ntabukuze in response to their request to have access to the original of the Fax of 11 January 1994.

⁷⁵ The documents are: DNT 21; DNT 23; DNT 26; DNT 27, found in the archives of the ICTR where they had been filed as evidence by the Defence.

⁷⁶ Announcement No. 6/94 of 9/01/1994 from the Information Bureau, Education and Press (BIEP) of UNAMIR; RPF announcement of 8/01/1994; Letter of 19/01/1994 sent by the National Provisional Committee of *"Interahamwe za MRND"* to Roger Booh Booh, Representative of the Secretary-General of United Nations to UNAMIR, in particular.

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With the original fax of 11 January 1994, General Roméo Dallaire was involved in a real conspiracy against President Habyarimana and his party the MRND. In order to undertake this criminal enterprise, he conspired with the self-seeking Prime Minister designate, Faustin Twagiramungu. The RPF was certainly aware of the plot and, after it failed, as Kofi Anna and General Baril were cautious, he made his own arrangements to execute his plan of assassinating President Habyarimana.⁷⁷ Proper examination of the documents mentioned above and their comparison resulted in one conclusion: the plot hatched by Roméo Dallaire and Faustin Twagiramungu failed because General Maurice Baril and Kofi Annan appeared very sceptical faced with the information transmitted by Roméo Dallaire in that fax of 11 January 1994 which requested their cover so as to wreck the MRND party Headquarters and topple President Habyarimana by force; all to the benefit of RPF and the "Moderates."

- From the outset, General Roméo Dallaire suggested a large-scale attack :

It is our intention to take action within the next 36 hours with a possible H ER [H hours] of Wednesday at dawn (local) (pt 9). [Explanation added]

He recommended: *"It is recommended the informant be granted protection and evacuated out of Rwanda (pt 10)."*

He admitted having taken risk in pulling a fast one on Roger Booh Booh, his boss, and promised to inform him the next day: *"Force Commander to inform SRSG first thing in the morning to ensure his support" (pt 11)."*⁷⁸

Later, Roméo Dallaire (2003, pp. 198-199) admitted in respect of this issue that:

Once Luc left, I decided to inform Booh Booh, the RSSG, the next day, and to send to General Baril a carefully coded cable as soon as possible. In so doing, I am departing completely from protocol. The standard procedure is that all important communications between a field commander and DOMP should obligatorily go through the civilian and political hierarchy, in this case, through Booh Booh and his office... On 11 January, my decision to send the cable with my signature to a military adviser – Maurice Baril – was absolutely unprecedented. I opened a line of communication in an area where I had no authority to do so.

[Emphasis added]

General Maurice Baril acknowledged receipt of Roméo Dallaire's cable but appeared to be rather sceptical:

*Acknowledged receipt of your cable dated 11 Jan. 1994 at 20.15 (NYT). Content being studied. We'll get back to you with guidance as soon as possible.*⁷⁹

⁷⁷ André Guichaoua, Prosecution expert witness recently confirmed during an interview in the newspaper *Le Monde* of 6 May 2004: *"The scenario of President Habyarimana's assassination was planed as early as late 1993 as the prelude to resumption of the war"*.

⁷⁸ Extract of fax 126 of 11 January 1994 from General Roméo Dallaire to Baril, received on 10 January 1994 in New York at 8.15 p.m., New York time: *"Request for protection of informant"*.

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The chief of the peacekeeping operation, at the time, Kofi Annan, in his cable Mir 74, addressed his message not to General Roméo Dallaire, but to the Special Representative of the Secretary-General in Rwanda, Roger Booh Booh, on 11 January 1994. He made mention of cable CNR 12 sent on 11 January 1994 to New York by General Roméo Dallaire and was in turn appeared very cautious:

*Information is cause for concern but there are certain inconsistencies. We must handle this information with caution.*⁸⁰

On that same day, that is, 11 January 1994, the Special Representative of the Secretary-General of the United Nations to Rwanda, Roger Booh Booh, reacted to the cable sent to him from New York.

In his cable MIR 79 of 11 January 1994, in reply to cable No. 74 from Kofi Annan, Roger Booh Booh revealed the involvement of Faustin Twagiramungu in the plot meticulously hatched by General Roméo Dallaire against the MRND:

*"4. The person who asked PM (D) [Premier Ministre Designé] to approach FC in order to establish the contact is a Councillor in Foreign Ministry with whom the PM (D) has had a very privileged professional relationships within the party MDR. The informant is the brother in-law of the Councillor. 5. The PM (D) expressed total confidence in the veracity and true ambitions of the informant. He is a 100% that the individual wants out of all this killings and disruption. Such an endorsement can not be ignored nor taken lightly" (§ 4 and 5).*⁸¹ [Explanation added]

When one reads Roger Booh Booh's fax, one can guess that he was not aware of the schemes of Dallaire and Twagiramungu.

The persons focused on in the cable are Jean Pierre Turatsinze, the informant and Councillor Charles Ntazinda,⁸² a young MDR official, Jean Pierre Turatsinze's neighbour and freshly promoted as Councillor at the Ministry of Foreign Affairs, to reward his media activism and to separate him from the MDR Secretary-General, Donat Murego, after the Congress of discord held on 24 July 1993 in Kabusunzu.

In his cable No. 79, Roger Booh Booh repeated the idea of using force suggested by the Force Commander (FC), General Roméo Dallaire:

*FC is prepared to pursue this operation with military doctrine with reconnaissance, rehearsal and **implementation** using concentrated overwhelming force. Should at any*

⁷⁹ Cable from Maurice Baril on behalf of Kofi Annan to General Roméo Dallaire dated 11 January 1994: "Contact with informant".

⁸⁰ Cable from Kofi Annan to Roger Booh Booh dated 11 January 1994: "Contact with informant."

⁸¹ Cable Mir 79 from Booh Booh to Kofi Annan: "Contact with informant".

⁸² Charles Ntazinda was Councillor at the Ministry of Foreign Affairs, a native of Nyanza (Butare), a neighbour of Jean Pierre Turatsinze in Kanombe just opposite the air terminal.

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time during reconnaissance, planning or preparation, any sign of a possible contravening or possibility of an undue risky scenario present itself, the operation will be called off. (§ 7). [Emphasis added]

In his response to cable MIR 79 contained in UNAMIR's cable 100 relating to "Contacts with the informant," Jean Pierre Turatsinze, Kofi Annan went beyond the mere restriction given to General Roméo Dallaire from carrying out military operations against President Habyarimana and MRND. He instructed Roger Booh Booh and General Roméo Dallaire to comply with the limits of the mandate of the Mission:

We have carefully reviewed the situation in the light of your Mir 79, we cannot agree to operation contemplated in paragraph 7 of your cable as it clearly goes beyond the mandate entrusted to UNAMIR under Resolution 872 (1993)(§1).

At the same time, Kofi Annan instructed them to make the following contacts;

- Meet President Habyarimana and advise him against the unlawful activities attributed to the "Interahamwe militia" which are likely to compromise the peace process;
- First meet the Ambassadors of Belgium, France and the United States in Kigali to inform them of their approach and suggest that they should do likewise to bring pressure to bear on President Habyarimana and his party;
- Decide whether it is proper to meet the Prime Minister designate before or after the discussions with the President to inform him of the limits of UNAMIR's mandate and to assure him that even if the mandate of UNAMIR does not allow them to provide protection for the informant, his identity and their contacts will not be disclosed.

Faced with this firm position taken by New York, Roger Booh Booh led General Roméo Dallaire to comply with the instructions given to them in Fax UNAMIR 100. In his cable MIR 95 of 13 January 1994, Roger Booh Booh presented to Kofi Annan the report on the initiatives taken in regard to the security situation and concluded as follows:

We have taken the following initiatives pursuant to the guidance provided to us in your Fax UNAMIR 100 of 11 January 1994. (§1)⁸³

My assessment of the situation is that the initiative to confront the accused parties with information was a good one and may force them to decide on alternative ways of jeopardizing the peace process, especially in the Kigali area. (§8)⁸⁴

Besides the Report made by Roger Booh Booh in his fax MIR 95, Roméo Dallaire himself was obliged to explain himself in a fax which apparently remained in draft form. He admits:

⁸³ Cable Mir 95 from Roger Booh Booh to Kofi Annan dated 13 January 1994, with the subject: "Initiative undertaken relating to latest security information" (§ 8).

⁸⁴ Cable Mir 95 from Roger Booh Booh to Kofi Annan dated 13 January 1994, with following subject: "Initiative undertaken relating to latest security information" (§ 8).

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*It accordance with direction received, no offensive military action has been taken. Discussion with President (Head of State) and at his request, the President and National Secretary-General of MRND party were held. The VIP was not met due to conflicting schedules. A meeting is set up for today. (§ 1)*⁸⁵

3.4 Even unmasked, Roméo Dallaire persisted in his manipulation

Frustrated by the position of his superiors, Kofi Annan and General Baril, General Roméo Dallaire thoughtlessly repeated that he was prevented from taking action to stop the genocide preparations, whereas the opposite is true. In order to give credibility to his hypothesis of genocide plan, this version of facts invented by General Dallaire seems to have been rearranged and reinforced in a new fax fabricated on order, long after the creation of ICTR, to replace the initial fax sent on 11 January 1994 by Roméo Dallaire to Maurice Baril. Such hypothesis is far from being a mere speculation as one may think when read hastily. In order to be convinced of its likelihood, it is sufficient to compare the observations by Alison Des Forges on the fax of 11 January 1994 (in Des Forges, 1999, pp. 176-209), with those on the same fax by Roméo Dallaire (2003, pp. 187-205) or those made by Luc Marchal (2001, pp. 165-176). The similarities are obvious.

The only possible conclusion is that Alison Des Forges and Roméo Dallaire had access to the same information and consulted one another before processing the information. Furthermore, it is very probable that both of them greatly contributed to drafting the new fax, copies of which were in circulation.⁸⁶ Luc Marchal seems to have so easily supported the operation for the fact that he is the one that Roméo Dallaire named as being the person that met Jena Pierre Turatsinze and negotiated with him.

In the operation to fabricate of a new fax to replace that of 11 January 1994 and to circulate manipulated copies, General Roméo Dallaire was assisted by important accomplices at the Secretariat of the United Nations to remove from that fax of 11 January 1994 and withdraw from circulation; he was also assisted by his former colleagues within UNAMIR so as to fabricate the new fax and make it public in London,⁸⁷ Brussels, New York and, later in ICTR. This operation of making the new fabricated fax public in order to replace the one sent to New York on 11 January 1994 seems to coincide with the setting in motion of negotiations for the appearance of General Roméo Dallaire before the Ad hoc Committee and the Senatorial Committee of Belgium on the events in Rwanda (1996-1997).

There can be little doubt that Romeo Dallaire's appearance before the Belgian Senatorial Committee was an opportunity to publicly testify and comment on his famous fax concealed from the Security Council, according to him, by Boutros Boutros Ghali and his members of staff

⁸⁵ Draft of the fax sent on 12 January 1994 by Roméo Dallaire to Kofi Annan with copy to General Baril relating to information received from the informant. During his testimony in the *Bagosora et al.* case, Roméo Dallaire acknowledged the said draft and confirmed that it was sent to New York. (§ 8).

⁸⁶ In pages 203 to 204 of the book *Leave None to Tell the Story*, Alison Des Forges gives a surprising version of the route of Roméo Dallaire's fax and its disappearance from the archives of the United Nations. The UN official referred to by Alison Des Forges is certainly retired Colonel Connaughton.

⁸⁷ The new fabricated fax was published in the newspapers of London, by *The London Observer*, in November 1995; in Brussels, by *La Dernière Heure* of 6 December 1995 and in New York in *The New Yorker*, in May 1998.

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including Kofi Annan. At the time, Kofi Annan was a candidate supported by the United States to replace Boutros Boutros Ghali as the Secretary-General of the United Nations. The latter was be heaped with criticism while sparing the first.

With Kofi Annan taking up office as Secretary-General of the United Nations after his undisputed involvement in the tragic events of Rwanda, Roméo Dallaire was no longer authorised to testify before the Belgian Senatorial Committee. There was need to avoid at all cost embarrassing the new Secretary-General of the United Nations through the publication of the famous fax which he supposed to have blocked, him and his Deputy Maurice Baril. It is this new deal which seems to have delayed for a few months the circulation of the fabricated document at an public hearing to support the charges of planned genocide. It was the American Prosecutor, Pierre Prosper now a roving Ambassador for war crimes, who was the first to produce the manipulated copy of the famous disputed fax during the hearing of 13 February 1997 in the *Akayesu* case. At the time, the Prosecutor had refused to produce the original documents and the Court was content with the copy which was redacted before being served on the Defence.⁸⁸

On that occasion, Prosecutor Pierre Richard Prosper responded to a question from the presiding Judge Kama:

*We received this document on the 10th of February, which is just a few days ago. We have it here, as I said, and with the Chamber's permission, I would like to give the Chamber a clean copy and then keep that one under seal...*⁸⁹

This reservation made at the time by Richard Prosper unquestionably singles him out as the only person who knows where he kept the original of the fabricated fax which can nowhere be found. It is the same Richard Prosper who should indicate the source of the copy exhibited before the ICTR which allowed it to convict Jean Paul Akayesu for genocide. This request is particularly justified given that the conviction of Jean Paul Akayesu constitutes a reference for all the convictions subsequently pronounced by the ICTR.

Investigations are on-going to definitely discover the authors of the manipulated fax the copy of which was filed in the archives of the United Nations in New York on 28 November 1995. However, already, recent investigations conducted in New York and London have made it possible to identify two British citizens⁹⁰ who probably have interesting information on the famous document. Under the pen of Lindsey Hilsum, the London newspaper, *The Observer*, published an article entitled: *UN suppressed Warning of Rwanda Genocide Plan*, on 26 November 1995. It was in that article of Lindsey Hilsum the idea of a plan to exterminate

⁸⁸ Researches conducted in the archives of the United Nations made it possible to discover that the original of the fax fabricated as replacement can also not be found in the archives and that the copy was filed in the archives on 28 November 1995, according to Lamin J. Sisse. Prosecutor Pierre Richard Prosper carefully rubbed out the header which indicated the date of filing of the copy in the archives of the United Nations.

⁸⁹ See Transcripts of 13 February 1997 in the *Akayesu* case.

⁹⁰ They are Lindsey Hilsum and retired Colonel Cannaughton. Lindsey Hilsum is a freelance Reporter for BBC, *The Guardian* and other newspapers, who received the Amnesty Award for her coverage of the Rwandan genocide. Cannaughton is a national and international Consultant in the area of politics and military activities. He ran an NGO financed by the British Ministry of Defence and it just so happened that, it was from his fax number that the copy of the manipulated fax filed in the UN archives was sent.

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Tutsi, the plan to kill Belgian UNAMIR soldiers and the accusations levelled against the Secretary-General of the United Nations, Boutros Boutros Ghali and the Chief of Peacekeeping Operations, Kofi Annan, for having concealed from the Security Council the content of the Roméo Dallaire's fax appeared for the first time. As for Colonel Cannaughton, it was from his fax number that the famous fabricated cable was sent and received in New York, on 28 November 1995.

3.5 Pending the definite results of the on-going investigations

With the exception of Kofi Annan whose discretion, if not silence, is dictated by his current functions, all the other personalities mentioned in the famous fax of Roméo Dallaire directly or indirectly made their position known in respect of this issue.

Responding to Colette Braeckman of the newspaper *Le Soir*, Roger Booh Booh clearly refuted the assertion that the Security Council was not aware of the content of the fax sent by Roméo Dallaire to New York on 11 January 1994:

Indeed, I was aware of the telex of 11 January based on the statements of the informant Jean Pierre, but many other information drew attention to arms caches. All these reports were transmitted to the Security Council which devoted many meetings to study them.⁹¹ It should be noted in passing that Roger Booh Booh is talking about arms caches but not any plan to exterminate Tutsi nor to kill Belgian soldiers.

As for Faustin Twagiramungu, he admitted being the VIP whom Roméo Dallaire mentioned in his fax of 11 January 1994, but categorically denies having been aware of any plan:

Can you imagine that I could be aware of the said planning? And that I kept tight lips? I am told that Tutsi are going to be killed, two thousand per minute and I would keep quiet? I would have been the first person to destroy the planning system?

Faustin Twagiramungu took the same position before the Belgian Senatorial Committee as reported by the newspaper "*La Wallonie*" of 31 May to 1 June 1997:

The witness himself put the informant Jean Pierre in contact with General Dallaire, but the latter never talked to him about a plan to exterminate Tutsi. He expressed doubt as to the credibility of the informant.⁹²

Following the evasive conclusions of the "Carlson Report" in respect of the 6 April attack, Boutros Boutros Ghali also expressed this hypothesis:

⁹¹ Interview given Roger Booh Booh to the journalist Colette Braeckman, published in the Belgian newspaper *Le Soir* of 19 April 2004.

⁹² Interview given by Faustin Twagiramungu to Thierry Cruveiller, published in the periodical *Diplomatie Judiciaire*, No. 83 of March 2002.

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Yes, therefore, there is some conspiracy of silence on the part of the four different authorities who all tried to avoid first the problem which caused the genocide. Two Hutu Presidents were killed, therefore reaction from the Hutu majority is aware that the power which we...

TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Statute for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	☐ Trial Chamber I N. M. Diallo	☐ Trial Chamber II R. N. Kouambo	☒ Trial Chamber III C. K. Hometowu	☐ Appeals Chamber / Arusha F. A. Talon
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From:	☐ Chamber (names)	☐ Defence (names)	☒ Prosecutor's Office Visser (names)	☐ Other: (names)
	Case Name: The Prosecutor vs. Karemera et al.			Case Number: ICTR-98-44-T
Dates:	Transmitted: 19-12-07		Document's date: 19-12-07	
No. of Pages:	1 + 5 annexes		Original Language: ☒ English ☐ French ☐ Kinyarwanda	
Title of Document:	Prosecution submission pursuant to TC II Oral Decision on Admission of Evidence of 5 December 2007 - Edouard Karemera Book-			
Classification Level:		TRIM Document Type:		
☐ Strictly Confidential / Under Seal		☐ Indictment ☐ Warrant ☐ Correspondence ☐ Submission from non-parties		
☐ Confidential		☐ Decision ☐ Affidavit ☐ Notice of Appeal ☒ Submission from parties		
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☐ Reference material is provided in annex to facilitate translation.

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☐ English ☐ French ☐ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party hereby submits **BOTH** the original and the translated version for filing, as follows:

Original	in	☐ English ☐ French ☐ Kinyarwanda
Translation	in	☐ English ☐ French ☐ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

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III - TRANSLATION PRIORITISATION (For Official use ONLY)

☐ Top priority	COMMENTS	☐ Required date:
☐ Urgent		☐ Hearing date:
☐ Normal		☐ Other deadlines: