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Uncovering Rwanda's Secrets

By Nick McKenzie

Michael Hourigan reviewed his orders as the car pulled into Rwanda's main airport. He had finished a memo on the intelligence gathered by his Rwandan war crimes investigation team. Check. He had saved it onto a disk placed in a secure UN diplomatic bag. Check. He had ordered his investigators to leave Rwanda. Check.

For the Australian policeman-turned-lawyer, everything appeared to be going smoothly.

But airports are unreliable places and the bullet-scarred Kigali terminal in the African state of Rwanda was no exception. As Hourigan prepared to board his plane, he was approached by the flight manager. "You cannot board this flight, Mr. Hourigan. I am afraid it is already full."

It is early 1997. Just days before, Hourigan has used a secure phone in the US embassy to brief the head of the International Criminal Tribunal for Rwanda (ICTR), Judge Louise Arbour, about his team's discovery. They have obtained incendiary information linking the Tutsi rebel leader and now Rwandan President Paul Kagame to the incident precipitating the Rwandan genocide—the shooting down in April 1994 of a plane carrying Rwandan president Juvénal Habyarimana and the president of Burundi, Cyprien Ntaryamira.

Hours after the crash, extremists from the Hutu ethnic group begin slaughtering ethnic Tutsis and moderate members of their own clan, unleashing one of the most notorious massacres of the late 20th century.

Hourigan's four-page memo summarises what three informants have told his UN investigators about Kagame's role in the attack. Until now, that memo has never been made public.

But last November, almost a decade after Hourigan writes the memo, claims that Kagame is behind the plane crash make international headlines. The claims are made by French anti-terror judge Jean-Louis Brugière, who finds Kagame and his aides responsible for the attack.

Brugière's findings follow years of speculation about the existence of Hourigan's memo and what happened to his original investigation. The French case confirms the central claims in Hourigan's memo. It raises questions about why the UN cut short Hourigan's inquiry and, once again, highlights the organisation's failure to deliver justice.

A decade later, Hourigan still feels bitterly let down by that failure to act. "To this day, there has been a decisive effort by the UN not to investigate the plane crash," he says during an interview with *The Age* this week.

Back in 1997 at Kigali airport, Hourigan's only focus is getting on the UN-chartered plane. When he is told to return the next day, Hourigan's escort, a senior UN security officer, steps in. "I have been directed by the Secretary-General to get this man on the plane. If you treasure your job, you will make it happen."

Minutes later, Hourigan is bracing for take-off, bound for The Hague. He has no idea that within 48 hours, his investigation will be over and he will quit his job.

Michael Hourigan never intended to work in Africa. After a decade policing in Adelaide, and a brief stint as a public prosecutor, some former colleagues ask him to join them as investigators with the International Criminal Tribunal in Yugoslavia. It has been set up to prosecute war criminals involved in the Balkans conflict. Hourigan applies but is told there are too many English speakers. There are, however, jobs going in Rwanda.

Hourigan's knowledge of Rwanda is limited to CNN reports of the genocide and the film *Gorillas in the Mist*. Back then, he says he was no bleeding heart. However, Rwanda perceptibly changed Hourigan, sharpening his drive for justice and human rights. He later worked in Washington for a US Democratic congresswoman and has a photo of Bobby Kennedy as his screen saver.

Before Rwanda, Hourigan was more of a "garden variety Liberal". He is attracted to the ICTR because it promises complex investigations, and Hourigan loves to investigate.

He touches down in Rwanda on April 6, 1996. It is the second anniversary of the 100-day genocide in which extremist Hutus slaughter up to a million Tutsis and moderate Hutus while the international community sits on its hands. The genocide ends in mid-July when Kagame's Rwandan Patriotic Front seizes control of Kigali.

"There was great tension, a great dislike of white people and UN people. And I arrived there as a white male in my mid-30s with a UN passport," Hourigan recalls. "My first day, I was just wide-eyed. You could smell the sewage and see the suffering."

The ICTR is set up by the UN Security Council at the end of 1994 to prosecute the genocide's leaders and investigate breaches of international humanitarian law. Hourigan is appointed leader of "The National Team". It is made up of

police from Africa, the US, Canada and Europe. Hourigan's commander is Jim Lyons, a former senior anti-terror FBI agent who led crime scene investigations at the first World Trade Centre bombing.

The National Team has three core tasks: to investigate the Presidential Guard members who murdered Rwanda's intelligentsia; to investigate the political and military leaders behind the extermination programs; and to investigate the plane crash that kills the two presidents and triggers the genocide.

The earliest and most widely held theory blames Hutu extremists for shooting down the plane, over anger at the peace talks between Hutu and Tutsi leaders in Arusha, Tanzania. But some point the finger at Tutsi rebel leader Paul Kagame, claiming he is upset by the progress of the talks and knows the upheaval sparked by the plane crash will legitimise his invasion and begin his march to power.

In 2000, Kagame becomes president.

Foreign powers are also linked to the downing of the presidential jet. Rwanda's leaders have long counted on allegiances with external forces. The governing Hutu regime is in the Franco-Belgian camp. Kagame, whose military career includes a stint in the US, looks to his Anglo-US supporters. After he wins power, the national language is changed from French to English.

It is in this messy geopolitical setting that Hourigan's team begin investigating.

"The ICTR had been pressured (by Rwanda and other countries) not to investigate the crash," Hourigan says. "I thought it was a time for the UN to step up to the plate and discover the truth about a major event. It would set a benchmark for reliability and transparency."

Hourigan models his team on a domestic police force. Investigators liaise closely with prosecutors to build cases. The crimes under scrutiny, of course, are far from ordinary. Death is everywhere and on an unimaginable scale. "I remember doing crime scene work on a church where there had been a slaughter. There were still bodies there. It struck me as so sad that so much of the killing in Rwanda happened around the churches and the schools," he says.

The National Team is quickly met with a reluctance from key overseas and regional players to offer assistance. Foreign intelligence services share nothing. After several months, Hourigan and his team are well versed in the rumours about the crash. What they needed is a break. It comes with a knock in the night.

"I was in Kigali. It was late one evening. One of my investigators came to me

with information that he had met with a source," Hourigan says. A short time later, another source comes forward. And then a third.

"In the next 24 hours, they gave quite incredible information about the rocket attack. We had received lots of information about possible causes, but this was the most detailed, accurate and timely about one target: President Kagame and his administration."

Hourigan's memo summarises the informant's claims. Two of them were serving members of Kagame's military regime. All three claim to be existing or former members of a covert attack team called "the network".

The memo states: "Sources advise that the former RPF, now known as the RGF, has within it a cell of elite soldiers who are activated and deactivated from time to time to conduct special operations.

"One such operation was the successful rocket attack upon President Habyarimana in 1994. According to the sources, this group was advised to put in place a contingency plan to eliminate President Habyarimana on or about (March 15, 1994) as the Arusha talks were not progressing to the extent hoped and anticipated.

"Their assignment consisted of setting up five deployment points, two in Kigali and three around the airport perimeter.

"The sources have all confirmed that 'the network' under the command of General Paul Kagame planned and executed the rocket attack."

Hourigan treats the information warily. "We kept an open mind. But (we had contact) with one man who said he was one of the rocket firers. That he was responsible for firing one of the SAM missiles that brought the plane down.

"It (their information) was so detailed and named so many people that it could quickly be discarded or corroborated."

Hourigan knows he has to act fast. The UN has a poor record of protecting its informers.

"People in that part of the world with precious information have use-by dates," Hourigan, who never knew exactly why the sources came forward, says. "Maybe they realised they had a use-by date and that they would be murdered. They wanted help with their families and to be removed from Rwanda and protected."

Hourigan's commander, Jim Lyons, arranges a phone briefing with Arbour. The call takes place in the US embassy in Kigali on a "secure" US embassy line. Later, Hourigan will rue the call.

"I never realised that we may be compromising the investigation. I didn't understand the politics of the region. I didn't realise that Paul Kagame had been trained by the US, supported by the US. I thought that we were keeping the call discrete from the French and the Belgians. I never thought of the US. It was a blunder."

But on the other end of the phone, Arbour sounds excited.

"She said it corroborated some other information she had just received. She was concerned about our safety and the security of the information."

A few days later, Hourigan flies out of Kigali airport, bound for The Hague.

He has no idea that the fate of his investigation is most likely already decided.

Arbour is one of the more prominent residents in a city that promotes itself as the "centre of international justice and peace". The former ICTR chief and Canadian Supreme Court judge is now the UN's Human Rights Commissioner. The role demands a public presence.

But Hourigan says he is still waiting for her to publicly explain why she told him to shut down the plane crash investigation in early 1997 after he handed her his memo.

Arbour's version of these events is not known, despite efforts by this newspaper to secure them. Her spokesman did not return questions emailed by The Age.

Hourigan offers his version of the events with fearsome clarity: "She was aggressive and negative. She had done a 180-degree turn. She effectively told me that my inquiry was at an end."

Hourigan says Arbour claims his team exceeded its jurisdiction, a point he still disputes. He insists the crash is well within the ICTR's mandate.

"I was speechless. I thought about all I had seen and done in the tribunal and learning about the UN's complicity in the genocide. I couldn't believe that we as a tribunal were being compromised as well. It gutted me. I had put a year and a half of my life into this and my team had risked their lives and our informers had risked their lives to tell this story. And it was going to be swept under a rug. I couldn't believe it."

In the city of justice and peace, Hourigan decides to quit the ICTR.

After a further six-month secondment with the UN's oversight office in New York—where he creates a second memo outlining his frustrations with the UN in Rwanda—he resigns. He has never found out what happened to his team's three informants.

Yet, in the ways of these tangled stories, all is not lost.

In France, a revolver-toting anti-terror judge who earned his reputation prosecuting terrorist Carlos the Jackal also has an interest in the events of April 6, 1994, as the shot-down plane's air crew are French nationals.

Hourigan has never heard of Brugière. The judge is similarly unaware of Hourigan until March 2000, when a Canadian newspaper reveals details of Hourigan's struggle. According to a senior French source, the fact that the UN kept secret Hourigan's documents "fuelled our interest". So, too, does the UN's refusal to hand the documents over to the French.

Hourigan has no such qualms. After a call from Paris he, once again, boards an international flight. At Charles de Gaulle Airport, four men in black suits and dark glasses drive Hourigan to Brugière's chambers, where he tells his story.

It will take until late November last year for Brugière to issue indictments for several of Kagame's aides. The judge's brief includes testimony from several former military figures, linking Kagame to the attack.

Kagame has dismissed Brugière's investigation, claiming it is driven by France's anger at losing its influence in Rwanda. "It is a political process," he tells the BBC.

Hourigan understands the wariness about France's agenda. "But I welcome what the French have done for nothing else but that it is done."

Kagame's aides can only be arrested if they enter a country with which France has an extradition treaty. Kagame is protected from state prosecution because of his head-of-state status. Only the ICTR has the power to hold him to account.

Despite several major prosecutions, Hourigan views the tribunal as a failure. Many suspects have not been held to account. Rwanda remains a deeply divided country.

"If there was a political will internationally, Kagame could be prosecuted," he says. "That is what is missing. It is not the lack of evidence or witnesses or ability to uncover the story."

Rwanda: A Recent History

APRIL 6, 1994: A plane carrying the presidents of Rwanda and Burundi back from the Arusha Accord peace talks in Tanzania is shot down. It is believed that Hutu extremists, unhappy at the peace talks, are behind the attack. Extremist Hutus begin slaughtering Tutsis and moderate Hutus.

MAY-JUNE 1994: Pressure builds on the international community to intervene. Later, numerous inquiries will criticise the UN, the US, France and Belgium for ignoring genocide warning signs and not taking action to stop the killings.

MID-JULY 1994: Tutsi forces led by Paul Kagame capture the Rwandan capital. Up to a million Rwandans are dead. The genocide is over.

APRIL 1996: Australian lawyer Michael Hourigan arrives in Rwanda to lead an investigation team for the International Criminal Tribunal for Rwanda.

JANUARY 1997: Hourigan's team gathers information implicating the now President of Rwanda, Paul Kagame, in the shooting down of the presidential plane. Hourigan creates a secret memo about the investigation and travels to The Hague.

JANUARY 1997: Hourigan gives secret memo to senior International Criminal Trial for Rwanda judge Louise Arbour. She tells him to shut down his probe. Hourigan quits as an investigator.

NOVEMBER 2006: French judge Jean-Louis Brugière, who is separately investigating the plane crash, issues indictments for several of Kagame's aides. He labels Kagame responsible for the plane attack.

FEBRUARY 10, 2007: Michael Hourigan releases the memo he prepared for the UN's Judge Arbour. He demands the UN explain why his investigation was shut down in 1997.

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