



### **A65 Examination of a 13-Year-Old Crime Scene for a War Crimes Trial or “It Is Too Late to Examine the Crime Scene”**

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After attending this presentation, attendees will have heard a brief history of the event, the theories of both sides of the trial, and how the physical evidence supported one side and refuted the other.

This presentation will impact the forensic community by showing how the use of the scientific method and critical thinking overcame the potential difficulties of assessing a thirteen-year-old crime scene.

Most of us are at least somewhat familiar with the basic facts concerning the genocide, other war crimes and crimes against humanity that took place in Rwanda in the 1990s. The PBS documentary *Ghosts of Rwanda*, the movie *Hotel Rwanda* and Lt. General Roméo Dalaire's book, *Shake Hands with the Devil: The Failure of Humanity in Rwanda*, have all brought the horrific events of Rwanda's 1994 genocide to mainstream attention. There have been a number of arrests, prosecutions, convictions, and punishments of individuals associated with these events. Less publicized was the April 1994 murder of ten Belgian military personnel who were assigned to the United Nations peace-keeping force (UNAMIR). The ten soldiers had been directed to assist in the protection of the then Prime Minister Agathe Uwilingiyimana, who was subsequently assassinated.

Forensic evidence regarding the killing of the ten Belgian soldiers, presented at the United Nations' International Criminal Tribunal for Rwanda, Trial Chamber II, in June 2008, will be presented and discussed. This evidence involved the examination of the scene of the slaying of the Belgians at Camp Kigali, as well as the residence of the Prime Minister, where she was shot to death. The crime scene examinations and shooting reconstructions took place in the Rwandan city of Kigali in January 2008. The analyses revealed evidence that was critical to the defense of four Rwandan military officers who were charged with complicity in these crimes. The prosecution alleged their complicity from the accounts of “eye-witnesses”. The prosecutor claimed that the highly trained and disciplined troops under the officers' command were present at both sites with crew-served heavy weapons and armored vehicles. The four officers were alleged to have participated in the shooting at the Prime Minister's Residence and at a building where the Belgians took refuge in Camp Kigali, where the shooting consisted not only of small arms but also of mounted machine gun, cannon, and heavy mortar fire. The prosecution claimed that the defendants' guilt arose from the fact that they ordered the actions, and if not so ordered, then they at least knew or should have known the events were taking place and the four did nothing to stop the murderous activities of the troops under their command.

The most critical portions of the crime scene at Camp Kigali had been preserved as a memorial to the Belgians and as a Genocide Museum, making the examination of the scene possible after so many years.

Conclusions reached by the mere careful examination of the Camp Kigali scene were confirmed by the recovery of physical evidence. Some limited off-site simulations further strengthened these opinions.

Eventually, the witness' accounts of who was firing what, from where, at the Kigali scene were found to be inaccurate. Similar review of the witness' testimony regarding events and activities at the Prime Minister's residence revealed that they were similarly incredulous.

This presentation will discuss both the theory of the prosecution, which was mainly based on eye-witness testimony, and our findings and the basis of our opinions, which are in conflict with the foregoing theory. The approach, methods employed, and the results obtained from the examination of the thirteen year-old crime scene will be discussed. Ultimately, the statement that “it is too late to examine the crime scene” was proven to be erroneous and much indeed was learned from an “old scene” by employing the scientific method.

#### **Rwanda, Shooting Reconstruction, Scientific Method**