

CONFIDENTIAL

INVESTIGATIONS SECTION / OIOS

PARAGRAPH 17 REPORT

(S/P 14-7/97)

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Date of Report: 1 August 1997

Date Information Obtained: Between 6 April 1996 & 1 May 1997

Source of Information (i.e. Name or C.I. index): Michael Hourigan

CAVEATS (i.e. for IS Chief's eyes only, or for USG/OIOS's eyes only): To be discussed only by Frank Montil & Barbara Dixon

RELIABILITY of information source: (Indicate which level applies:

A: Completely reliable; B: Usually reliable; C: Sometimes reliable, but not yet established; or D: Unknown)

RELIABILITY RATING IS:

CREDIBILITY of Information: (Indicate which level applies:

①: True, corroborated; ②: Possibly true, but untested; ③: Doubtful credibility; or ④: Cannot be verified)

CREDIBILITY RATING IS: 2

LOCATION: (refer to the UN System structure/PTAR logging list): OIOS

TEXT of information: Hourigan worked with the ICTR as the Team Leader of the National Team which was investigating Colonel Theoneste Bagosora and other principal offenders of the 1994 Genocide in Rwanda. These investigations involved high level contact with the UN OPK and a number of foreign govt's and their intelligence services in particular Belgium, France, Canada & the US. Despite public statements of support for the ICTR, to date almost all of these countries and their foreign intelligence services have completely failed to cooperate with the National Team and any other section of the ICTR.

National Team investigations have revealed a number of critical factors:-

- (i) In late 1993 and early 1994 UNAMIR 1 (UN Assistance Mission to Rwanda 1) began receiving extremely high quality intelligence from a senior member of the Interahamwe who provided General Dallaire's G2 office concerning the existence of a cell formulating death lists to kill senior Tutsis and moderate Hutus, secret arms caches in Kigali, secret training of militia groups throughout the country and very real plans to put in effect widespread killings of Tutsi civilians. Much of this information was corroborated by other Belgian sources, together with considerable public comment among leading moderates within the Rwandan community and international communities.
- (ii) Some internal UN documents were obtained by the National Team confirm that in early January 1994 General Dallaire advised Mr Annan, then Chief of UNOPK of the source and accuracy of information. The General asked permission to safely re-locate the informant and also requested an increased mandate to raid arms caches and confiscate weapons, more troops and armor to deal with the impending outbreak of hostilities and generally the ability to be pro-active instead of re-active. All these requests were denied instead Dallaire was advised to approach the foreign embassies of the US, France, Belgium etc and advise them of the sensitive situation and, in particular, he was to advise the extremist President Juvenal Habyrimana of the UN's knowledge of these matters. Habyrimana promised to look into these matters but as he was intimately involved nothing was achieved by discussing these matters with him. Instead arms caches were moved and hidden elsewhere and the formulation of death lists continued. General Dallaire was unable to offer and substantive protection

to the informant who became dispirited and melted back into the population.

(iii). General Dallaire's G2 office and the Belgium Army G2 office continued to receive extraordinary intelligence pointing to the existence of an extremist core within the President's government planning death lists and the impending Genocide. I am informed that these intelligence reports were very accurate. For example one informant, a senior Commissioned Officer of the now exiled Hutu army (the FAR), advised the UNAMIR G2 on 17 February 1994 that the Chief of the Court of Appeal Mr Kavuranganda was to be murdered by members of the elite Presidential Guard. The intelligence report even named the soldiers who were to conduct the execution at some future unspecified time. On the morning of 7 April 1994 following the shooting down of President Habyrimana, members of the Presidential Guard attended at the Judge's home and executed him. Earlier this year another member of the Presidential confirmed that the report of 17 February, 1994, taken some 2 months prior to 1994 genocide was exactly correct and that the murder occurred as predicted. Remarkably, UNAMIR did not act on any of these reports in advance either by telling the victims or preparing some serious counter measures. Once the lack of interest was shown by OPK then much of the intelligence gathered became redundant.

(iv). Of course the Genocide occurred on the evening of the 6 April 1994 with the shooting down of the Presidential jet returning from Anusha. President Habyrimana, the President of Burundi and other leading officials were killed. It was first thought that extremists inside his family circle were involved. Now our investigations have found 3 sources in the current Tutsi regime who say that they were part of an elite covert strike team known as the "Network" and with the assistance of a foreign government shot down the Presidential aircraft. They advise that Major General Paul Kagame was the overall operations commander and they provided accurate descriptions of the operation together with names, ranks and roles of each soldier involved. They also advised that they can produce hard copy documents of the operation. This information fitted in with claims by the hut extremists that the RPF killed their President. Two of the sources wanted to cooperate with investigations if their safety could be guaranteed. Their information and request was raised with Judge Arbour and, although she was at first very positive, she later advised that this issue was not within the ICTR mandate and would not be investigated.

(v) Interestingly, some internal UN correspondence suggests that there was a considerable amount of discussion between the UN and Canada on whether General Dallaire would or should give evidence in 1996 in a Belgian court investigating the abduction and murder on 7 April 1994 of 10 Belgian paratroopers. Colonel Luc Marchal, Commanding Officer of the Belgian Parachute regiment in Rwanda in 1994, had been charged as criminally negligent with their deaths. General Dallaire had been summoned to give the official situation. Dallaire had made it clear that Col. Marchal was not at fault and that he placed the blame squarely at the feet of the UN and international community for failing to act in advance in late 1993 and early 1994, and that even worse still, that they had completely failed to act in April 1994 once the genocide erupted as predicted. Mr Zacklin wrote to Mr Boutros Gali and advised of certain undisclosed difficulties should Dallaire give evidence. It was decided that Dallaire would not be given any immunity from prosecution in Belgium and therefore should he attend there he could be arrested. Dallaire was effectively gagged. A statement was prepared by the UN and the Canadian Army leaving out all the prior intelligence and Dallaire was requested to sign same. He objected to the accuracy and truth of the document but reluctantly signed. Dallaire never attended the trial, Marchal was ultimately cleared. However, certain forces within the Belgian community continue to press the Belgian foreign affairs for the truth about 1994.

(vi) To date not official assistance from any foreign government intelligence agency or of the UN itself has been given to the ICTR. My national team was effectively starved of all high level

of the 1994 Genocide. I am told by members of

various missions in Rwanda that the negligence of the UN, and other foreign powers will not be revealed. It is for these and other reasons the ICTR struggles to achieve its mandate.

(vii). Forwarded for your information.

ANALYSIS of information:

ACTION REQUIRED:

NAME of IS staff member making the Information Report: Michael Hourigan

Signature: [Signature] Date: 1 August 1997

IS Chief's comments: It would be useful for this subject to provide assistance to Mr. Posner in the work plan for the follow-up in Rwanda Tribunal

Signature: [Signature] Date: 1/8/97

Senior Investigator's comments: This is an extremely "sensitive" document. The information it contains is "explosive". The information and the context in which matters should be taken into account in the review of the ICTR is carried out. (For Chief's eyes only).

Signature: [Signature] Date: 1/8/97

DISTRIBUTION: _____

[JF] - LIST OF CASES TO WHICH THIS REPORT CONTRIBUTES: _____