

Examination of a 13-Year-Old Crime Scene for a War Crimes Trial

OR

“Is It *Ever* Too Late to Examine the Crime Scene”

By

Dr. Thomas A. Kubic

NIJ & FBI Trace Evidence Symposium

Wednesday August 5, 2009

Clearwater Beach, FL

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Good Forensic Science is NOT Practiced in a Vacuum

- The reconstructions and opinions here are based on an eclectic array of forensic sciences
- It is necessary, not only, that the alleged facts or allegations involved in the litigation be known, but also, often as in this case, a wealth of background information is also required
- In this case the history of the conflict, weapons available to the protagonists etc.

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Background

- **Tribal issues date to pre and colonial times**
- **1960's Independence changed political power**
- **1994 unrest, murder of President leads to genocide, and lawlessness generally against Tutsi, but also liberal Hutu**
- **UN peacekeepers find themselves in danger**
- **Rwanda Prime Minister becomes target because of her policy of accommodation of minorities (Tutsi)**
- **Belgian are soldiers sent to guard Prime Minister**

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Background

- **Belgian soldiers (10) out numbered and out gunned surrender their weapons and are taken as prisoners**
- **Belgian soldiers considered responsible for President's murder are attacked by military at Camp Kigali**
- **Belgian soldiers take final refuge in a cement block building in Camp Kigali, and prepare for their last stand**

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Background

- **Belgian soldiers are fired upon and beaten until all ten are killed**
- **UN commander is contacted about the incident and is allowed to remove their bodies for return to Belgium**
- **Building where incident occurred becomes a memorial to the slain soldiers**



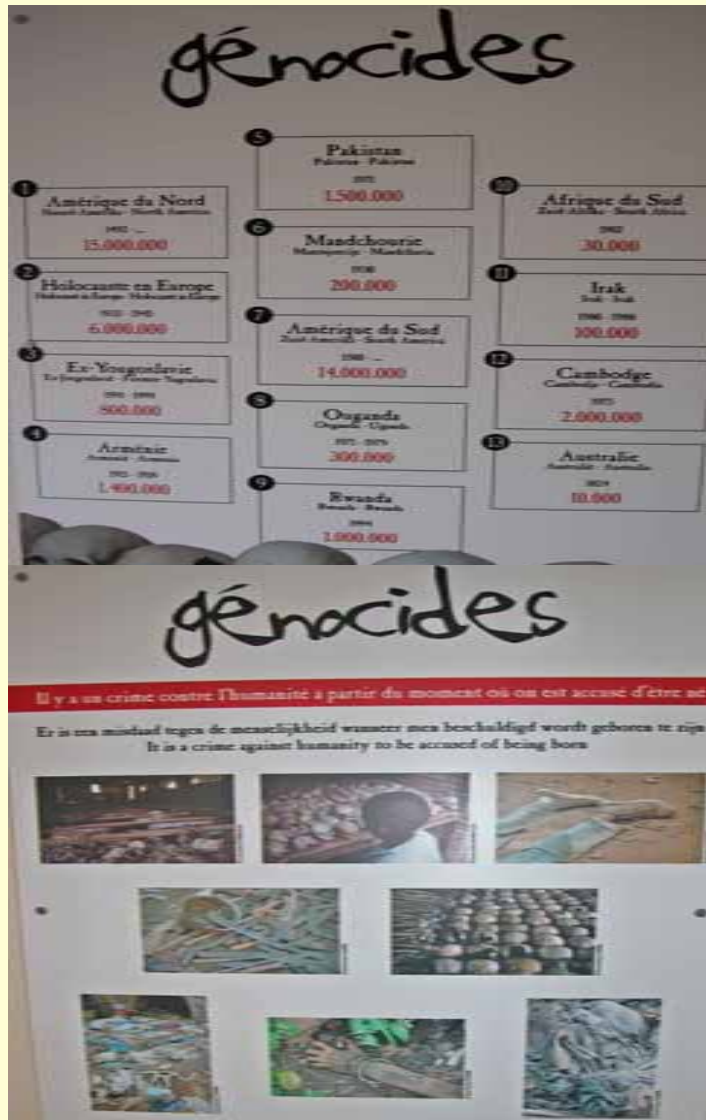
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Aftermath



United Nations forms an Investigative and Prosecutorial Body to look into war crimes and crimes against humanity charges
Called: International Criminal Tribunal for Rwanda

Aftermath

- **ICTR-International Criminal Tribunal for Rwanda investigates accusations of war crimes and others during the period of the unrest**
- **High ranking officers commanding recon units are accused of sanctioning or ordering heavy weapon support for the massacre of the Belgian soldiers. These Recon Units are well trained, armed and disciplined.**

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The Prosecution's Case

- **Heavy weapons (armored cars, armored personnel carriers) were used to inflict the damage to building and inflict harm to the Belgians**
- **Eyewitness testimony is that vehicles are at the scene firing heavy weapons**
- **The reported extensive damage to the building supports use of large caliber weapons**

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The Prosecution's Case

With the premise that heavy weapons cannot be used without the knowledge and permission of high ranking military officers, and because troops are highly disciplined, officers must have authorized the use of these vehicles and weapons or had knowledge of actions or should have known and therefore are responsible.

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Further Prosecution Testimony

- Recon Units fired their weapons at the Belgians
- Armored vehicle's heavy weapons fired and destroyed the building from range of 10 m
- From 75 m away at a wall grenades were launched from MGL
- Belgians returned fire towards the wall
- Two hand thrown grenades thru windows were used to end battle and terminate Belgians
- From an armored vehicle over 500 m away fire was directed at the at PM's residence forcing the Belgian's capitulation

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The Defense

- **The massacre was perpetrated by a small group of rogue individuals**
- **Heavy weapons and vehicles were not used or present, at least did not fire heavy weapons**
- **No evidence that Recon Units fired weapons**
- **High ranking officers cannot be responsible for each individual soldier**

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The Defense

- The defense receives permission to retain experts in forensic science and crime scene reconstruction to examine the scene (13 years after the incident)
- Ms. Beth Lyons Esq., Mr. Phelps' assistant chooses Kubic and Diaczuk for

MISSION: **RWANDA**

Should they choose to accept it!

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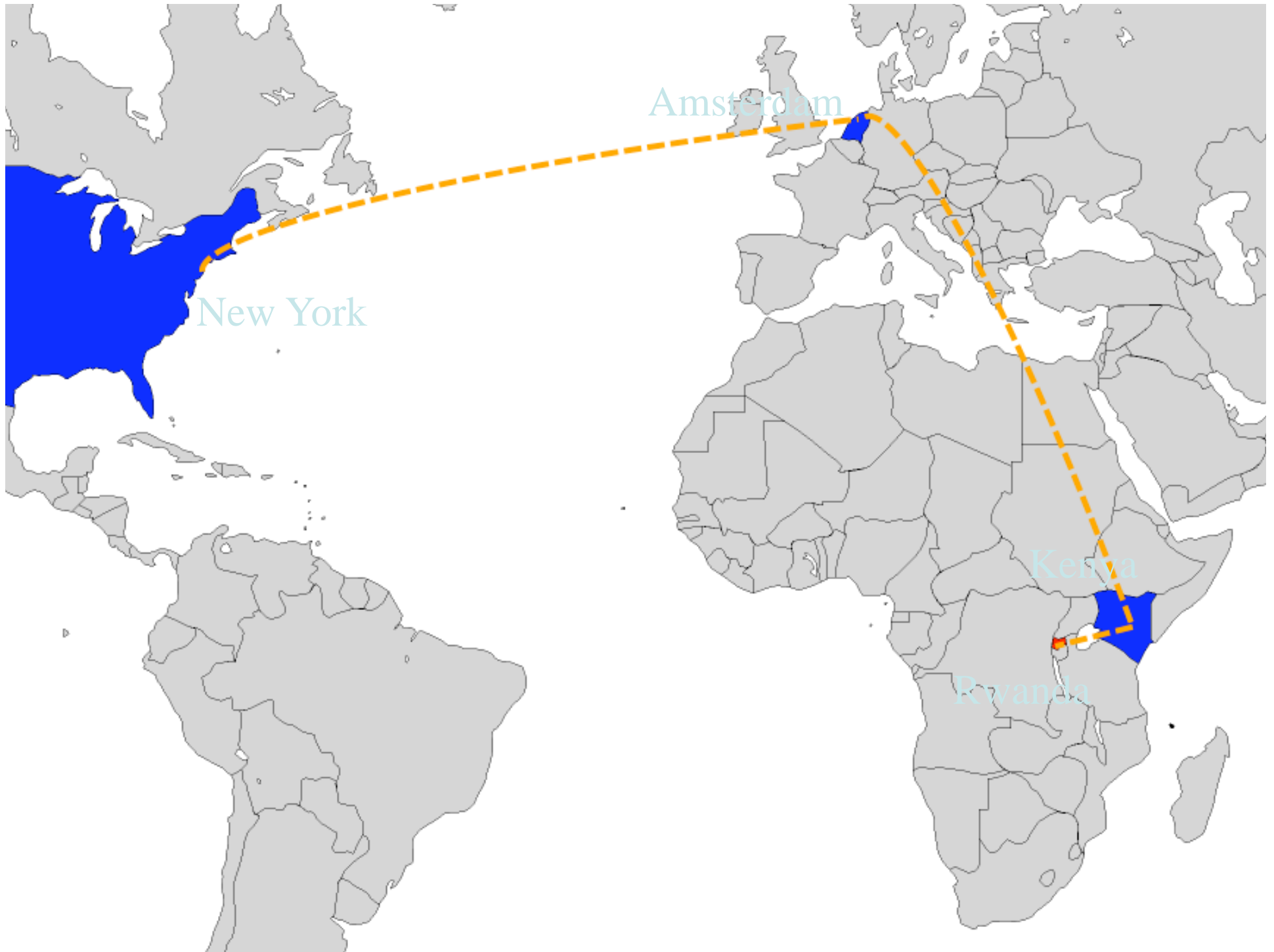
So Why Not?

**So off to Rwanda
via 20 hours of
flight time and a
32 hour stop over
in Amsterdam**



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Amsterdam



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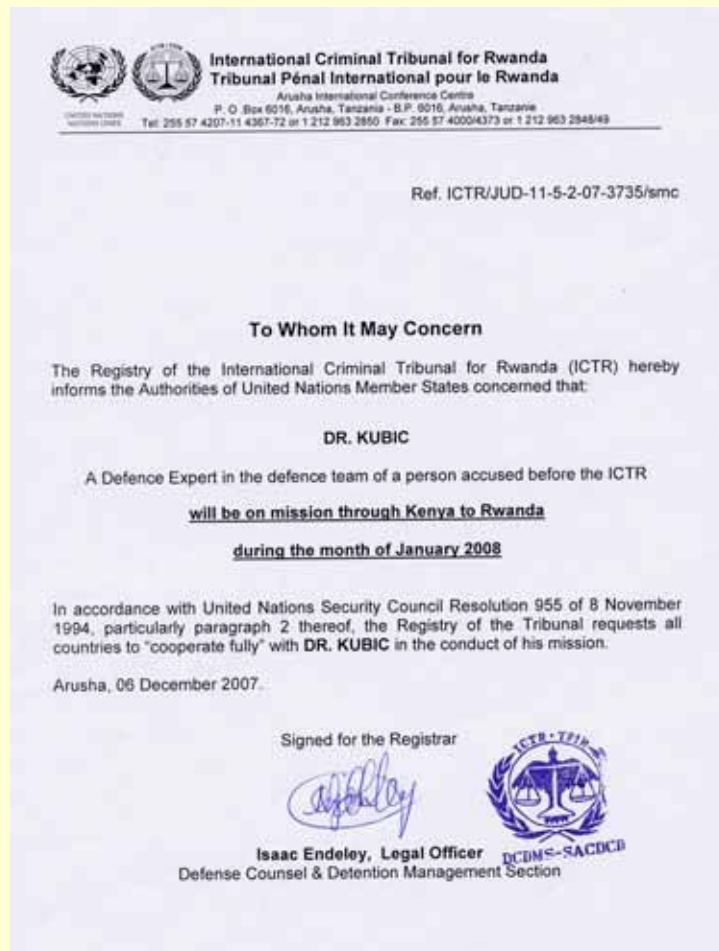
A Stop in Burundi then on to Kigali



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KIGALI - RWANDA



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The Investigative Team and Guide



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Accommodations

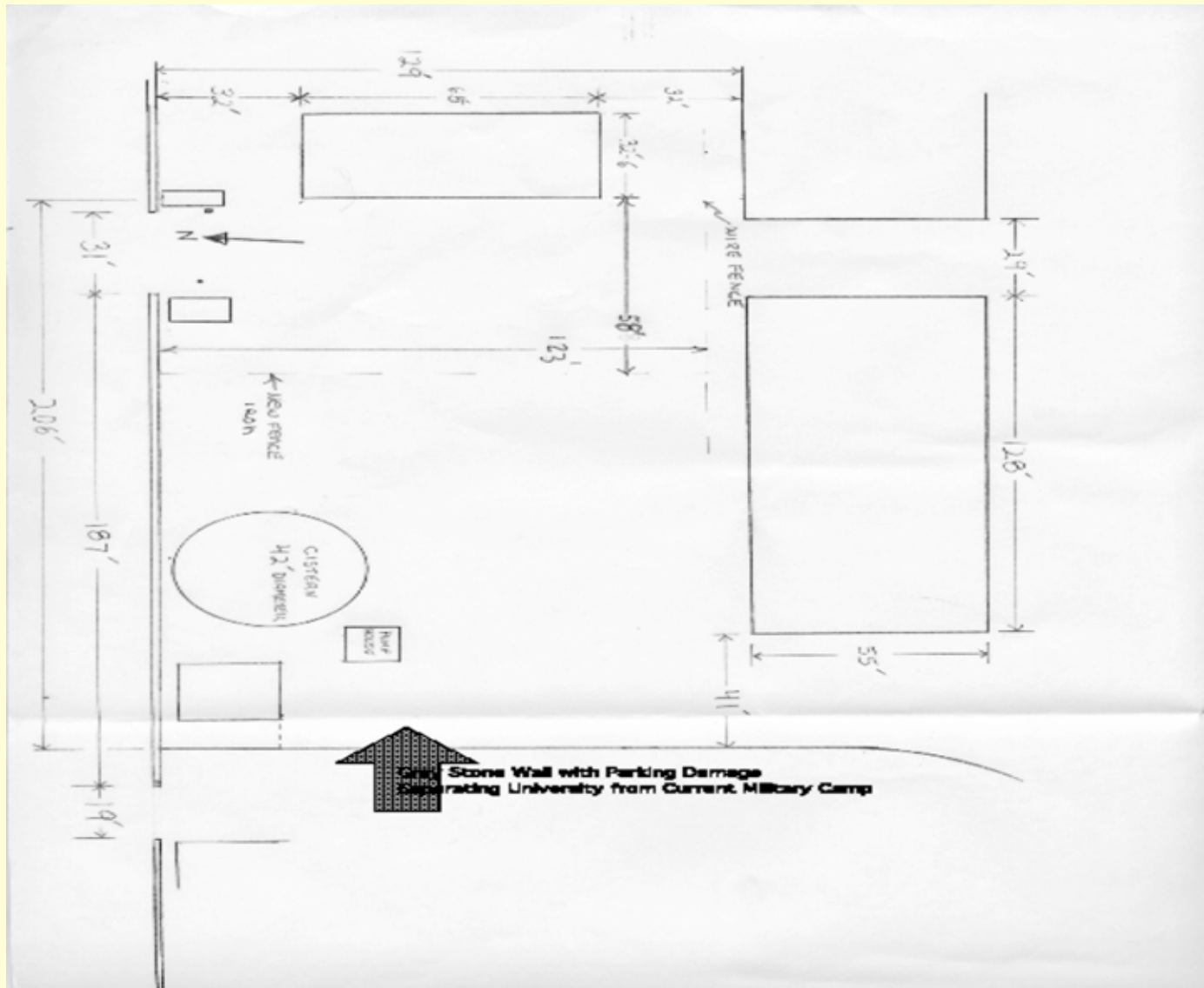


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The Place Camp Kigali



The Building



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More Building



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More Building Damage and Wall



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More Building



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Hard at WORK



Inside the Building



More Inside the Building



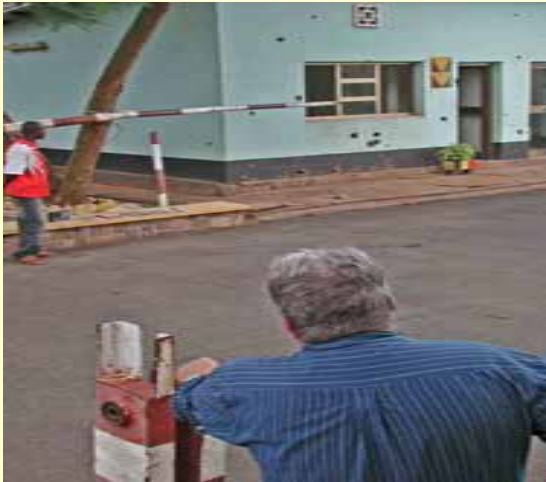
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Some Investigative Details



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Weapons



STRENGTHS

- Virtually indestructible
- Good stopping power
- Cheap to manufacture

WEAKNESSES

- Inaccurate at range
- Harsh recoil
- Awkward layout

AK-47

Calibre: 7.62mm Soviet M1943
 Length: 890mm (34.65in)
 Weight: 4.3kg (9.48lb)
 Barrel: 415mm (16.34in), 4 grooves, rh
 Magazine: 30-round detachable box magazine
 Operation: Gas
 Cyclic rate of fire: 600rpm
 Muzzle velocity: 600mps (2350fps)

A1 SLR



Calibre: 7.62mm NATO
 Length: 1055mm (41.5in)
 Weight: 4.31kg (9.5lb)
 Barrel: 535mm (21in), 4 grooves, rh
 Magazine: 20-round detachable box magazine
 Operation: Gas
 Muzzle velocity: 853mps (2800fps)

M203



Calibre: 40mm
 Length: 380mm (15in)
 Weight: 1.63kg (3.5lb) loaded
 Magazine: Single round, breech-loaded
 Operation: Breech-loaded, single shot, pump action
 Muzzle velocity: 75mps (245fps)

Milcor MGL



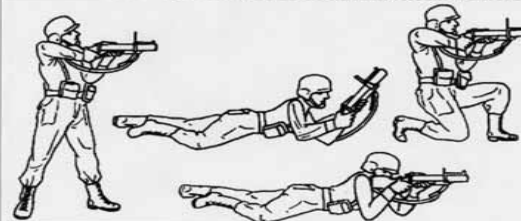
Calibre: 40mm
 Length: 788mm (31in) stock extended;
 566mm (22.2in) stock folded
 Weight: 5.3kg (11.6lb)
 Barrel: 310mm (12.2in), 6 grooves, rh
 Magazine: 6-round revolving cylinder
 Operation: Gas, semi-automatic
 Muzzle velocity: 75mps (245fps)

More on Weapons



FIRING POSITIONS

The launcher may be fired from standing, kneeling, or prone position. When firing long range from the prone position, place stock of weapon on the ground. For all other direct-fire positions, hold the stock firmly against your shoulder.



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Vehicles, Weapons & Ordnance



www.bellum.nu
 SITE INFO - BASICS OF WARFARE - LITERATURE - THE ARMOURY - LINKS & DOWNLOADS - GUESTBOOK

AAT-52 (F-1)

AA 52 machine gun in Gun's World http://www.gunsworld.com/french/aa52_us.htm

GUN's WORLD French Guns

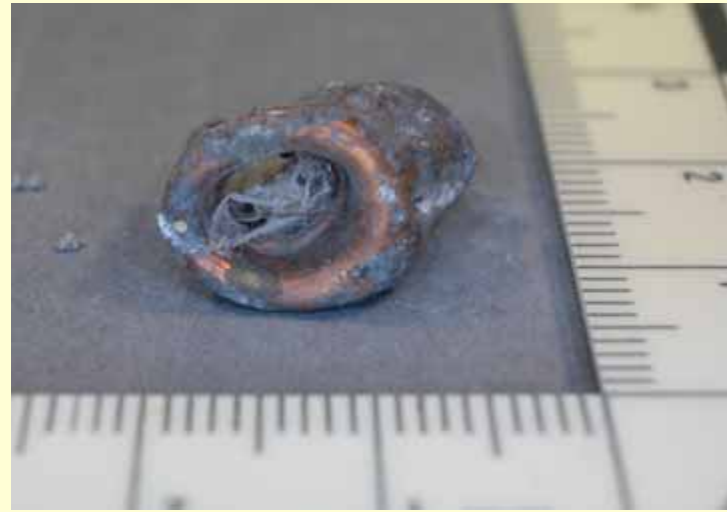
AA 52 (mod 52) Home

caliber	7.5mm
Fr.:	7.62mm
NATO	
830	
weight	m/s
with	
Length	tripod
of	21.15kg
1080	
barrel	mm
Feeding	600
rate of	mm
fire	belt 50
	or 200
	rounds
	900

French Guns
 Machine Guns
 Last modified on 17/5/104



Physical Evidence



Projectiles

7.62x39 mm (AK-47)

7.62x51 mm (NATO)

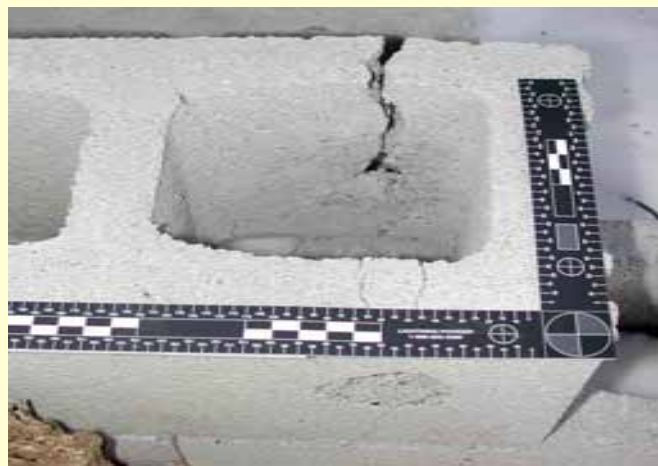


Test Fires



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More on Test Fires



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Prime Minister Agathe Uwilingiyimana's



Conclusions Based on Physical Evidence

Executive Summary

Camp Kigali: No physical evidence was discovered that supports the assertion that Armored vehicles were present at Camp Kigali, especially at 10 meters distance, and fired either their heavy weapons, 90 mm cannon, 20 mm cannon, 60 mm mortar, or 0.50 caliber machine gun at the building where the Belgians took refuge. There is also no physical evidence supporting the assertion that 0.30 caliber machine guns were fired at the building from these vehicles or from any fixed machine gun mount. All the damage to the building is consistent with small arms fire originating from hand held or shoulder fired 0.30 caliber or smaller 9 mm weapons (not confirmed) and shoulder fired or hand thrown grenades (inside damage).

Prime Minister's Residence: No physical evidence could be located that unequivocally indicated that the Prime Minister's Residence had been struck by gun fire.

It is highly unlikely that any person located within 50 feet of the junction of Paul IV and De La Jeuness Avenues could observe the Prime Minister's Residence and just as unlikely that accurate gun fire could be directed at the residence from this location due to the obstructed line of sight from this location more than 300 m from the home.

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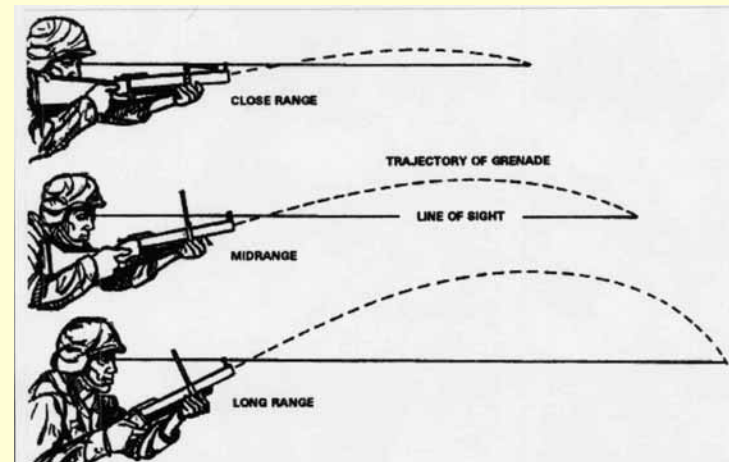
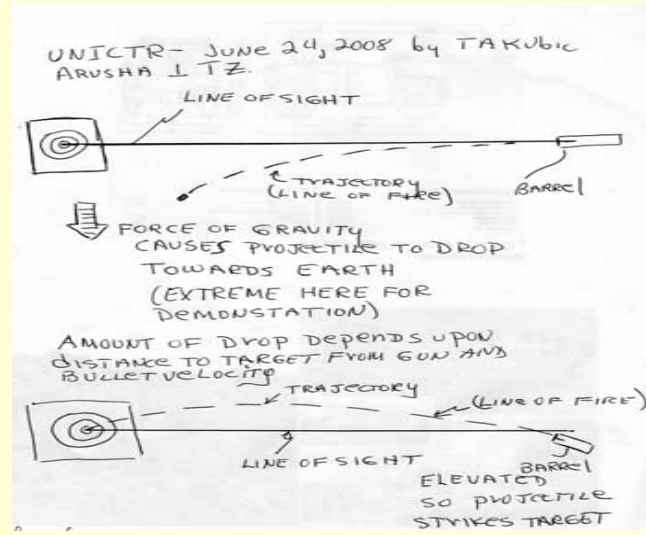
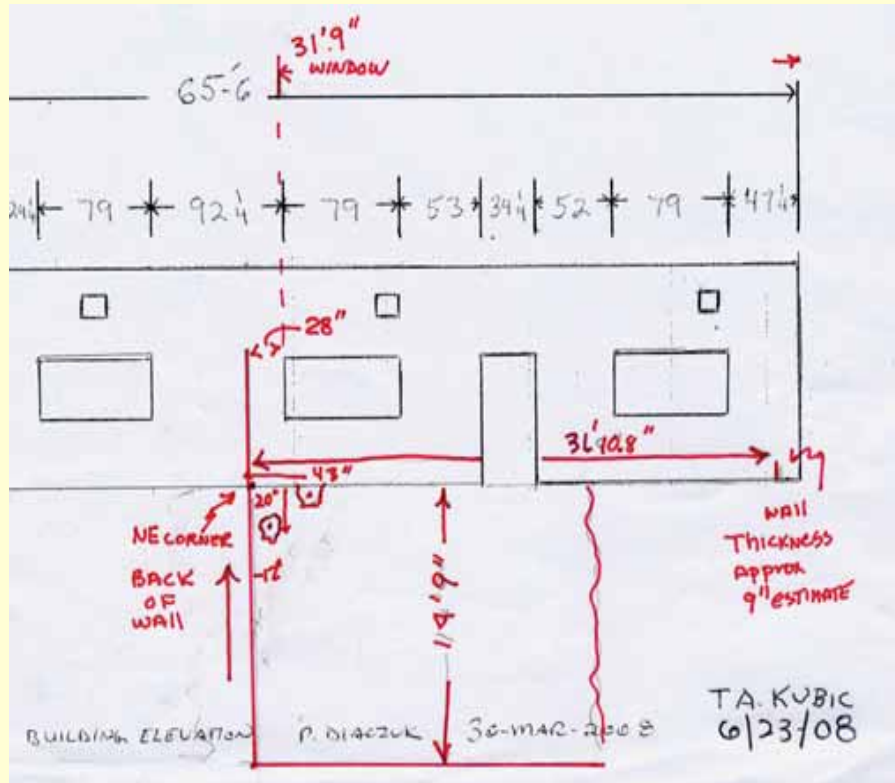
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ICTR – Arusha - Testimony



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Testimony Aids etc,



Could They Have Saved Our Trips?



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Well at Least I Saw



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