



UNITED NATIONS
NATIONS UNIES

ICTR-98-44-T
8-6-2011
(53802-53712)
International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

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53802
H/m

IN TRIAL CHAMBER III

Before: Hon. Dennis C. M. Byron, Presiding
Hon. Gberdao Gustave Kam
Hon. Vagn Joensen

Registrar: Mr. Adama Dieng

Date Filed: 08 June 2011

The PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE

Case No. ICTR-98-44-T

JUDICIAL RECORDS/ARCHIVES
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2011 JUN - 8 P 4: 20

Prosecutor's Response to Ngirumpatse's Motion to Exclude the Prosecutor's Final Brief

For the Prosecutor:

Mr. Don Webster
Mr. Takeh Sendze
Ms. Maria Wilson
Ms. Sunkarie Ballah-Conteh

For the Accused:

Ms. Dior Diagne and Mr. Moussa Félix Sow *for Édouard Karemera*
Ms. Chantal Hounkpatin and Mr. Frederick Weyl *for Mathieu Ngirumpatse*

1. By motion of 6 June 2011 Matthieu Ngirumpatse seeks to exclude the Prosecutor's Final Brief and its annexes because,

*en ce que cumulés ils comportent 96000 mots, et subsidiairement à tout le moins les annexes A à I du mémoire du Procureur n'étant qu'une façon déguisée de se soustraire à la règle commune, et en toute hypothèse d'ordonner le retrait du système « tream » des annexes litigieuses*¹

2. The Prosecution opposes the motion for reasons set forth below.

Prosecutor's opposition

3. The practice direction on length and timing of closing briefs and closing arguments includes the following provision:

1.4 APPENDICES

- i) An appendix shall not count towards the above word limits.
- ii) An appendix shall not contain factual or legal arguments, but rather references, sources materials, items from the record, exhibits, and other relevant, non-argumentative material.
- iii) An appendix shall be of reasonable length, on average no more than three times the maximum number of pages of the brief.
- iv) Appendices compiled in English or French shall not be translated into, respectively, French or English. However, if available, translations shall be attached to the original appendix and shall not count towards the limits under (iii).

4. As clearly set forth in sub-paragraph (i), above, annexes are not counted in the word limits of section 1.3 of the practice direction.

5. The Prosecution submits that Annexes A – J of its final brief do not contain factual or legal arguments. Rather, annexes A – F provide references to admitted exhibits in the trial. Annexes G – J contain other relevant, non-argumentative material. Both sets fall within the guidelines of section 1.4(ii) of the practice direction.

6. It can be argued that the description of each exhibit provided in annex A is a bit more detailed, when compared to annexes B – J. The Prosecution maintains that the descriptions in annex A are appropriate and do not offend the letter or the spirit of section 1.4 of the practice direction. In the event that the Chamber disagrees, a revised annex A is appended to this submission.

¹ *Requete urgente pour Matthieu Ngirumpatse en exclusion du mémoire du procureur et subsidiairement de ses annexes*, 6 June 2011, para. 11

7. In all other respects, annexes B – J simply contain recitations of various admitted exhibits listed chronologically. It is noteworthy that most of the exhibits that are listed were admitted by the Defence. Further, most, if not virtually all, of the exhibits listed in the annexes were initially cited in the Prosecutor's final brief. The Prosecution notes that both Edouard Karemera and Matthieu Ndirumpatse have provided voluminous annexes of exhibits and various other documents, *some of which were never even part of our trial record*. The Prosecution could have elected to do likewise, in which case the annexes of already exhibited documents would supplement an already extensive, and readily accessible, trial record.² Instead, the Prosecution simply lists relevant exhibits chronologically in thematic clusters. This is a much more effective means of drawing the attention of the parties and the Chamber to relevant materials. The listings are not argument; the brief descriptions that identify the exhibits are not argumentative. They simply provide the means to recall each document with specificity.

8. Annex G (*Prosecution theory of the case, restated*) does not argue the facts or the law, it is simply an exegesis of the *case against the Accused*. Appending excerpts of the indictment, the Pre-trial brief and opening statement would have achieved the same objective, but much less efficiently. Annex G simply *summarizes and condenses* the salient elements of the *accusations* that have guided the presentation of evidence in this trial. There are no references to jurisprudence or evidence. Annex G is intended to assist any reader that may not be completely familiar with the indictment, pre-trial brief and opening statement. It may also assist anyone that has closely followed the entire trial by simply condensing and re-phrasing the core of the Prosecution's accusations. This is neither factual argument nor legal argument.

9. Annex H is a brief procedural synopsis of the trial. There is no legal or factual argument. It is no different than the procedural summary that Edouard Karemera appended to his final brief as Annex 3.

10. Annexes I and J are materials that are already available to the parties and the Chamber from our trial record. They were appended to the Prosecutor's final brief with a view toward facilitating cross-referencing for the reader. They are relevant, yet contain no factual or legal argument.

² Recall that this Chamber admitted 140 exhibits from the Karemera Defence, 838 exhibits from the Nzirorera Defence, 228 exhibits from the Ndirumpatse Defence and 582 exhibits from the Prosecution, almost 1800 exhibits in all.

11. Where annexes A – F are concerned, the Prosecution could have achieved the same objective by providing copies or excerpts of exhibits in separate bundles, organized chronologically. We have done so in a second, revised annex A simply for purposes of illustration. Should this Chamber deem this approach more effective, or more in line with the Tribunal’s practice direction, the Prosecution will prepare another set of annexes which can be substituted for what has already been submitted as annexes B – F. The practice direction anticipates a page limit for annexes of this nature of approximately 600 pages, three times the maximum number of pages for the final brief.³ The Prosecution would *not* favor this approach but remains confident that it could provide substitute annexes of actual copies/excerpts of the already admitted exhibits listed in annexes A – F and still remain within the page limit established by section 1.4 of the practice direction. To reiterate, however, the Prosecution maintains that the annexes that have already been submitted are more effective, more efficient, and are already fully in line with the practice direction.

Observations concerning Ngirumpatse’s annexes in final submissions

12. It strains credulity that Ngirumpatse would file a motion contesting the Prosecution’s listings of exhibits and characterize it as a deliberate attempt to circumvent an order of this court. Ngirumpatse’s “*Tableau recapitulatif portant sur l’absence de crédibilité des témoins à charge*” is certainly factual argument, which should be counted toward the word limit in section 1.3 of the practice direction, even if attached as an annex.⁴ In addition to Ngirumpatse’s clearly argumentative *tableau*, his 109-page annex otherwise contains documents that were *never* part of our trial record. Consequently, Ngirumpatse’s annexes do not comport with section 1.4(ii) of the practice direction. The Prosecution deems these materials so unhelpful, and ultimately so irrelevant or incomprehensible, that had Ngirumpatse not filed his present motion to exclude, the Prosecution would not even have drawn this Chamber’s attention to them. The matter of receiving, excluding or relying upon Ngirumpatse’s annexes is simply left to this Chamber’s discretion.

13. Finally, Ngirumpatse suggests that the Prosecution flouted this Chamber’s order by filing annexes that exceed the word limit for closing briefs. Had the Prosecution adopted Ngirumpatse’s approach to footnotes in the closing brief, there would have been no need to file a motion to request that footnotes be excluded from the word count. Ngirumpatse simply inserted a “period (.)” instead of a “space” between words, a device which permits a sentence or an entire paragraph to be counted as a single word. Having out-smarted and circumvented the word-count in his footnotes, it appears

³ Practice direction, section 1.4(iii)

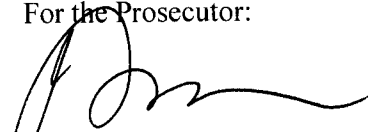
⁴ Ngirumpatse’s confidential annexes to his closing brief, at Reg##s 11874bis – 11871bis

rather disingenuous for Ngirumpatse to complain that the Prosecution disobeyed this Chamber's orders.

WHEREFORE, the Prosecution submits that Matthieu Ngirumpatse's motion should simply be dismissed in its entirety.

Dated in Arusha, this 8th day of June 2011

For the Prosecutor:

A handwritten signature in black ink, appearing to be 'Don Webster', written over the printed name.

Don Webster
Senior Trial Attorney

A N N E X A - *revised*

ANNEX A – revised 8 June 2011

Chronological listing of contemporaneously-generated memoranda, communiqués, correspondence, radio broadcasts, etc., concerning IMPLEMENTATION OF THE BROAD-BASED TRANSITIONAL GOVERNMENT UNDER THE ARUSHA ACCORDS

Exh. No.	Date	Document
1. DNZ-745	5-Jan-94	UNAMIR-Booh Booh to Annan - re- Impasse in setting up the BBTG - 05-Jan-1994
	8-Jan94	See P-292 (10 Jan 94) & P-219 (1 Feb 94) & P-013 (19 Jan 94) & P-042 (12 Jan 94) for references to demonstration of 8 January 1994 in front of CND – which was attributed to the Interahamwe
2. P-292	10-Jan-94	Press Communiqué - NZIRORERA's DEMENTI - re-demonstrations 08-Jan-1994 - signed Nzirorera
3. P-228 P-291	15-Jan-94	Broadcast-RTLM - C33/K95 - reading out entire text of Letter from MRND & aligned Ministers to PM dated 14-Jan-1994 --- demanding that PM convene the Cabinet for government action
4. P-230	16-Jan-94	Broadcast RR – JA/780 – Summary & excerpts of speeches & commentary by journalists – Karemera & Ngirumpatse-16-Jan-1994 MRND rally in Nyamirambo
5. P-290	16-Jan-94	Communiqué de presse – Press Release - PM Uwilingiyimana - re-Setting up transitional institutions- dated 16 Jan 1994
6. P-013	19-Jan-94	Letter - Interahamwe National Committee to Booh Booh - 19-Jan-1994 - signed by National Committee & Advisor
7. P-289	19-Jan-94	Letter - PM Uwilingiyimana to Govt Ministers - Response to letter 14-Jan-1994 - Cabinet meeting 19-Jan-1994
8. P-501	24-Jan-94	Communiqué Press-CDR-24-Jan-1994 - insisting that the Arusha Accords are not power sharing but rather TRANSFER of power to the RPF & that the Arusha Accords need to be re-negotiated
9. DNZ-746	28-Jan-94	UNAMIR-Booh Booh-Annan- re-1st bilateral meeting between MRND & RPF held on 27-Jan-1994
10. P-219	1-Feb-94	Letter - F-X Nsanzuwera Proc de la Republique to PROC GEN - dated 1 February 1994 - re-General insecurity in Kigali - complaining of INTERAHAMWE violence & vandalism, <i>particularly on 8 January 1994 in front of CND</i>
11. P-502	7-Feb-94	Letter - PL Lando Ndasigwa & 10 others to PRESIREP re-Blockage of Trans Institutions-Arusha Accord-Mugenzi-07-Feb-1994 - warning that the civil war that is desired by those nostalgic for 1959 risks breaking out (at para 2); alleging that Pres Habyarimana's personal guards prevented access to PL for CND swearing-in (at para. 5); questioning whether the attacks that usually follow each step of signing the AA are going to happen again (at para. 18); enumerating the various massacres that followed each step of the AA negotiations (at para. 19); accusing PRESREP & MRND of engineering splits in the opposition parties (at para. 22); accusing Mugenzi of preaching violence and reprise of 1959 bloody events by his speech on 16 Jan 94 (at para. 23-b) ---- dated 7 Feb 1994
12. DNZ-748	22-Feb-94	UNAMIR-Booh Booh-Annan- re-negotiations to install BBTG w/PM Designate & others - killing of Gatabazi on 21-Feb-1994
13. DNZ-508	27-Feb-94	Joint Communiqué of MRND-MDR-PSD & PDC dated 27 February 1994 - (all parties except PL) setting forth a compromise solution for implementation of BBTG and insisting that "the current government must continue to function"
14. DNZ-751 DNG-048	19-Mar-94	UNAMIR-Booh Booh-Annan- re-Installing-Transitional Institutions & contributions of Minister Foreign Affairs-Tanzania -19-March-1994
15. DNZ-491	24-Mar-94	Letter - PM Agathe Uwilingiyimana to Pres Habyarimana - proposing swearing-in ceremony for BBTG on 25 March 1994 & providing a list of proposed Members of Parliament - dated 24 March 1994
16. DNG-013	27-Mar-94	Letter - PM Agathe Uwilingiyimana to Pres Habyarimana dated 27 March 1994 - re-Mise en place des institutions de transition le 28-03-94
17. P-287	28-Mar-94	Letter – 12-MRND aligned Gov Ministers to PM Uwilingiyimana - re-Cabinet meetings & BBTG - insisting that cabinet meetings must be held & Gov't must continue to function - dated 28-March-1994
18. DNZ-401	28-Mar-94	UNAMIR - Code cable - Booh Booh - Annan- 28 March 1994 re- Efforts to install the BBTG ---- taking note that the RPF objection to participation of CDR was the current major stumbling block ---- and taking note of joint declaration of diplomatic community for the impasse to be resolved
19. DNZ-752	29-Mar-94	UNAMIR-Booh Booh-Annan- re-Installing-Transitional Institutions-29-March-1994 re-resolving conflict over admission of CDR to NTA
20. P-566	1-Apr-94	Declassified US State Dept TELEEX - dated 01 April 1994 - re-CDR is last issue to be resolved for

ANNEX A – revised 8 June 2011

Chronological listing of contemporaneously-generated memoranda, communiqués, correspondence, radio broadcasts, etc., concerning IMPLEMENTATION OF THE BROAD-BASED TRANSITIONAL GOVERNMENT UNDER THE ARUSHA ACCORDS

Exh. No.	Date	Document
		<i>implementation of BBTG</i>
21. P-565	2-Apr-94	Press-Communiqué - CDR- 02-April-1994 - demanding a seat in TNA and accusing the RPF of organizing death squads & insisting upon keeping its Impuzamugambi youth wing for their own protection ---
22. DNZ-221	5-Apr-94	UNAMIR - <i>weekly SITREP</i> - Booh Booh to Annan - reporting on period 29 March - 4 April 1994 - indicating that CDR leader was killed on 30 March and that <i>allowing CDR a seat in the TNA is the only remaining issue blocking implementation of the BBTG</i> - noting at para. 2 that international diplomatic community endorses a seat for CDR and will put pressure on RPF -- but that RPF still opposes a seat for CDR - 05-Apr-1994
23. P-564	5-Apr-94	Letter - RPF President Kanyarengwe to UN SC Boutros Ghali - re-complaint against Booh Booh re-last minute insistence that CDR be given a seat in TNA & recounting MRND & PRESIREP maneuvers to block implementation of BBTG & noting " <i>Arusha Accords of 4 August 1993 are already a compromise that cannot be re-negotiated</i> "

A N N E X A - *Second Revision*

- 1. DNZ-745**
- 2. P-292**
- 3. P-228**
- 4. P-230**
- 5. P-290**
- 6. P-013**
- 7. P-289**
- 8. P-501**
- 9. DNZ-746**
- 10. P-219**
- 11. P-502**
- 12. DNZ-748**
- 13. DNZ-508**
- 14. DNZ-751**
- 15. DNZ-491**
- 16. DNG-013**
- 17. P-287**
- 18. DNZ-401**
- 19. DNZ-752**
- 20. P-566**
- 21. P-565**
- 22. DNZ-221**
- 23. P-564**

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CASE No: ICIR-98-44-T

EXHIBIT No: DNZ 748

DATE ADMITTED: 16/02/2010

TENDERED BY: DEFENCE

NAME OF WITNESS: J.R. BOOH BOOH (DNZ 26) 10002317

F

051815Z

OUTGOING CODE CABLE

CRN-007

P1/2

TO: JONAH, USG, DPA, UNATIONS, NEW YORK
ANNAN, USG, DPKO, UNATIONS, NEW YORK

FROM: BOOH-BOOH, UNAMIR, KIGALI

DATE: 5 JANUARY 1994

SUBJECT: SETTING UP OF THE STATE INSTITUTIONS FOR THE TRANSITIONAL PERIOD

MIR-029

1. President Habyarimana took the oath as President of the Republic of Rwanda for the transitional period at 10.00 hrs local time. At the conclusion of the ceremony, the President announced that at 15.00 hrs, he would preside over the swearing-in of the deputies to the Transitional National Assembly and the election of its Bureau. When the meeting reconvened at 15.00 hrs, most of the deputies and officials that attended the morning session were absent. The President then declared that due to the absence of the Presiding Judge of the Constitutional Court, the representatives of the RPF and other political parties, he could not proceed with the swearing-in ceremony of the deputies as he had intended to do. He appealed to the international community and all those countries that facilitated the peace process that culminated in the signing of the Arusha Peace Agreement to help resolve the impasse that has developed.

2. Following is a brief background to the present impasse:

3. According to the Arusha Peace Agreement, each political party was called upon to submit a list of deputies for the Transitional National Assembly. The Parti Libéral (PL) submitted two separate lists to the President, each list reflecting the choices of the respective factions. The President of the Republic endorsed the list submitted by Mr. Justin Mugenzi and appeared ready to proceed with the swearing-in of those deputies. The Presiding Judge of the Constitutional Court has declared that the list submitted by Mr. Landouard Ndasingwa is the only valid list of the Parti Libéral. The RPF and some other parties also support the list of Mr. Ndasingwa and have declared that they would not participate in the Assembly if the President did not swear in the deputies on the list presented by Mr. Ndasingwa. These parties have also insisted that the swearing-in of all the deputies must be immediately followed by the President's nomination of the Prime Minister and other members of the Cabinet. The President of the Republic is opposed to such a scenario and hence the deadlock.

CRN-007 P2/2

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. 2.

4. The Chairman of the RPF has returned to Mulindi (RPF's HQ) and is reluctant to come back to Kigali because of the uncertainty of the security situation in Kigali, which most fear would deteriorate if the parties continue to be inflexible and the remaining transitional institutions are not in place.

5. The Military Component of UNAMIR is on alert but is uncertain as to how long they can maintain the situation with the resources at their disposal. It has already endeavoured to create a secure environment within the Kigali area, to facilitate the setting up of the transitional institutions, which was preceded by the arrival of the RPF battalion and senior officials of the organisation in Kigali on December 28, 1993.

X | 6. In my continuing efforts to narrow the differences between the Presidency and the RPF leadership, I met the President of the Republic and the Chairman of the RPF several times last week and urged them to meet and resolve the differences that might jeopardise the setting up of the transitional institutions. Both leaders agreed to meet but insisted on conditions neither could agree to. I have coordinated my efforts with those of the Western Ambassadors in Kigali who have repeatedly urged the parties to resolve their differences and proceed with the setting up of the transitional institutions as called for in the Arusha Peace Agreement. I have also on several occasions, met with the African Ambassadors who are equally involved in facilitating the peace process. I will continue coordinating my efforts with these parties in persuading the political leaders to exercise political will and arrive at a compromise that will ensure the implementation of the Arusha Peace Agreement. | *

7. Since the consideration of the SG's report on Rwanda by the Security Council is imminent, the Council may wish to consider issuing a strong appeal to the parties to the Peace Agreement to reconcile their differences and continue with the setting up of the state institutions for the transitional period as called for in the said Agreement. In this connection, the Council may also wish to take note of the swearing-in of the President of the Republic. As you would recall, the Presidency is one of the four state institutions called for in the Arusha Peace Agreement. Regards.

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CASE No: ICR-98-44-1
EXHIBIT No: P 292 A
DATE ADMITTED: 25/01/2008
TENDERED BY: PROSECUTOR
NAME OF WITNESS: DEMENTI of 25/01/2008

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2

Hier dimanche le 9 janvier 1994, Radio Rwanda a passé dans son édition du journal parlé du matin et de la mi-journée, un communiqué signé par Nzamurambaho, Nayinzira, Twagiramungu et Ndasingwa et lu par Maître Félicien Ngango sur les antennes de Radio Rwanda.

Le MRND juge qu'il est nécessaire, et qu'il est de son droit, de démentir et de condamner publiquement ces mensonges.

- 1) Le MRND ne comprend pas comment la Radio Rwanda qui n'a diffusé aucune information sur la manifestation d'avant-hier samedi 8 janvier 1994, a pu prêter son micro à Maître Ngango, pour qu'il trompe l'opinion publique en disant que c'est le président de la République et le MRND qui ont organisé cette manifestation., alors qu'elle a été faite par les habitants de la ville de Kigali, lassés par le mensonge, les intrigues et les combines utilisés depuis quelques temps par Twagiramungu, Agathe Uwilingiyimana et Kavaruganda en vue de subtiliser le pouvoir au profit du FPR.
- 2) Le MRND met en garde particulièrement le PSD et son porte-parole, Maître Félicien Ngango qui s'est illustré par ses propos discriminations, et les accusations qu'il profère contre certains individus en l'absence de toute preuve, avec l'intention de camoufler les plans criminels concoctés au sein de ce parti dont il est le premier vice-président. Ces manœuvres de diversion auxquelles se livre Maître Ngango ces derniers temps, seraient pour lui une façon de faire du lobbying auprès du FPR en vue d'obtenir le poste de président du Parlement de transition à base élargie.
- 3) Le MRND tient encore une fois à prévenir les Rwandais, mais surtout les habitants de la ville de Kigali, que les compétitions entre les Abakombozi et le FPR cachaient beaucoup de choses qui commencent à se manifester. A part la collaboration entre le FPR et le PSD qui a été renforcée par ces rencontres, nous venons de découvrir que la ville de Kigali est pleine d'Abakombozi qui viennent

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de subir un entraînement militaire au sein du FPR et qui attendent le coup d'envoi du FPR pour exterminer tous les opposants aux Inkotanyi.

Fait à Kigali, le 10 janvier 1994

Joseph Nzirorera, Secrétaire général du MRND.

(Sceau et signature)

17099-02

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3

CASE No. ICTR-98-44-T

EXHIBIT No. P.228(b)

DATE ADMITTED: 05/12/2007

TENDERED BY: PROSECUTOR

NAME OF WITNESS: DECISION OF 05/12/2007

SIDE A

K0259331

00 min.01sec.

Speaker: Noel Hitimana, RTLM journalist

.....written in French, but it is for the purpose of ensuring that things go smoothly over this weekend. I shall first read it to those who understand French, then I will see how to go about having it in Kinyarwanda.

Original text in French (pp. 4 to 6)

Kigali, 14 January 1994

The Prime Minister

Kigali.

Madam Prime Minister,

Subject : Meeting of the Cabinet

We have observed that for some time now you have not been convening Cabinet meetings, under various pretences. In that respect, we wish to remind you that the *Directeur de cabinet* [Principal Private Secretary] at the Office of the President of the Republic conveyed to us, in his letter No. 005/01.13 dated 6 January 1994, a message from the President of the Republic requesting you to convene a meeting of the Cabinet to assess progress with regard to the establishment of the transitional institutions and to examine..... examine the hindrances to the said process as well as action to be taken by the Government to that end.

In your reply by letter No. 0011/02.3.1 dated 7 January 1994, you claimed that there was no legal framework for holding such meetings. The same argument was again advanced in your statement broadcast on national radio on 13 January 1994.

Madam Prime Minister, we are under obligation to call your attention to the fact that a legal framework for convening the Cabinet does indeed exist. The said framework is defend in Article 8 of the Arusha Accords which stipulates that the current Government shall remain in power until the Broad-based Transitional Government is established. You

K0259332

will recall that in your letter No. 1029/02.3.1 of 29 January 1994, addressed to the President of the Republic, you yourself made reference to that same Article to justify the part to be played by Government in establishing the transitional institutions.

02 min. 05 sec.

Furthermore, in what capacity do you address..... do you address, in what capacity do you address the Nation if you are the head of a Government that no longer exists?

You have to admit, Madam Prime Minister, that the attitude adopted by you is nothing more than a desire to appropriate the prerogatives incumbent upon the Cabinet. In this way, you are able to take unilateral and partisan measures in disregard of this body which is the is the Cabinet.

While pursuing this attitude, you delight in passing onto the President of the Republic issues which should normally be discussed by the Cabinet. These issues relate in particular to the economic crisis and to security.

In fact, the measures to be taken to confront the economic crisis and the famine, and consideration of the budget can only be adopted by the Cabinet. As for security, remember hm, that as Prime Minister, you are the Chairman of the National Security Council and, furthermore, the Intelligence Services are under your authority. Therefore, nothing allows you to shirk your duties in the area of security. Your recent untimely statements calling in particular on your responsibilities as Prime Minister.

Madam Prime Minister, in view of the foregoing, and given the difficult situation the country is going through, we urge you to keep out of the fray, and to focus on the higher interests of the Nation by ensuring that the Government functions until the Broad-based Transitional Government. is established.

04 min.07 sec.

Accept, Madam Prime Minister, the assurances of our highest consideration.

Signed by :

- Minister of the Interior and Communal Development, Faustin Munyazesa
- Minister for Planning, Augustin Ngirabatware
- Minister for Higher Education, Scientific Research and Culture, Daniel e...Mbangura
- Minister for Trade, Industry and Handicrafts, Justin Mugenzi
- Minister for the Civil Service, Prosper Mugiraneza
- Minister of Health, Casimir Bizimungu
- Minister of Justice, Agnès Ntamabyaliro
- Minister for Youth and Cooperatives, Callixte Nzabonimana
- Minister of Defence, Augustin Bizimana
- Minister of Transport and Communications, André Ntagerura
- Minister for the Family and Women's Welfare, Pauline Nyiramasuhuko
- Minister for the Environment and Tourism, Gaspard Nyiramasuhuko

Copied to:

His Excellency the President of the Republic

All Ministers

Chairmen of all political parties:

05 min.09 sec.

m...MRND (coughing) MRND

MDR

PSD

PL, and

PDC.

Heads of diplomatic missions and consulates accredited to Kigali.

Dear listeners to RTLM Radio, I told you that our broadcasts were going to be extended by a few minutes to enable us to give you the content of this communiqué during this weekend. This is so that you will be aware of the situation. All the Ministers have signed a document addressed to the Prime Minister, informing her that they are still in

17107-02

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4

SIDE A

Speaker: Tharcisse Rubwiliza, journalist at Radio Rwanda

K0275141

...The population is streaming toward him all the more so as he is a parliamentarian. So far as the political news is concerned, issue no.121 of the Isibo newspaper publishes a letter that Hildebrand Kayibanda; son of the late Gregoire Kayibanda allegedly addressed to the MDR Secretariat at Gitarama. In that letter, Hildebrand denounced the Kabusunzu congress and the resolutions adopted there and I quote "not only was there congress convened in violation of the statutes of the party, but also those resolutions are contrary to the spirit of the law and the principles that govern the party. Instead of uniting its members, those resolutions are aimed at destroying the party" Hildebrand Kayibanda added that "those who like the MDR party without putting their personal interests in the fore should accept the cancellation of the Kabusunzu resolutions and a truthful covering of a congress worthy of the Name, which will discuss all the problems of the party"

This newspaper also wrote about the events that took place in Kigali on 8 January 1994 which brought together almost 500 Interahamwe, Impuzamugambi and Parmehutu members.

According to this newspaper, those events gave rise to considerable damage and people were wounded and even killed. The newspaper called upon those who were nearest to resident Habyarimana to ask him to grant peace to Rwandans and not to continue to leave them in the hands of the Interahamwe

"Imvaho" came back to the question of education. Emphasis here was placed on teacher's demonstrations and the stoppage of classes in the primary and secondary schools and even in several campuses of the university because of unpaid salaries.

As regards salaries, the ministry asserts that it was not a question ill will, but that it because of the limited means available in the country that all employees could not be paid at the same time. However, the teachers' representatives saw that as a sign of disdain on the part of the other civil servants who was paid on time. The problem is therefore acute because the limited resources of the State are such that the latter could not pay all the civil servants at the same time and the teachers have sworn that come the date of 5 without receiving their salaries they will stop working.

We now conclude this press review with this news from Imvaho, which says that on 31 December 1993, the Rwandan TV would celebrate its First anniversary. According to Imvaho, this year our Television has made giant steps. At the onset, it was only accessible to the inhabitants of Kigali City and its environs, but now 68% of all the prefectures of the country are covered.

Attaining the objectives of that the Rwandan Television initially set for itself was not at all easy because that time was characterised by multi-party politics and the obstacles were a myriad. Imvaho therefore calls upon good will and friendly countries to help ORINFOR, because if the official press is to play a role in the development of the country in general and to work with all Rwandans without any distinction, it must be given support in default of which the private press may fatally affect it.

CASE No. 22018
 EXHIBIT No. 22018
 DATE ADMITTED: 05/12/2007
 TENDERED BY: PROSECUTOR
 NAME OF WITNESS: DECISION of 05/12/2007

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*EXCERPT

Speaker: Mathieu Ndirumpatse, President MRND

K0275147

In our opinion, there will be peace if people came together to debate the problems; if there is an equitable sharing of power without any threats as is the case today. As I have said, we have endorsed the Arusha Accords and accepted to participate in the government for Rwandans to live in peace. We abide by that commitment. However, I added that there is no law that compels any political party to participate or remain in the government. There is therefore nothing that compels us to accept it but we stand for peace and we shall defend it. All supporters of the MRND have committed themselves to refraining from creating trouble just as they do not want to be aggressed.

Certain persons have said to the UN military and to the special representative of the Secretary General of the United Nations that the MRND was preparing for war and that it was distributing weapons here and there, that the MRND... and that on a daily basis we undertook military exercises (he laughs). Those are rumours just as those hackneyed in 1960 and 1961, but those that are responsible for that will bear the serious consequences thereof. By listening to them, one would believe that we do nothing other than that! One should not heed any rumours. The MRND was the first party to have supported the deployment of the Blue Helmets of the UN in Rwanda. We also promised the UN forces that we will be the first to support them for them to successfully carry out their mission and thus allow us, before their departure, to hold elections. We abide by our promise. However, we are calling upon them not to heed rumours. We are calling upon them not to lend an ear to those that are saying that we are preparing attacks whereas it is they that are drawing up lists of people to be exterminated.

We call upon them to be vigilant so that they do not regret listening to people who tell them that we are the ones preparing evil deeds.

24.6

Speaker: Jean Bosco Habimana, a Radio Rwanda Journalist.

Among the presidents and representatives of other parties at the rally, there were:

- Mr. Justin Mugenzi, president of the PL
- The representative of PRAERWA
- The representative of PADER
- As well as the representative of the Democratic Party.

In his speech on behalf of his counterparts, Mr. Justin Mugenzi warned those who stoked the fires of bickerings within the other parties. He expressed gratification about the democratic acquisitions thanks to the 1959 revolution.

Speaker: Emanuel Uwihoreye, a Radio Rwanda journalist.

We here have a communique from the office of the Prime Minister of the present transitional government, Madame Agathe Uwilingiyimana. The communique reads as follows;

"Pursuant to Articles 5 and 8 of the peace accords of 13 January this year, the Prime Minister of the transitional government, Madame Agathe Uwilingiyimana informed all of us about the fact that the following broad-based transitional institutions have not yet been put into place:

- The Transitional National Assembly
- The broad-based transitional government

Such a situation puts the country in a deadlock.

Madame Agathe Uwilingiyimana is gratified about the fact that finally, on the fifteenth of this month, His Excellency the President of the Republic communicated to Rwandans that two institutions that had not yet been put in place will be set up in the course of this beginning week. However, the Prime

Minister, Madame Agathe Uwilingiyimana deplored the circumstances under which such a statement was made were not clear. In her opinion, such a procedure was worrying and caused confusion in the minds of the population.

Firstly The Prime Minister of the transitional government, Madame Agathe Uwilingiyimana had stated that on 5 January this year was sworn in and committed himself into beginning the transitional period and to abide by the Peace Accords which had become basic law of the Republic of Rwanda. That law, in terms of transition provide that for during the transitional period, all statements of the President of the Republic must be endorsed by the Council of Ministers of the broad-based transitional government. This is pursuant to Article 12 of the peace accords on power sharing, signed on 30 October 1992.

The President of the Republic allegedly thus deliberately violated that provision to avoid the broad-based transitional government being set up at the same time as the presidency of the Republic. So, according to her there is no competent government to work with him since the present government was put in place following the accords signed on 7 April between the political parties.

Secondly: The Prime Minister of the transitional government, Madame Agathe Uwilingiyimana deplores that the President of the Republic continues to restrict the entirety of the peace accords to the only problem of the repatriation of the refugees and the return of the properties of the war displaced. The peace accords do not say only that. They deal with the change of government and the administration of the country, to once and for all resolve, through the law and administration, the problems that gave rise to exile and the displacement of people and their properties.

Thirdly: The Prime Minister of the present transitional government is gratified by the statement of the President of the Republic which call upon the politicians to follow the counsels of the religious leaders. However, concerning her behaviour during the period of the setting up of the transitional institutions, it would equally be important for the President of the Republic to listen to the advice of the Prime Minister and the President of the Constitutional Court as well as those of the diplomatic corps accredited to Rwanda.

Madame Agathe Uwilingiyimana recalled that most of those representing their countries in Rwanda, particularly closely followed the negotiations that gave rise to the peace accords. They were thus better placed to counsel and to continue to advise us about the implementation of the accords.

Fourthly The Prime Minister of the present transitional government, Madame Uwilingiyimana wonders why the President of the Republic insists that he be immediately given the list of candidates to represent their parties in the transitional institutions, whereas he quite aware that the peace accords do not confer any power upon him to accept or endorse such a list.

The list of parliamentary candidates must be approved by the Prime Minister of the present government after having consulted with the administrative and judicial services. The issue of the broad-based transitional government lies under the ambit of the Prime Minister of this government. Articles 18 and 52 of the peace accords, on power sharing endows her with the competence to select her team from within the candidates proposed by the political parties.

We remind you that this is a communique from the office of the Prime Minister of the present transitional, Madame Agathe Uwilingiyimana. *(musical interlude)*

END OF SIDE A.

SIDE 8

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Speaker: Louise Kayibanda, a Radio Rwanda Journalist.

National news first. In our programme yesterday, we transmitted a communiqué according to which, pursuant to Articles 5 and 8 of the peace accords, on 13 January this year, the Prime Minister of the transitional government, Madame Agathe Uwilingiyimana expressed the worries of the Rwandan people about the fact that the following transitional institutions have not yet been put in place:

- The Transitional National Assembly
- The broad-based Transitional Government
- Such a situation brings about a deadlock.

The Prime Minister, Madame Agathe Uwilingiyimana is gratified about the fact that finally, on 15 of this month, H.E. the President of the Republic communicated to Rwandans that two of the institutions not yet put in place will set up in the week that is to begin.

However, Madame Agathe Uwilingiyimana deplors the fact that the circumstances under which such a statement was made were not very clear. In her opinion, such a procedure is therefore worrying and causes confusion in the minds of the population.

Firstly On January 5 this year, the President of the Republic was sworn in and pledged to begin the transitional period and to abide by the transitional period which had become a basic law of the Republic of Rwanda. The law on the transition provides that any statement of the President of the Republic must first be endorsed by the Council of Ministers of the broad-based of the transitional government

That provision is stipulated in Article 12 of the peace accords signed on 30 October 1992.

The President of the Republic allegedly deliberately violated that provision to avoid the the broad-based transitional being put in place at the same time as the presidency of the Republic. Thus there would be any competent government to work with him since the present government was put in place following the accords signed on 7 April between the political parties.

Secondly, The Prime Minister Madame Agathe Uwilingiyimana to restrict the entirety of the peace accords to the only problem of the repatriation of refugees and the return of the properties of those displaced by the war.

accords do not say only that. They are about the change of power and government in order to once and for all the problems that generated exile and the displacement of people and their properties, through the law and the administration.

Thirdly, The Prime Minister is gratified by the statement of the President of the Republic calling upon the politicians to heed the counsels to the religious leaders. However, his behaviour during the period of the setting up of the transitional institutions, it would be important for the President of the Republic to listen and go along with the advice given to him by the Prime Minister, the President of the Constitutional Court and the diplomatic corps accredited to Rwanda.

The Prime Minister Madame Agathe Uwilingiyimana recalls that most of the representatives of their countries in particularly followed the negotiations which gave rise to the peace accords. They are thus better placed to advise and to continue to do so for the implementation of the accords.

Fourthly The Prime Minister of the present transitional government, Madame Agathe Uwilingiyimana wonders why the President of the Republic continues to insist that he be immediately given the list of the of candidates who are to

represent their parties in the transitional institutions whereas he is perfectly aware that the accords do not confer upon him the power to accept or endorse such a list.

The list of parliamentarian candidates must be approved by the Prime Minister of the present government upon consultation with the administration and the judiciary. The issue of the broad-based transitional government lies under the ambit of the Prime Minister of the government. Articles 18 and 52 of the peace accords endows her with the competence of choosing her from within the candidates proposed by the political parties.

Let us remind you that this was a communique sent to us yesterday by the Prime Minister of the present transitional government, Madame Agathe .

Uwilingiyimana.

The MRND political party yesterday organised a rally at the prefectural level at the Nyamirambo regional stadium. That rally dwelled on the political situation presently obtaining in the country and especially on the reasons for the delay in the setting up of the broad-based transitional institutions. Jean Bosco Habimana gives us an update on that rally.

Speaker: Jean Bosco Habimana, a Radio Rwanda Journalist.

The militant, Jean Habyarimana, President of the MRND for the prefecture of the city of Kigali who took the floor first, began by explaining that MRND members emanated from all ethnic groups and from all the regions of the country, they also included naturalised citizens and sympathisers. He stated that the principles of the MRND precluded lies and contradictions in favour of cooperation with the other political organisations.

The first vice president, Edouard Karemera, on his part explained that in the opinion of the MRND, the delay in the setting up of the transitional institutions was not to be imputed to the MRND. The cause was to be found in Arusha. He said "

Speaker: Edouard Karemera, first vice president of the MRND.

The situation is no longer the same as it was on 9 January at the time of the distribution of posts in the broad-based government and the National Assembly. Indeed on that date, the Democratic Forces for Change and the RPF obtained 15 posts within the government and 45 within the transitional National Assembly. So far as the MRND was concerned it only got 5 posts within the government and 11 within the National Assembly. Other less important parties numerous as they are 11 are not represented within the government. They obtained 11 posts within the National Assembly.

At this time, the Democratic Forces for Change only have 4 posts out of the 10 that they had obtained at the signing of the accords. They are also remained with only 17 posts out of the 44 they had obtained at the signing of the accords.

They therefore have only 10 posts within the government. Upon reckoning, one realises that those posts would not allow them to impose their ideas through the 2/3 of the representatives.

Jean Bosco Habimana, a Radio Rwanda Journalist.

Edouard Karemera added that in the face of the situation, the PSD and the RPF did not supply the lists of their parliamentarians or their ministers for them to be sworn in. Upon taking the floor on behalf of all the MRND ministers, minister Andre Ntagerwa stated that at that time, the Prime Minister, Agathe Uwilingiyimana wanted to seize the prerogatives of the government. That is what he called a political coup d'état. He went on to say that the Prime Minister contradicted herself in her statements, since the mandate of the government had already expired. One would not therefore know in the name of which government

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REPUBLIQUE RWANDAISE
SERVICES DU PREMIER MINISTRE
B.P. 1334 KIGALI

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COMMUNIQUE DE PRESSE DU PREMIER MINISTRE

Rwandaïses, Rwandaïsis,

Eu égard aux articles 5 et 8 de l'Accord de Paix d'Arusha entre le Gouvernement de la République Rwandaïse et le Front Patriotique Rwandaïse,

Le 13 janvier 1994, j'ai fait part des inquiétudes partagées par toute la population Rwandaïse devant le retard enregistré à mettre sur pied les Institutions de Transition à Base Élargie - à savoir l'Assemblée Nationale et le Gouvernement - maintenant ainsi notre pays dans une impasse politique grave.

Aujourd'hui, je me félicite du message de Son Excellence Monsieur le Président de la République Rwandaïse à la Nation, en date du 15 janvier 1994, message dans lequel Il déclare sa volonté de voir les Institutions de Transition restantes instaurées au courant de cette semaine.

Malgré tout, je ne manquerais pas de faire un constat sur la manière dont a été fait ce message :

- 1' En date du 5 janvier 1994, le Président de la République a prêté serment jurant ainsi de respecter les Institutions de l'Etat, la Loi Fondamentale et les autres lois.
L'article 12 sur le Protocole d'Accord sur le Transfert du Pouvoir signé le 30 octobre 1992, stipule que le Président de la République adresse à la Nation des messages et que le contenu est arrêté par le Conseil des Ministres du Gouvernement de Transition à Base Élargie. Or, contrairement à ce que le Président de la République n'a pas voulu prêter serment en même temps que le Gouvernement de Transition à Base Élargie, la période de Transition dans laquelle Il s'est ainsi engagé depuis le 5 janvier 1994 n'a pas de Gouvernement. Le Gouvernement de coalition actuel étant régi par le Protocole d'Entente du 7 avril 1992.
- 2' Il est regrettable que le Président de la République réduise le contenu de l'Accord de Paix aux seules questions de rapatriement des réfugiés et de retour des déplacés de guerre dans leurs biens alors que l'essence même de l'Accord de Paix repose sur l'indispensable politique du changement. C'est avec une telle politique que les causes qui ont été à la base de ces mouvements de population seront définitivement éliminées.

CASE No: ICIR-98-44-T
 EXHIBIT No: P290
 DATE ADMITTED: 25/01/2008
 TENDERED BY: PROSECUTOR
 NAME OF WITNESS: DECISION OF 25/1/2008

3° Dans son message à la Nation, le Président de la République souligne l'apport des représentants des confessions religieuses et demande aux partis politiques d'être attentifs à leurs conseils.

Dans le même ordre d'idées, il serait profitable à l'intérêt général si le Président de la République pouvait davantage apprécier les conseils, avis et considérations du Premier Ministre, du Président de la Cour Constitutionnelle et des Représentants du Corps diplomatique et Consulaire en ce qui a trait à la mise en place des Institutions de Transition.

4° Il est à se demander pourquoi le Président de la République persiste à réclamer les listes des représentants des partis politiques dans les Institutions de Transition alors qu'il sait pertinemment que l'Accord de Paix ne lui autorise ni à établir ces listes ni à les approuver.

S'agissant des Ministres devant entrer dans le Gouvernement de Transition à Base élargie, les articles 18 et 52 du Protocole d'Accord sur le Partage du Pouvoir signé le 30 octobre 1992 stipulent que le Premier Ministre choisit les autres membres du Gouvernement en concertation avec chaque force politique appelée à participer au Gouvernement, et les présenter au Président de la République pour nomination et non pour approbation.

Je vous remercie.

Fait à Kigali, le 16 janvier 1994.

Le Premier Ministre
Madame UWILINGIYIMANA Agathe.

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Kigali, 19 January 1994

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INTERAHAMWE ZA MRND
B. P. 1055
KIGALI

CASE No: ICTR-98-44-T
EXHIBIT No: P13(B)
DATE ADMITTED: 14/4/2009
TENDERED BY: PROSECUTOR
NAME OF WITNESS: DECISION
OF 14/4/2009
M. A. NAPOLEON (PW-1)

To: Dr. Jacques Booh-Booh
Special Representative of the United Nations
Secretary General,
United Nations Assistance Mission to Rwanda (UNAMIR)
B. P. 1434 Kigali - Rwanda

Your Excellency,

Re: QUESTIONS ABOUT THE NEUTRALITY OF THE UNITED NATIONS
ASSISTANCE MISSION TO RWANDA (UNAMIR)!

* |

Following press release No. 6/94 of 9 January 1994 from the *Bureau d'Information, d'Education et de Presse (BIEP)* of UNAMIR, we have the following comments:

Paragraph 4 of the release, which was read on Radio Rwanda on 10 January 1994, which is a mere literal translation of the Kinyarwanda of the Rwandan Patriotic Front (RPF) dated 8 January 1994 by its president, states that: "According to information from UNAMIR, the demonstrations, involving the *Interahamwe* group and other similar political militia were aimed at deliberately preventing the parliamentarians from entering the *Conseil National de Développement* (Rwandan Parliament) in Kigali."

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Every observer or analyst, however poorly informed, and of course the people concerned, will no doubt be shocked by such inadmissible comments on the part of UNAMIR, as they are notably due to following the line of least resistance.

They raise the following pertinent questions:

- Who made such hasty, biased conclusions?
- What is one to make of the release, as it is unsigned, and whose views does it really express?
- How plausible is such information received by UNAMIR in less than 24 hours, whereas we still remember that General Dallaire is still uncertain where to obtain "information enabling him to finalise his investigations" (if indeed any investigations have been conducted) into the heinous massacres of innocent civilians at Kirambo, Bwisige, Mutura, and elsewhere. It will be recalled that the according to clear, corroborating testimonies against the RPF by people of good character, including several members of the clergy in Ruhengeri, as well as other neutral figures represented in their joint letter dated 20 November 1993 by the Rev. Brother Gabriel Lauzon, Assistant Provincial of the Brothers of Christian Instruction, of Kirambo school, are yet to be considered due to the failure to meet General Dallaire, whose passion vis-à-vis the Lando Ndasingwa clan does show some bias.

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- What allows UNAMIR's BIEP to claim that the demonstrations of 6 January 1994 were organized by the Interahamwe and, worse still, to label them as political militia? Such false accusations are misplaced; the time has come to change refrain, because, in view of the imminent danger Rwanda is facing as sovereign nation, no worthy patriot, including members of the *Mouvement Révolutionnaire National pour la Démocratie and le Développement (MRND)* can tolerate being intimidated without reacting. So it is not owing to this old chestnut that the Arusha Accords, which are clear and precise, will be flouted, as no schemes or endorsements of any kind will escape our notice.



- With regard to the so-called *Interahamwe* political militia (*bête noire* of the RPF and its acolytes), did you know that (thanks to the rule of law) justice rendered in the name of the people of Rwanda, with regard to all the accusations levelled against our youth movement, including:
 1. The Bugesera massacres
 2. The Kibilira killings
 3. The bloody events at Kibuye (Rwamatamu - Gitesi)
 4. The political and ethnic clashes in Gitarama (*Ukuhoboza*), Butare and Gikongoro
 5. The laying of mines in Cyangugu (Kagano)
 6. The appalling destruction of the environment and nature (forests set of fire, threats to the mountain gorillas, national parks, infrastructure for fighting erosion...)
 7. Destruction of basic public infrastructure and facilities (bridges, roads, buses, government vehicles, schools, health centres, ...)

it has been proved in black and white that all these deplorable acts are the work of our detractors: we refer you to the judgements rendered by the various courts.

- The interference encouraged and aggravated by the lack of proper coordination of the French-speaking Belgian peacekeepers: at the ceremony for the swearing-in of the President of the Republic, people wondered why these UNAMIR soldiers took it upon themselves to escort solely the uninvited self-styled deputies presented by the dissident Lando Ndasingwa, who has quit the *Parti Libéral*. Thanks to their exemplary neutrality and vigilance, the Bengali peacekeepers, who were guarding the main entrance to Parliament, foiled fiasco orchestrated by the RPF and its clones, including the incoming prime-minister (Faustin Twagiramungu), the outgoing Prime Minister (Agathe Uwilingiyimana), who were both expelled from their party, the *Mouvement Démocratique Républicain (MDR)*, but who, not surprisingly, are desperately clutching on to the splinter group led by Lando.
- It is important to mention that hidden behind this precipitated attempt to put in place the transitional institutions lies *contra legem*, as the wise Dr. Jacques Roger Booh-Booh so rightly predicted, "a bad plan instead of a good case".
- It is also important to highlight the notoriously objectionable behaviour of the Belgian UNAMIR soldiers, who engaging in acts that show immaturity, as if they came to a feast in a conquered country:
 1. The appallingly disgraceful incident at Chez Lando (nightclub) when the Belgian soldiers publicly attacked the Bengali soldiers calling them "niggers":

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the Rwandan gendarmerie had to step in and act military police in order to defuse the situation.

2. Similar incidents (fights over girls, sequestering and causing discord in fragile couples, etc) have been reported at Chez Exotica, Chez Chuck, Café Rio, the Malaika Bar, Cosmos, Kigali Night, the Amahoro Stadium, and worst of all, at the *Notre Dame de Citeaux* secondary school (a girls' school run by the Bernadines nuns). In short, it is like "HANNIBAL IN THE DELIGHTS OF CAPUA".

3. We inform you, among other things, that:

- a) The public disapproves of the partial, anticipated, disorderly and provocative procedure of the Belgian soldiers aimed at disarming the Rwandan soldiers at every street corner even when they are on duty (this is a dangerous practice, which may add fuel to the flames)
- b) The unfortunate ill-fated interference of these soldiers in public and private ceremonies, shooting their weapons their arms and terrorizing the people in the process, including in markets, at weddings, funerals, private meetings, is beginning to get on people's nerves.

To avoid falling into the trap of our aforementioned detractors, we are requesting that you do everything in your power to avoid the arbitrary, especially sweeping statements. In your noble mission, it is important to call to order the UNAMIR command, under General Dallaire, or else he may fail to accomplish his mission and thereby compromise the credibility of the United Nations.

We take this opportunity to inform you officially that should you require further information on the MRND's party *Interahamwe* youth organization, the undersigned are prepared for and open to constructive dialogue.

Your Excellency, being the primary beneficiaries of UNAMIR's contribution, we also want you know that we are firmly committed to making a positive contribution to the success of your very delicate mission.

Accept, Your Excellency, the expression of our highest consideration.

Cc:

- His Excellency the President of the Republic
- His Excellency the Secretary General of the United Nations
- Ambassadors (All)
- Recognised political parties in Rwanda (All)
- Rwandan Patriotic Front (*Umuryango*)
- Ministers (All)
- Human rights associations and federations
- Representatives of recognized Churches in Rwanda (All)
- *Radio Télévision Libre des Mille Collines* (RTL)M)
- Radio Rwanda
- BBC

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- RFI
- Voice of America
- Rwanda's ambassadors to friendly countries (All)

EC

SIGNATURES

K0449509

For the Interahamwe National Committee

Robert Jerry Kajuga, President [Signed]

Phénéas Ruhumuliza, 1st Vice President [Signed]Georges Rutaganda, 2nd Vice President [Signed]

Eugène Mbarushimana, Secretary General [Signed]

Dieudonné Niyitegeka, Chief Treasurer [Signed]

For the Advisors

Bernard Maniragaba, Pres., Social and Legal Affairs Commission [Signed]

Joseph Serugendo, Pres., Research and Development Commission [Signed]

Jean Pierre Sebanetsi, Pres., Political Affairs and Propaganda Commission [Signed]

Ephrem Nkezabera, Pres., Economic and Financial Affairs Commission [Signed]

J. M. V. Mudahinyuka, Pres., Follow-up and Evaluation Commission [Signed]

Alphonse Kanimba, Pres., External Relations and Documentation Commission [Signed]

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CASE No: ICTR-98-04-T

EXHIBIT No: P 289A

DATE ADMITTED: 25/01/2002

REPUBLIQUE RWANDAISE
SERVICES DU PREMIER MINISTRE
B.P. 1334 KIGALI

TENDERED BY: PROSECUTOR

NAME OF WITNESS: DECISION of 25/1/02 N° 0030 /02.3 Kigali, le 19 JANV. 1994

K0376769

Madame, Monsieur le Ministre issu du MRND (Tous)
Madame le Ministre NTAMABYALIRO Agnès
Monsieur le Ministre MUGENZI Justin
Monsieur le Ministre RUHUMULIZA Gaspard
KIGALI

Objet : Réunion du
Conseil des
Ministres.

Madame, Monsieur le Ministre,

Faisant suite à votre lettre du 14 janvier 1994 relative aux réunions du Conseil des Ministres, je voudrais attirer votre attention sur le point que Son Excellence Monsieur le Président de la République a, Lui-même, dans le message adressé à la Nation le 14 janvier 1994, reconnu que tous les préalables à la mise en place des Institutions de Transition ont été remplis et que ces dernières peuvent être mises en place avant le 23 janvier 1994. Partant, les réunions du Conseil des Ministres pour évaluer l'état d'avancement du dossier de mise en place des Institutions de la Transition sont sans objet.

En outre, votre lettre met en évidence d'autres points qui appellent les observations suivantes :

1. Contrairement à vos affirmations, le conseil des Ministres du Gouvernement actuel ne peut plus se tenir. En effet, la Déclaration de Kinyihira du 10 décembre 1993 entre le Gouvernement Rwandais et le Front Patriotique Rwandais en présence du Représentant Spécial du Secrétaire Général des Nations Unies stipule que la mise en place des Institutions de la Transition doit avoir lieu avant le 31 décembre 1993, ce qui implique que passé ce délai, il serait inacceptable que l'une des parties en négociations, en l'occurrence le Gouvernement Rwandais, s'arroge le droit de modifier unilatéralement le calendrier fixé de commun accord avec le Front Patriotique Rwandais.

Tous les préalables et préparatifs étant remplis, il ne restait que l'établissement du programme de la cérémonie de prestation de serment, tâche qui revient officiellement au Protocole d'Etat du Ministère des Affaires Etrangères et de la Coopération.

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2. Vous vous souviendrez que la réunion du Conseil des Ministres qui devait avoir lieu le 31 décembre 1993 pour finaliser le dossier de la carrière des militaires a été suspendue suite à l'absence non justifiée du Ministre de la Défense, alors que c'est lui qui avait proposé l'inscription de ce point à l'ordre du jour. Séance tenante, la majorité des Ministres présents ont exprimé le vœu de voir ce conseil des Ministres clore définitivement les travaux en Conseil des Ministres.

Vu cette attitude des Ministres et compte tenu de la déclaration de Kinshasa du 10 décembre 1993, je me suis vu dans l'obligation de ne plus convoquer le Conseil des Ministres.

3. La situation économique et financière du Pays est telle que celui-ci ne peut pas survivre sans une aide substantielle et immédiate de la Communauté Internationale, laquelle aide est subordonnée à la mise en place des Institutions de Transition.

Ce dossier économique a été étudié suffisamment en Conseil des Ministres et les Institutions de Bretton Woods ont pris une décision à ce sujet. Il est donc faux de prétendre que rien n'a été fait et qu'il faille y revenir.

Quant au budget de l'exercice 1994, celui-ci ne peut être voté, ni par le Conseil National de Développement parce qu'il ne peut plus légiférer, ni par l'Assemblée Nationale de Transition qui n'existe pas encore.

4. La sécurité des personnes et des biens incombe aux Ministères de la Défense, de l'Intérieur et du Développement Communal et de la Justice. Il n'est pas nécessaire de convoquer une réunion du Conseil des Ministres pour leur rappeler de vaquer à leurs activités quotidiennes. Il serait aberrant par exemple de convoquer le Conseil des Ministres pour enjoindre au Ministre de la Défense d'exécuter la décision du Conseil des Ministres de réprimer par la force les manifestations non autorisées, au Ministre de la Justice d'arrêter un criminel de droit commun et à celui de l'Intérieur et du Développement Communal de mettre hors d'état de nuire un Conseiller Communal défaillant.

Quant au Service de Renseignements, celui-ci a fait son devoir de renseigner le Gouvernement sur les distributions illégales des armes à feu à la population civile, sur l'entraînement paramilitaire de la milice Interahamwe et sur des assassinats perpétrés contre des civiles et des militaires innocents.

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Le Conseil National de Sécurité, organe informel, faut-il le rappeler, s'est penché sur ces dossiers et a soumis des propositions concrètes au Conseil des Ministres qui, à son tour, a donné des orientations aux départements ministériels concernés pour remédier à cette situation.

Néanmoins, il est regrettable de constater que parmi les signataires de votre lettre, se trouve le Ministre de la Défense qui a refusé d'exécuter la décision du Conseil des Ministres de retirer toutes les armes à feu distribuées illégalement à la population civile et de punir disciplinairement et traduire en justice sur ma demande, les militaires qui ont pillé les villes de Gisenyi, Ruhengeri, Byumba, ainsi que les centres de Mukamira, Ngarama et la Paroisse de Nyagahanga.

5. S'agissant de la prétendue invitation à la grève, c'est là un procès d'intention contre le Premier Ministre. Vous devrez plutôt comprendre que j'ai pris la responsabilité d'attirer l'attention sur l'urgence de mise en place des Institutions de Transition, afin de permettre notamment le vote du budget qui conditionne le fonctionnement normal des Institutions de l'Etat et grâce auquel les salaires des agents de l'Etat pouvaient être débloqués à temps, ce qui contribuerait à parer à une éventuelle grève de ces agents.

Partant de tout ce qui précède, je vous invite à privilégier davantage le principe de la solidarité gouvernementale, en évitant de rechercher uniquement les intérêts de vos partis respectifs et d'agir dans l'intérêt supérieur de la Nation.

Le Premier Ministre,
Madame UWILINGIYIMANA Agathe.

Copie pour information à :

- Son Excellence Monsieur le Président de la République
- Madame, Monsieur le Ministre (Tous)
- Présidents des Partis Politiques MRND, MDR, PSD, PL et PDC
- Chef des Missions diplomatiques et Consulaires accrédités à Kigali
KIGALI

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CASE No: ICTR-98-44-T

EXHIBIT No: P-289B

DATE ADMITTED: 25/01/2008

TENDERED BY: PROSECUTOR

NAME OF WITNESS: DECISION
OF 25/1/2008

K0376772

RWANDAN REPUBLIC
Prime Minister's Office
BP 1334 Kigali

Kigali 19 JANUARY 1994

No. 00 30/02.3

Ministers from the MRND (All)
Minister Agnes Ntamabyaliro
Minister Justin Mugenzi
Minister Gaspard Ruhumuliza
KIGALI

re: cabinet meeting

Ministers,

Following your letter of 14 January 1994 concerning cabinet meetings, I would like to draw your attention to the point which His Excellency the President of the Republic has himself, in the message addressed to the nation on 14 January 1994 accepted, that all the preliminaries to the putting in place of the Transitional Institutions have been completed and that the latter can be put in place before 23 January 1994. Therefore cabinet meetings for the purpose of evaluating the state of progress of the putting in place of the Transitional Institutions are pointless.

Further, your letter exhibits other points on which I have the following observations:

1. Contrary to your claims the current cabinet cannot meet anymore. Indeed, the Kihinira Declaration of 10 December 1993 between the Rwandese Government and the Rwandese Patriotic Front in the presence of the Special Representative of the Secretary General of the United Nations stipulates that the putting in place of the Transitional Institutions must take place before 31 December 1993 which implies that after this time it would be unacceptable for one of the parties to the negotiations, as it happens the Rwandese Government, to arrogate to itself the right unilaterally to modify the calendar fixed in common agreement with the Rwandese Patriotic Front.

All the preliminaries and preparations being complete, it only remains for the setting up of a programme for the swearing in ceremony, a task which falls officially to the State Protocol Department of the Ministry of Foreign Affairs and Cooperation.

2. You will remember that the cabinet meeting which should have taken place on 31 December 1993 to finalise the task concerning military careers was suspended following the unjustified absence of the Minister of Defence, although it was he who had proposed the adding of this point to the agenda. At the meeting, the majority of Ministers present expressed the wish to see this cabinet meeting put a definite end to the work of the cabinet.

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In the light of the Ministers' attitude and the Kihinira Declaration of 10 December 1993 I believe I have an obligation no longer to call cabinet meetings.

3. The economic and financial situation of the country is such that it cannot survive without immediate and substantial aid from the international community, which aid is conditional upon the putting in place of the Transitional Institutions.

The economic circumstances have been sufficiently studied in cabinet and the Bretton Woods Institutions have taken a decision on this subject. It is therefore false to imagine that nothing has been done and that we must meet again.

As to the 1994 budget, this cannot be voted upon, neither by the National Development Council because this can no longer legislate, nor by the Transitional National Assembly because this does not yet exist.

4. Safety of person and goods is the task of the Ministries of Defence, Interior and Communal Development and Justice. It is not necessary to call a cabinet meeting to remind them to undertake their daily activities. It would be a mistake for example to call a cabinet meeting to exhort the Minister of Defence to carry out the cabinet decision to oppose by force unauthorised demonstrations, or the Minister of Justice to arrest a common criminal, or the Minister of the Interior and Communal Development to put out of harm's way a out of order Conseiller Communal.

As to the intelligence services, these have done their job of informing the government about the illegal distribution of firearms to the civilian population on the paramilitary training of the Interahamwe militia and on the assassinations of innocent civilians and soldier.

The National Security Council, an informal organ, must I remind you, has considered these files and has submitted substantive propositions to the cabinet which, in its turn, gave instructions to the ministerial departments concerned to remedy this situation.

Nevertheless, it is regrettable to note that among the signatories to your letter is the Minister of Defence who refused to carry out the cabinet decision to recover all the firearms illegally distributed to the civilian population and to punish and bring to justice, at my request, the soldiers who pillaged the towns of Gisenyi, Ruhengeri, and Byumba, as well as the centres of Mukanira, Ngarama and Parish of Nyagahanga.

5. Concerning the supposed invitation to strike, that is a move against the Prime Minister. You really have to understand that I have decided to draw attention to the urgency of the putting in place of the Transitional Institutions, particularly so that the budget vote can be taken, on which the regular functioning of State

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 COMMUNIQUE DE PRESSE DU PARTI CDR

Le Comité Exécutif du Parti CDR, réuni en date du 23 janvier 1994, a examiné la situation politique qui prévaut actuellement dans le pays et porte à la connaissance du public ce qui suit.

1) Le Parti CDR déplore que, jusqu'à ce jour, toutes les Institutions de Transition n'aient pas été mises en place suite au blocage de Madame le Premier Ministre et de Monsieur le Premier Ministre Désigné du Gouvernement de Transition à base élargie avec la complicité du FPR qui s'ingèrent dans les affaires internes des Partis MDR et PL, dans le but de réaliser le Coup d'Etat préparé à Arusha en transférant tout le pouvoir au FPR.

* Le Parti CDR trouve que si ces responsables du blocage continuent à se cramponner sur leurs positions égoïstes et que ces Institutions de Transition ne sont pas mises en place sans tarder, le pays risque de plonger dans une crise sans précédent qui conduirait à une guerre civile.

2) Le Parti CDR condamne l'attitude du Ministre des Affaires Etrangères et de la Coopération qui continue à l'empêcher de signer le Code d'Ethique Politique, faisant ainsi fi des articles 61 et 80 du Protocole sur le Partage du Pouvoir signé à Arusha le 09 janvier 1993.

Suite à cette situation inacceptable, le Parti CDR vient d'introduire une action en justice contre le Ministre des Affaires Etrangères et de la Coopération. En conséquence, il profite de l'occasion pour demander aux autorités chargées de la mise en place des Institutions de Transition d'attendre le prononcé du jugement.

* 3) La situation de blocage actuel montre, comme le Parti CDR n'a cessé de le dire, qu'il n'y a pas de partage du pouvoir à Arusha mais plutôt transfert de tout le pouvoir au FPR.

* Puisque la mise en place des Institutions de Transition continue à poser des difficultés, le Parti CDR trouve que l'unique voie de sortie est de procéder à la révision de l'Accord de paix, spécialement le Protocole sur le Partage du Pouvoir.

* En conséquence, le Parti CDR prie encore une fois le Facilitateur, les pays amis et organismes internationaux qui ont contribué à l'aboutissement des négociations de paix d'Arusha, de faire tout ce qui est en leur pouvoir pour que l'Accord de paix soit revu pour l'adapter à la volonté du peuple rwandais. C'est uniquement à cette condition que la mise en application de cet Accord de paix ne posera aucun problème.

Fait à Kigali, le 24/01/1994



CASE No: ICTR-98-44-1

EXHIBIT No: P 501

DATE ADMITTED: 25/06/2010

TENDERED BY: PROSECUTOR

NAME OF WITNESS: JOSEPH NZIRORERA

(DW-NZ 45)

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UNITED NATIONS ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

CRN-28 P1/2

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OUTGOING CODE CABLE

TO: ANNAN, UNATIONS, NEW YORK
JONAH, UNATIONS, NEW YORK

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FROM: BOOH-BOOH, UNAMIR, KIGALI

DATE: 28 JANUARY 1994

NUMBER: ...MIR-210

SUBJECT: Meeting between MRND and FPR on 27 January 1994, under United Nations auspices

CASE No. ICR 98 44
EXHIBIT No. D N 2 746
DATE ADMITTED 16/02/2010
TENDERED BY DEFENSE
NAME OF WITNESS J.R. BOOH BOOH (D W N 236)

1. The MRND (Mouvement Républicain National pour la Démocratie et le Développement) and the FPR (Front Patriotique Rwandais), Rwanda's two main opposing political parties, met yesterday under United Nations auspices. It was their first formal direct bilateral encounter.
2. As you are aware, the MRND, which had initiated the meeting, had asked me to facilitate its convening. In my capacity as facilitator, and at the request of the MRND and with the agreement of the FPR, I presided over the meeting, which took place in the premises of UNAMIR's Kigali Sector Headquarters. The MRND delegation was led by its President, Mr. Matthieu Ndirumpatse, while that of the FPR was led by its Vice-President, Mr. Patrick Mazimhaka.
3. In my opening remarks, I noted the special significance of the gathering as the beginning of what I hoped would become ongoing dialogue among Rwanda's political leaders with a view to furthering peace and national reconciliation, in general, and facilitating the full and effective implementation of the Arusha Peace Agreement, in particular. I recalled, in this connection, the relevant resolutions of the Security Council, in particular resolution 893(1994) of 6 January.
4. Both sides accepted the proposed agenda item for the meeting "review of the political and security situation", which I had formulated following prior consultations with them.
5. In its opening remarks, the FPR expressed the view that the gathering was not a negotiating session, as peace negotiations had already been concluded and had resulted in the Arusha Peace Agreement. Rather, the FPR saw the meeting as an opportunity for a constructive dialogue between the two main political forces that had fought against each other on how to facilitate the implementation of the Arusha Agreement. The FPR added that it had come to listen to MRND since it was the latter that had initiated the meeting. For its part,

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the MRND agreed that the purpose of the gathering was not to reopen the Arusha negotiations and recognized, in particular, the need for the full and effective implementation, in good faith, of the Arusha Agreement, beginning, as soon as possible, with the installation of the transitional institutions envisaged therein.

6. Following their opening remarks, the two sides carried out a preliminary but extensive exchange of views on the agenda item mentioned above. The exchange revealed that differences persist between the MRND and FPR on a number of specific issues as well as on some questions of principle. Both sides nevertheless indicated that they would study and reflect further on each other's views and questions and stressed furthermore that the meeting's objective was not to resolve all the problems confronting Rwanda.

* ||

7. The two delegations also expressed deep concern over what they saw as the worsening climate of insecurity in Kigali, in particular, and agreed that effective measures should be taken to put an end to politically motivated incidents of violence which, in FPR's view, constituted highly provocative acts which could escalate to more serious confrontations, threatening the resumption of war. The MRND vehemently denied FPR assertions that it was responsible for acts of violence, including assassinations, and for provocations directed against the FPR in Kigali. I stressed the importance of mutual respect and restraint and called on political leaders, in the interest of peace and order, to cooperate with each other and with their respective supporters in order to prevent political violence. In this connection, I noted reports of rising incidents of criminality in the country and the concern that some of the elements involved could exploit the unsettled political situation to camouflage their criminal operations.

8. In their concluding remarks, both sides stressed that the gathering had been very useful. They expressed deep appreciation to the Special Representative of the Secretary-General, in my capacity as facilitator for the meeting. Although they did not set a date for a further meeting, they emphasized that such dialogue was very helpful in facilitating the resolution of problems. Finally, in this connection, they agreed to maintain contact as appropriate, through the Special Representative of the Secretary-General, as facilitator for that purpose.

9. There were some heated exchanges during the meeting, which lasted nearly four hours, but in general, it took place in a frank and cordial manner and in an atmosphere of mutual respect.

10. You may wish to share the above information with Mr. Sills, in a format you deem appropriate, for use at the daily noon briefing.

11. Warm regards.

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CASE No: ICIR-98-04-T
EXHIBIT No: P219
DATE ADMITTED: 5/12/2007
TENDERED BY: PROSECUTOR
NAME OF WITNESS: DECISION
OF 5/12/2007

MRND/Interahamwe

01/02/1994

Lettre re: Insécurité généralisée dans la
Capitale

K000-4032-4033 (F)

(E)

(K)

NSFY/M.E./

REPUBLIQUE RWANDAISE
MINISTRE DE LA JUSTICE
PARQUET DE LA REPUBLIQUE
KIGALI

C O P I E

Kigali, le 01 Février 1994

N° A/0095/D11/A/PRORE

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Monsieur le Procureur Général
près la Cour d'Appel
KIGALI

② XXXIV

A

Objet: Insécurité généralisée
dans la Capitale.
Psychose de peur parmi
la population et le fonction-
naires de l'Etat.

Monsieur le Procureur Général,

L'insécurité dans la ville de Kigali devient de plus en plus généralisée et un climat de psychose de peur est entrain de gagner tout le monde. Cette psychose gagne beaucoup de gens car les Brigades Territoriales de la Gendarmerie ne peuvent pas intervenir faute de moyens. Certaines Brigades n'ont pas de véhicules, celles qui disposent de véhicules n'ont pas de carburant. A titre d'exemple, ce matin le Commandant de la Brigade Territoriale de Kicukiro l'Adjudant KAMANZI m'a fait savoir ce matin que des groupes des malfaiteurs molestaient la population à RUBILIZI mais qu'il ne pouvait pas intervenir car il n'avait pas de véhicules. Moi-même je reçois des coups de téléphone des gens qui demandent l'intervention de la gendarmerie dans la nuit mais la Brigade Territoriale de Nyarugenge n'a pas un véhicule en permanence. Qui sont derrière ces actes de vandalisme?

Beaucoup de témoignages avancent que ce sont des jeunes interahamwe avec des groupes de bandits qui molestent les gens. Et cela est vérifiable dans certains cas car ces jeunes interahamwe portent leur uniforme et réclament souvent la responsabilité de ces actes de violence. L'exemple frappant est celui de la journée du 8 Janvier 1994 où des interahamwe ont barricadé la route devant le CND et saccagé des voitures des gens. Aujourd'hui même des groupes des jeunes interahamwe avec des bandits ont fermé la route de NYAMIRAMBO détroussant les fonctionnaires de l'Etat qui se rendaient au service. Dans la matinée du 31 Janvier 1994, des adhérents du parti CDR dans le Secteur KIMISAGARA ont barricadé la route et se sont attaqués aux passants. Le cas le plus choquant est celui des manifestation du 26 Janvier 1994 à Kacyiru où un certain NGARAMBE a été tué par les manifestants en présence des gendarmes dont l'Officier G2 Etat-Major de la Gendarmerie Nationale (Cfr lettre N° 031/G.3.3.2.5 du 29 Janvier 1994 du Commandant de Groupement Kigali).

Est-ce que le Ministère de la Défense Nationale, le Ministère de l'Intérieur et le Ministère de la Justice ne peuvent rien faire pour endiguer ce cycle de violences ? Pourquoi la Gendarmerie Nationale ne réquisitionnerait pas des véhicules pour pouvoir intervenir?

Pourquoi le Ministre de l'Intérieur ne prendrait pas des mesures de suspendre même provisoirement les jeunes des partis politiques. Si ces jeunes étaient suspendues, nous saurions si réellement ce sont des bandits qui se cachent derrière les partis politiques comme certains responsables le font croire. Personnellement, j'ai constaté que ce sont des groupes d'interahamwe qui se livrent à ces actes de vandalisme pendant la journée. Il reste à vérifier les cas d'actes qui se passent la nuit.

Il est également vrai que parmi ces groupes d'interahamwe se trouvent des bandits mais cela est la conséquence de recrutement par les partis politiques.

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Que peut-on attendre de bien de la part d'un bandit même s'il porte l'uniforme d'un parti politique.

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Le Ministère de la Justice, en tenant compte de la situation actuelle, ne peut-il pas demander au Ministère de l'Intérieur de suspendre les activités politiques des jeunes des partis politiques, lesquelles jeunes terrorisent la population dans certains quartiers de la capitale?

Voilà, Monsieur le Procureur Général, l'exposé sommaire de la situation qui prévaut actuellement dans la Ville de KIGALI.

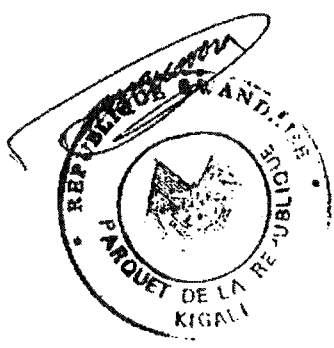
Le PROCUREUR DE LA REPUBLIQUE
NSANZUWERA François Xavier

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Copie pour information à :

-Madame le Ministre de la Justice
KIGALI



PARTI LIBERAL
KIGALI

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N° 11
Kigali, le 07 février 1994

~~K0505596~~

Son Excellence Monsieur le Président
de la République Rwandaise

Objet: Blocage de la
mise en place des
Institutions prévues
par l'Accord de Paix
d'ARUSHA par MUGENZI.

KIGALI

Monsieur le Président,

Nous, membres du Parti Libéral, fidèles à l'idéologie de notre Parti et signataires de la présente, avons l'honneur de nous adresser à Votre Excellence pour Vous faire part de nos préoccupations, de notre position et de nos propositions pour lever définitivement les prétextes imputés injustement et à tort au Parti Libéral concernant la mise en place des Institutions de la Transition à Base Elargie.

1. La situation qui prévaut actuellement au Rwanda nous oblige à rappeler à nos plus hautes autorités politiques dont Votre qualité de Président de la République place au premier rang, l'urgence impérieuse de trouver une solution rapide et juste à la situation dramatique politique et économique de notre pays qui se trouve au bord d'un gouffre.

2. Depuis 20 ans que Vous présidez aux destinées de ce pays, la Nation rwandaise n'a jamais été aussi menacée qu'aujourd'hui. En effet, le pays est sans Institutions; l'insécurité règne en maître dans tout le pays; la guerre civile voulue par les nostalgiques des événements sanglants de 1959 menace d'éclater; l'économie s'effondre chaque jour; la famine frappe la presque totalité de la population; le discrédit du Rwanda dans l'opinion internationale n'est plus à démontrer. On dirait que le pays n'a plus de responsables, c'est inadmissible.

3. Après 3 ans d'une guerre fratricide insensée, les accords d'ARUSHA signés le 04 août 1993 par Votre propre main au nom du peuple rwandais et avalisés par toute la Communauté Internationale constituaient un cadre idéal de retour

CASE No. ICTR-98-44-T

EXHIBIT No. P 502

DATE ADMITTED: 25/06/2010

TENDERED BY: PROSECUTOR

NAME OF WITNESS: JOSEPH NZIRORERA

(BW NZ 45)

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4. Votre qualité de Chef d'Etat Vous oblige de respecter Votre engagement pris à ARUSHA envers le peuple rwandais et la Communauté Internationale. Dès lors, veuillez respecter Votre engagement.

5. Depuis le 5 janvier 1994, Vous avez prêté serment, entrant ainsi dans les Institutions de la Transition à base élargie conformément à l'Accord de Paix d'ARUSHA. C'était après des hésitations et des subterfuges de toute sorte. Les actions frisant la turpitude ont caractérisé cette journée. Votre garde personnelle a malmené les candidats députés du Parti Libéral en leur interdisant l'accès au Palais de l'ancien Conseil National de Développement où devait se dérouler les cérémonies de prestation de serment, et du Président de la République, et du Premier Ministre Désigné, et des membres du Parlement ainsi que des Ministres du Gouvernement de Transition à Base Elargie. Vous avez remplacé, Monsieur le Président, le Protocole d'Etat par Votre propre Protocole dans le souci de faire entrer les prétendus candidats députés choisis par MUGENZI mais non élus par les membres connus du Parti Libéral. Ce jeu des dupes et cette comédie de mauvais goût n'ont pas réussi. Vous avez alors remis les cérémonies prévues ce jour sine die. C'est cette situation interprétée à juste titre comme refus de Votre part de permettre la mise en place des Institutions prévues par l'Accord d'ARUSHA qui est la seule cause de la tragédie actuelle que vit notre pays.

6. Nous savons bien que Vous voulez la guerre. Vous n'avez peut-être pas renoncé à Votre idée de "Vous battre jusqu'au dernier", Vous. Mais que serait la Nation rwandaise sans ses rwandais ? Continuer à caresser cette idée de guerre serait machiavélique, voire diabolique ou tout simplement cynique.

7. Le déploiement de Vos INTERAHAMWE et de la C.D.R. pour terroriser le peuple rwandais aura un effet boomrang le jour où les rwandais s'organiseront, pour défendre leurs droits que Vous avez trop longtemps violés. La Commission d'enquête Internationale avait demandé la suppression de cette milice armée. Mais plutôt que

9. On dirait que l'incitation à la haine et au crime ne constitue plus l'infraction. Sinon comment la Radio R.T.L.M, Votre Radio, distillerait-elle à longueur de journées le poison du racisme, de l'ethnisme, du divisionisme et de l'appel à la guerre civile ?

10. Sur le plan économique et social, la situation n'est pas du tout meilleure.

11. Les échéances données par les Institutions de Bretton-Woods se rétrécissent de jour en jour comme une peau de chagrin. Bientôt les fonctionnaires ne pourront plus être payés, les écoles vont fermer.

12. Le manque de pluie met la population rwandaise à la merci de la famine. Les gens meurent par dizaine chaque jour dans les Préfectures du Centre-Sud.

13. Le surpeuplement du pays s'est compliqué par l'arrivée massive des réfugiés burundais et des réfugiés rwandais qui se rapatrient spontanément de l'UGANDA.

14. Les déplacés de guerre s'impatientent. Ils aspirent au retour dans leurs biens. Ils vivent de la générosité internationale qui ne pourra se prolonger indéfiniment.

15. La MINUAR commence à compter les sommes fallacieuses dépensées chaque jour sans voir poindre la lueur d'espoir pour la mise en place des Institutions de Transition à base élargie. La patience de la Communauté Internationale aura aussi donc des limites.

16. Ces problèmes politiques, économiques et sociaux n'ont d'autre solution que l'application intégrale de l'Accord de Paix d'ARUSHA qui s'articule sur l'unité et la réconciliation nationale basées sur les protocoles sur l'Etat de Droit, sur le partage du pouvoir, sur l'intégration des Forces Armées et sur le rapatriement des réfugiés.

17. Quand Vous avez apposé Votre signature sur l'Accord de Paix d'ARUSHA le 04 août 1993. Monsieur le Président.

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18. Il a été constaté que la signature de chaque accord a été précédée par des massacres de populations innocentes. Avec le spectre d'une guerre civile qui plane sur le pays et particulièrement sur la Capitale rwandaise, d'aucuns se demandent s'il en sera de même pour la mise en application de l'Accord d'ARUSHA.

19. A titre de rappel, on se souviendra des massacres de KIBILIRA qui ont précédé l'Accord de Dar-es-Salaam; des Bagogwe à la veille de l'Accord de Nselé; Dugesera coïncida avec la signature de l'accord d'entente pour le Gouvernement multipartite. Avec ARUSHA, le drame des Bagogwe, deuxième édition et des massacres de Kibuye ont ponctué la signature du protocole sur l'Etat de Droit. Et enfin le massacre des opposants dans les Préfectures de GISENYI et RUKHONGIRI, la veille de la signature du Protocole sur le partage du pouvoir.

20. En tant que membres du Parti Libéral et fidèles à son idéologie, nous déplorons et désapprouvons que vous preniez notre Parti comme prétexte de blocage pour la mise en place des Institutions prévues. Votre plan est maintenant bien connu de tous. Vous visez la révision de l'Accord d'ARUSHA, et à défaut l'obtention d'une minorité de blocage en vue de conserver Votre système politique qui Vous assure une protection personnelle et celle de Votre AKAZU.

21. Dans Votre stratégie, la personne de Justin MUGENZI qui n'est qu'une girouette, n'est qu'un instrument facile entre Vos mains pour l'aboutissement de Votre plan machiavélique.

22. Il est de notoriété publique que Vous et Votre Parti le M.R.N.D. êtes la cause de l'affaiblissement et de la division dans les partis politiques. Dans ce cadre l'ingérence du MRND dans le Parti Libéral constitue un scandale politique.

23. En vue de faciliter la tenue du Congrès-pirate de MUGENZI Justin, Votre Parti le M.R.N.D. n'a pas ménagé ses efforts. Il a prêté main forte en hommes, ses adhérents et en financement. C'est dans ce but que la BICAR a autorisé un crédit de 4,5 millions à Monsieur MUGENZI remboursables en 12 mois sans garanties, par le Parti Libéral, pour la tenue de ce congrès.

a) L'échéance de son mandat : l'article 65 des statuts du Parti

Libéral prévoit que le Comité Exécutif Provisoire dirige le Parti jusqu'à la tenue du premier congrès. En date du 11 et 12 décembre 1993, Monsieur MUGENZI a convoqué et dirigé un premier congrès du Parti Libéral.

MUGENZI, MBONAMPEKA et INTABYALIRO, se sont présentés aux élections renonçant ainsi à leur mandat provisoire que leur conférait l'article 65 susdit. Suite aux diverses irrégularités constatées, le notaire de la République a refusé d'authentifier les actes du congrès de MUGENZI comme il en avait été de même pour le congrès des 13 et 14 novembre 1993. MUGENZI déclare désormais retourner au provisoire sans renoncer aux actes de son congrès; c'est une fourberie à laquelle il a l'habitude de recourir. Mais c'est inacceptable.

b) La déviation idéologique : de part ses prises de positions publiques, Monsieur Justin MUGENZI a totalement dévié de la ligne idéologique du Parti Libéral. A Kibuye, le 16 octobre 1993, il a supprimé unilatéralement les organes du Parti Libéral.

Le 16 janvier 1994, il confirmait son retour dans les rangs du MRND-CDR lors du meeting de ce même tandem où il a prêché urbi et orbi la violence, l'ethnisme et le racisme et surtout la réédition des événements sanglants de 1959. Nous estimons,

quant à nous, que en tant qu'individu, Monsieur MUGENZI peut adhérer à une idéologie de son choix, mais en aucun cas, il ne peut plus se prévaloir de libéral, dès lors qu'il a renoncé publiquement à l'idéologie du Parti Libéral.

c) Violation de l'Accord de Paix d'ARUSHA : Bien que Monsieur MUGENZI a souscrit au Code d'Ethique Politique, il continue à violer l'article 80 du Protocole sur le Partage du Pouvoir, en prêchant l'ethnisme et le racisme.

Dans une conférence de presse tenue le 02 février 1994 à l'Hôtel MERIDIEN de Kigali, MUGENZI a violé d'une façon flagrante l'article 46 du Protocole sur le Partage du Pouvoir.

que : "De façon urgente et prioritaire, le Gouvernement de Transition à Base Élargie écartera de l'administration territoriale les éléments incompétents ainsi que les autorités qui ont trempé dans les troubles sociaux ou dont les actions constituent un obstacle au processus démocratique et à la réconciliation nationale". Bref, les agissements, les prises de positions et les déclarations de MUGENZI n'engagent désormais que lui-même et ne peuvent plus être imputés au Parti Libéral dont il s'est exclu lui-même particulièrement lors de sa participation active au meeting du MRND au Stade Régionale de NYAMIRAMBO le 16/01/1994 et lors de sa conférence de presse du 02 février 1994.

25. Le Parti Libéral ne constitue en rien le blocage à la mise en place des Institutions de Transitions à base élargie, car il possède la liste des députés élus suivant les instructions des organes compétents du Parti quand celui-ci avait encore une Direction Nationale unifiée et reconnue légalement.

26. Quant à la nomination des Ministres devant représenter le Parti Libéral au sein du Gouvernement de Transition à Base Élargie, le Premier Ministre Désigné a, de par l'article 52, plein pouvoir pour faire les consultations nécessaires pour choisir ses collaborateurs dans le Parti Libéral, étant entendu que l'absence de Direction Nationale du Parti n'implique pas l'absence de celui-ci et de ses membres actifs et compétents qui peuvent représenter valablement le Parti Libéral.

27. En conclusion, Monsieur le Président, les signataires de la présente, fidèles à leur idéologie libérale connue et figurant dans le Manifeste-Programme du Parti Libéral, Vous prient d'assumer Vos responsabilités découlant de l'Accord de Paix d'ARUSHA, en cessant de Vous ingérer dans les affaires du Parti Libéral et en mettant tout en oeuvre pour faciliter la mise en place dans les meilleurs délais les Institutions restantes, à savoir le Gouvernement et l'Assemblée Nationale de Transition.

Veillez agréer, Monsieur le Président,
l'expression de notre très haute considération.

Liste des signataires en annexe.

Copie pour information à:

- Son Excellence Madame le Premier Ministre
K I G A L I
- Son Excellence Monsieur le Premier Ministre
Désigné du Gouvernement de Transition
Base Elangie
K I G A L I
- Monsieur le Représentant du Facilitateur
au Rwanda
K I G A L I
- Monsieur le Président du F.P.R
K I G A L I
- Monsieur le Représentant Spécial du
Secrétaire Général de l'ONU au Rwanda
K I G A L I
- Monsieur le Représentant du Secrétaire
Général de l'OUA au Rwanda
K I G A L I
- Monsieur et Madame le Ministre (TOUS)
- Monsieur le Président du Parti
Politique (TOUS)
- Missions Diplomatiques et Consulaires
accrédités à KIGALI (TOUTES)
- Représentants des Confessions Religieuses
au Rwanda (TOUTES)
- Associations et Organisations Rwandaises
et Internationales de Défense des
Droits de l'Homme (TOUTES)
- Presse

LISTE DES MEMBRES DU PARTI LIBERAL SIGNATAIRES DE
LA PRESENTE LETTRE.

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NOMS ET PRENOMS	FONCTIONS DANS LE PARTI	SIGNATURE
1. NDIKINGWA LANDOALD	1er Vice. Président, PL.	
2. MUGIRANEZA VINCENT	Promoteur-Membre Fondateur, Rédacteur du MANIFESTE et Président de La Commission Politique	
3. NYILIKURWA Stanislas	Membre - Promoteur du P.-L. de Cyangugu.	
4. RWAGASANA Emmanuel	Secrétaire Général du PL élu par Congrès du 11-12/12/1993	
5. KAMEYA André	secrétaire Général du P.L élu par le Congrès du 13-14 Novembre 1993 -Président de la Commission de l'Information	
6. MUGABO Pie	Président Comité Justice et Droits de l'Homme	
7. REBERO Laurent	2 ^e Vice - Président du PL élu par le congrès des 13 et 14 novembre 1993	
8. Kayiranga Edras	Député PL élu 6/5/9/1993	
9. Habagami Venantini	Député et prés. du PL Kigali	
10. KATIRABA Chosy	PRÉSIDENT DU P.L.	
11. NGAGI Justin	Treasurer National du P.L.	

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UNITED NATIONS



NATIONS UNIES 0002260

ASSISTANCE MISSION FOR RWANDA

MISSION POLY-ASSISTANCE AU RWANDA

UNAMIR - MBUJAR

UNAMIR

194 FEB 22 14 36

CASE No: ICIR-98-44-I

EXHIBIT No: DNZ 748

DATE ADMITTED: 16/02/2010

TENDERED BY: DEFENCE

NAME OF WITNESS: J.R. BOOH BOOH
(DNZ 26)

CRN 55
OUTGOING CODE CABLE

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IMMEDIATE

TO: ANNAN, UNATIONS, NEW YORK
JONAH, UNATIONS, NEW YORK

INFO: KITTANI, UNATIONS, NEW YORK

FROM: BOOH-BOOH, UNAMIR, KIGALI

DATE: 22 FEBRUARY 1994

NUMBER: MIR 397

SUBJECT: PREPARATIONS FOR THE INSTALLATION OF
TRANSITIONAL INSTITUTIONS

NO OF PAGES: 4

1. At around 19h00 local time yesterday, 21 February. I received at my residence, at the request of the Prime Minister Designate, a group of Rwandese political leaders to review preparations for the installation of the Broad-Based Transitional Government (BBTG) and the Transitional National Assembly (TNA). In addition to the Prime Minister Designate, Mr. Faustin Twagiramungu, who is also President of the MDR Party, the group included two leaders of the "Parti Social Démocrate" (PSD), Mr. Frédéric Nzamurambaho, Minister of Agriculture, President of the Party, and Mr. Félicien Gatabazi, Minister of Public Works and Secretary-General, as well as the Vice President of the Parti Libéral (PL), Mr. Landouald Ndasingwa, Minister of Social Affairs.

2. The Prime Minister Designate informed me of ongoing political efforts, especially those coordinated by him, aimed at the official installation, today 22 February, of the transitional institutions. He said he had just met with the Head of State who also seemed committed to proceeding with the ceremony, as planned. According to the Prime Minister Designate, Rwandese political

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leaders, including the Head of State, were sensitive to the potential impact on their country's credibility if the institutions were not installed on 22 February as the leaders had announced to the world following their all-party meetings on the subject on 16 and 18 February. The Prime Minister Designate indicated that intensive efforts were to continue yesterday evening to overcome remaining difficulties.

3. The Prime Minister Designate stated, furthermore, that he had sought the meeting with me to convey his gratitude and that of the Rwandese people as a whole for the important contribution for peace in his country made by the United Nations. He said he was especially appreciative of the meetings of Rwandese political leaders I had convened on 7 and 10 February which, in his view, had laid the foundation for subsequent efforts by the leaders themselves to reach agreement on the installation of the transitional institutions. In this connection, the Prime Minister Designate indicated that he had been asked by the other political leaders to present to me a joint "Note Verbale" transmitting their collective appreciation (a copy of the "Note Verbale" is attached hereto).

4. The Prime Minister Designate and the other party leaders accompanying him left my residence at about 20H00. Later that evening, we learnt that Mr. Félicien Gatabazi, a member of that group of party leaders, had been assassinated. The identity of the assassin(s) is still unknown. It is not clear what effect this incident will have on the overall political situation in this country, and specifically on the efforts to install the transitional institutions. However, there is a noticeable climate of tension in Kigali with road blocks and troops in evidence throughout the city. We are also receiving increasing reports of explosions and shootings in other parts of the country. For instance, the FPR leadership, even with a UNAMIR military escort, could not travel from Mulindi to Kigali today for the planned installation ceremonies, due to road-blocks.

5. We have been made to understand that in view of the worsened security situation, the Prime Minister Designate and other political leaders have decided to postpone the planned installation today of the transitional institutions, especially as consultations are still going on. We understand further that if the consultations conclude successfully today, the installation could take place tomorrow. We are maintaining close contact with the authorities and other political leaders and we will keep you informed as developments evolve. Meanwhile, I have issued a statement condemning the killing of Mr. Gatabazi (please see attached statement).

6. All UNAMIR military and civilian personnel are safe.

7. Regards.

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UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

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CABINET DU REPRESENTANT SPECIAL
BUREAU DU PORTE PAROLE

P. J. A.

DECLARATION DU REPRESENTANT SPECIAL

KIGALI LE 22 FEVRIER 1993

LE REPRESENTANT SPECIAL DU SECRETAIRE GENERAL DE L'ONU POUR LE RWANDA A APPRIS AVEC CONSTERNATION LE MEURTRE HIER SOIR A KIGALI DU MINISTRE RWANDAIS DE TRAVAUX PUBLICS ET SECRETAIRE GENERAL DU PARTI SOCIAL DEMOCRATE, M. FELICIEN GATABAZI, AINSI QUE SON GARDE DE CORPS.

LE DR. JACQUES-ROGER BOOH-BOOH CONDAMNE ENERGIQUEMENT CE MEURTRE ET ESTIME QUE DES ACTES DE CETTE NATURE NE PEUVENT QUE COMPLIQUER LA SITUATION POLITIQUE ET RENDRE ENCORE PLUS DIFFICILE LA SOLUTION DES PROBLEMES ACTUELS AU RWANDA.

A CE MOMENT TRAGIQUE DE L'HISTOIRE RWANDAISE, LE REPRESENTANT SPECIAL DEMANDE INSTAMMENT AUX RESPONSABLES POLITIQUES DE FAIRE PREUVE DU MAXIMUM DE RETENUE ET DE REDOUBLER D'EFFORTS POUR METTRE, SANS DELAI, EN PLACE LES INSTITUTIONS DE LA TRANSITION.

LE REPRESENTANT SPECIAL PRESENTE SES CONDOLEANCES A LA FAMILLE DU DISPARU AINSI QU'AUX MEMBRES DU PARTI SOCIAL-DEMOCRATE.
(END).

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NOTE VERBALE DES PARTIS POLITIQUES MRND, MDR,
PSD, PDC ET PL, ET DU FPR

Les forces politiques ayant la responsabilité de la mise en place du Gouvernement de Transition à Base Élargie, à savoir le MRND, le MDR, le PSD, le PDC, le PL et le FPR, présentent leurs compliments à Monsieur J.R. BOOH-BOOH, Représentant Spécial du Secrétaire Général de l'ONU pour le Rwanda, et ont l'honneur de porter à sa connaissance ce qui suit:

1. Ces forces politiques remercient vivement le Représentant Spécial du Secrétaire Général de l'ONU pour tous les efforts qu'il ne cesse de déployer en vue de la mise en place des institutions de la transition prévues par l'Accord de Paix d'ARUSHA.

En particulier, elles ont hautement apprécié la tenue des réunions des 7 et 10 février 1994 que Monsieur BOOH-BOOH a présidées en présence de l'Ambassadeur de Tanzanie au Rwanda, et qui ont regroupé le Premier Ministre du Gouvernement actuel, le Premier Ministre Désigné, le Directeur de Cabinet du Président de la République, ainsi que les responsables des partis politiques MRND, MDR, PSD, PDC et PL, et du FPR.

2. Résolus à sortir le pays de l'impasse politique qui dure depuis bientôt deux mois, et sur base des conclusions desdites réunions des 7 et 10 février 1994, les responsables des forces politiques devant participer au Gouvernement de Transition à Base Élargie ont poursuivi leurs échanges dans deux réunions qu'ils ont tenues les 16 et 18 février 1994 sous la présidence de Mr TWAGIRAMUNGU Faustin, Président du Parti MDR et Premier Ministre Désigné.

La principale conclusion qui s'est dégagée de ces échanges est que l'Assemblée Nationale de Transition et le Gouvernement de Transition à Base Élargie doivent être mis en place ce mardi 22 février 1994. Pour ce faire, les participants à la réunion du 18 février 1994 ont réaffirmé leur souci majeur de privilégier l'intérêt supérieur de la nation, les problèmes du pays devant primer sur les conflits internes à certains partis politiques. Ils ont en outre convenu que la liste des députés du PL devait être revêtue des signatures de Messieurs MUGENZI Justin et NDASINGWA Landoald, respectivement Président et Premier Vice-Président de ce parti, et rendue publique ce 21 février 1994.

3. Les responsables des partis politiques MRND, MDR, PSD, PDC et PL, et du FPR comptent sur le soutien de la MINUAR pour la mise en application des conclusions des réunions des 7, 10, 16 et 18 février 1994, et ainsi pour la mise en place des institutions de la transition à la date prévue, à savoir le 22 février 1994.

Kigali, le 21 février 1994.

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COMMUNIQUE.

Le Président de la République, le Général-Major HABYARIMANA Juvénal, a dirigé, le 25 et le 27 février 1994, une réunion regroupant les partis politiques qui participent au Gouvernement actuel de transition, à savoir le MRND, le MDR, le PSD, le PDC et le PL.

Le Premier Ministre, Madame Agathe UWILINGIYIMANA, ainsi que le Premier Ministre désigné, Monsieur TWAGIRAMUNGU Faustin, ont participé aux deux réunions.

Les deux réunions se sont penchées sur le problème du fonctionnement du Gouvernement actuel, dirigé par Madame Agathe UWILINGIYIMANA, ainsi que sur les entraves à la poursuite de la mise en place des Institutions de la Transition.

Concernant le fonctionnement du Gouvernement actuel, il a été entendu que, aussi longtemps que le Gouvernement de Transition à Base Élargie n'aura pas été mis en place, le Gouvernement actuel doit continuer à fonctionner, notamment travers les réunions du Conseil des Ministres, pour s'attaquer aux défis auxquels le pays est confronté, spécialement les problèmes relatif à la sécurité et la question de mise en place des institutions de transition.

Quant aux entraves à la poursuite de la mise en place des Institutions de la Transition, la réunion du 27 février a abouti aux conclusions suivantes pour aider à dégager des approches permettant aux partis MDR et PL d'entrer dans ces institutions:

1. Concernant le parti MDR, la liste des Députés est celle arrêtée le 5 janvier 1994, sous réserve des cas pendants en justice et de la suite qui y sera réservée. Pour ce qui est des Ministres, les délégués du Bureau Politique du MDR auront droit à deux Ministres, choisis sur une liste qu'ils vont présenter au Premier Ministre désigné;

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CASE NO. ICIR-98-44-1
 EXHIBIT NO. D.N.Z. 508
 DATE ADMITTED. 21/05/2009
 TENDERED BY. DEFENCE
 NAME OF WITNESS. EDOUARD KAREMERA

DWK-35

- tandis que celle du Premier Ministre Désigné, Monsieur TWAGIRAMUNGU Faustin, aura droit à un Ministère.
2. Quant au parti PL, la tendance MUGENZI désignera cinq Députés dans ses rangs, celle de NDASINGWA en choisira six. Pour les Ministres, la tendance MUGENZI en aura deux, celle de NDASINGWA aura un Ministre et donnera les candidats aux postes du Bureau de l'Assemblée Nationale de Transition. Monsieur NDASINGWA Landoald a émis de très sérieuses réserves sur cette proposition, notamment sur la répartition des ministères.
 3. La tendance non satisfaites par les compromis ci-dessus tirera les leçons des conclusions dégagées et prendra ses responsabilités.
 4. Les listes définitives des Députés seront transmises au Président de la République et au Premier Ministre au plus tard le 28 février 1994 à 19H00, par les deux tendances.
 5. Le Premier Ministre Désigné présentera la liste des candidats Ministres au Président de la République au plus tard le 1er mars 1994 à 12H00.
 6. La mise en place des Institutions de la Transition aura lieu à une date qui sera fixée de commun accord avec le Front Patriotique Rwandais.

Fait à Kigali, le 27 février 1994.

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Pour le M.R.N.D.

- KAREMERA Edouard, Premier Vice-Président
- KABAGEMA Ferdinand, 2ème Vice-Président
- NZIRORERA Joseph, Secrétaire National

Pour le M.D.R.

- NSENGIYAREMYE Dismas, Premier Vice-Président
- KARAMIRA Frodouald, 2ème Vice-Président
- MURIGO Donat, Secrétaire Exécutif

Pour le P.S.D.

- NZAMURAMBANO Frédéric, Président
- NGANGO Félicien, Premier Vice-Président
- Dr. GAFARANGA Théoneste, 2ème Vice-Président
- MUTUYIMANA Emérence, Trésorière

Pour le P.D.C.

- NAYINZIRA Jean Népomuscène, Président
- GAKWAYA Théobald, Premier Vice-Président
- MUNYARUGERERO Amiel, 2ème Vice-Président
- KARAMAGA Faustin, Secrétaire

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UNITED NATIONS ASSISTANCE MISSION FOR RWANDA / NATIONS UNIES MISSION D'AIDE AU RWANDA



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OUTGOING CODE CABLE 21 A 7 32

(A)

IMMEDIATE

TO: ANNAN, UNATIONS, NEW YORK
 GOULDING, UNATIONS, NEW YORK

INFO: KITTANI, UNATIONS, NEW YORK

FROM: BOOH-BOOH, UNAMIR, KIGALI

DATE: 19 MARCH 1994

NUMBER: MIR-007

SUBJECT: EFFORTS TO INSTALL THE TRANSITIONAL INSTITUTIONS

UNAMIR
 09 MAR 20 09 42

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NO OF PAGES: 8

1. As you are aware, the two signatories to the Arusha Peace Agreement recently sought the assistance of the Facilitator, H.E. President Mwinyi of Tanzania, to help break the impasse holding up the installation of the transitional institutions. President Mwinyi, consequently, sent his Foreign Minister to Rwanda on 11 March. The Minister left Rwanda yesterday, 18 March, after intensive consultations with the various political leaders as well as with members of the diplomatic corps in Kigali, the representative of the OAU Secretary-General and I. Prior to his departure, Minister Rwegasira made a statement, a copy of which is attached hereto.

2. As reflected in the Minister's attached statement, he also came to the conclusion following his consultations in Rwanda that the stumbling block to putting into place the transitional institutions evolves around the internal difficulties within the Parti Libéral (PL). While both factions within the Party have apparently agreed on a six-five formula for sharing the eleven seats assigned to them in the Transitional National Assembly (TNA), they still differ on the formula for the distribution of their assigned ministerial portfolios. Although the PL is allowed only three ministerial portfolios under the Peace Agreement, including the post of Minister of Justice, both factions of the Party are seeking two ministerial positions each, including the Justice Ministry. Hence the deadlock.

CASE No: ICR-98-44-1
 EXHIBIT No: DNZ 751(B)
 DATE ADMITTED: 16/02/2010
 TENDERED BY: DEFENCE
 NAME OF WITNESS: J-R BOOH BOOH
(DW NZ 26)

UNAMIR
 09 MAR 20 09

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3. The Tanzanian Foreign Minister stressed, on behalf of the Facilitator, that the power struggle within the PL was unacceptable as it had no legal basis within the framework of the Peace Agreement. The composition of the Broad-Based Transitional Government was within the prerogative of the Prime Minister Designate as long as he respected the lists of ministers submitted during consultations with the political forces concerned. The Minister further stated that the rejection by the Rwandese Patriotic Front (RPF) of the compromise reached within the PL on the sharing of the seats for parliament was both "irrelevant and illegal going by the Peace Agreement". The Minister emphasized overall that in the Facilitator's view all political leaders should strictly adhere to the terms of the Peace Agreement, with each political force exercising its mandate in constituting the TNA and the Prime Minister Designate exercising his prerogative in picking his cabinet.

4. Following the Tanzanian Foreign Minister's departure, the Prime Minister Designate yesterday evening addressed the nation over Radio Rwanda in the course of which he announced the proposed composition of his government (please see list attached). This evening, the Prime Minister of the current coalition government also announced the names of the deputies for the TNA. The government announced by the Prime Minister Designate includes the twenty-one ministerial portfolios provided for under the Peace Agreement. The numerical distribution among the political forces concerned is as follows:

MRND: 5 portfolios, RPF: 5 portfolios, MDR: 4 portfolios (including the post of Prime Minister), PSD: 3 portfolios, PL: 3 portfolios, PDC: 1 portfolio.

5. It is not clear if the Prime Minister Designate:

- a) informed President Habyarimana in advance of the announcement of the composition of the government;
- b) has the agreement of the two factions within the PL on the lists of names of ministers. In this connection, it is to be recalled that the two factions within the PL had each been seeking two of the three ministries assigned to the Party, including the Ministry of Justice. It is not clear at this point to which faction of the PL the Prime Minister Designate's choice of Justice Minister belongs.

6. In his radio address, the Prime Minister Designate indicated that consultations underway with a view to putting into place the transitional institutions should not go beyond 21 March. According to the Peace Agreement, the Prime Minister Designate shall, following his selection of candidates for the ministerial portfolios distributed among the various political forces, present them to the President of the Republic for appointment as well as to the TNA. Since the Prime Minister Designate has now announced the proposed composition of his government, it is to be expected therefore that, according to the Peace Agreement, he will submit the list of ministers to President Habyarimana. The President should normally perform the formality of appointing the ministers proposed by

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the Prime Minister Designate at the official installation ceremony of the BBTG. Similarly, the list of members of the TNA will be submitted to the President, who would preside over the first session of the TNA. Although the President should legally not interfere with the Prime Minister Designate's prerogative in selecting the members of his government or with the political forces' designation of their TNA members, this possibility cannot be ruled out completely. In that event, there could be a collision, especially if, as we now understand it, both the Prime Minister Designate and the RPF, as well as the current Prime Minister, appear determined to proceed with the installation of the BBTG and the TNA with or without the President.

7. Bearing that possibility in mind, we would have a number of concerns for which we would like your guidance, including in particular the following:

- a) since the installation ceremonies would most likely take place at the CND complex where the RPF battalion for which we are providing security, is housed, what should UNAMIR's reaction be if there is a violent confrontation relating to the installation?
- b) should the Government and RPF, the two signatories to the Peace Agreement, decide to proceed with the installation ceremonies even if President Habyarimana objects, what should UNAMIR's position be if we are invited to attend and requested to provide security for participants at such ceremonies?
- c) as you are aware, under the Peace Agreement, the President of the Republic shall preside over the first session of the transitional parliament unless he is unable to do so, in which case, the President of the constitutional court shall preside. It is not clear whether the President of the Republic's refusal would constitute an inability to preside within the framework of the Agreement. If not, would it be legal for the President of the constitutional court to preside in place of the President of the Republic?

8. Members of the international community in Kigali, including the diplomatic corps and representatives of international and intergovernmental organizations plan to meet on Monday, 21 March, to assess the situation and consider possible reactions to the latest developments. It may also be advisable for the Secretariat at headquarters to request the Ambassador of Rwanda at the UN to convey to the President Habyarimana our view that, in light of the latest political developments, there is a necessity for him to ensure the prompt and peaceful installation of the transitional institutions. Meanwhile, in our continuing consultations with the various political leaders, we are stressing the need for a peaceful and smooth installation ceremony. In this connection, I today appealed to President Habyarimana, through one of his close political associates, to meet with the Prime Minister Designate to ensure that the arrangements for the installation and the event itself proceed in a non-confrontational climate.

9. As usual, we shall keep you informed of relevant developments and look forward to receiving your earliest possible reactions to our concerns above.

9. Regards.

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**LIST OF MINISTERS ANNOUNCED FOR
THE BROAD-BASED TRANSITIONAL GOVERNMENT**

1. **Mouvement Républicain National pour la Démocratie et le Développement (MRND)**

Augustin Bizimana	Ministry of Defence
Ferdinand Nahimana	Ministry of Higher Education, Scientific Research and Culture
Prosper Mugiraneza	Ministry of Public Service
André Ntagerura	Ministry of Planning
Mrs. Pauline Nyiramasuhuko	Ministry of Family Affairs and Promotion of the Status of Women

2. **Front Patriotique Rwandais (FPR)**

Pasteur Bizimungu	Ministry of Interior and Communal Development
Mrs. Kavumba Imunyakira	Ministry of Transport and Communications
Seth Sentashungu	Ministry of Youth and Associative Movements
Jacques Bihozagara	Vice Prime Minister
Dr. Joseph Karemeva	Ministry of Health

3. **Mouvement Démocratique Républicain (MDR)**

Dismas Nsengiyaremye	Ministry of Foreign Affairs and Cooperation
Boniface Ngulinzira	Ministry of Information
Mrs. Agathe Uwilingiyimana	Ministry of Primary and Secondary Education

4. **Parti Social Démocrate (PSD)**

Augustin Iyamuremye	Ministry of Public Works and Energy
Frédéric Nzamurambiho	Ministry of Agriculture
Marc Rugenera	Ministry of Finance

5. **Parti Libéral (PL)**

Justin Mugenzi	Ministry of Commerce, Industry and Cottage Industry
Aloys Niyoyita	Ministry of Justice
Landoald Ndasingwa	Ministry of Labour and Social Affairs

6. **Parti Démocrate Chrétien (PDC)**

Nayinzira Jean-Népo	Ministry of Environment and Tourism
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5/18/607

STATEMENT BY HON. JOSEPH C. RWEGASIRA, TANZANIAN FOREIGN MINISTER AND REPRESENTATIVE OF THE FACILITATOR ON 18.03.94 IN KIGALI AT THE END OF HIS VISIT TO RWANDA.

On 4th March, a delegation of the RPF came to see the Facilitator to say that there were problems in the Implementation of the Arusha Peace Agreement, and sought the intervention of the Facilitator to resolve and allow for the set up of the Transitional Institutions. Similarly on 8th March the President of the Republic of Rwanda also came to Dar es Salaam to see the Facilitator and said that they were facing problems and therefore implementation of the Peace agreement had stalled. He also sought the intervention of the Facilitator.

The Facilitator had heard from various other sources that indeed there were problems, but had refrained from any intervention because as we all know supervision of the implementation of the Peace Agreement was placed under the United Nations. However, upon request by the two signatories of the Peace Agreement, the Facilitator felt under moral responsibility and legitimacy to try and help. It is for this reason, the Facilitator saw the need to dispatch me to Kigali to see how we can jointly solve the problems and have the Institutions put into place.

I thought the best way to go about my assignment was to consult as largely as possible, first bilaterally or separately and if necessary collectively. In this context, since my arrival, I engaged in separate consultations. I have had very exhaustive consultations with all parties called upon to implement the Arusha Peace Agreement, even to the extent of consulting with what is now commonly known here as tendencies.

More specifically, I met the president of the Republic twice,
I met the current prime Minister twice,
I met the RPF Leadership at Mulindi,
I met the Prime Minister Designate twice,
I met the leadership of other political forces including MRND,

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MDR, PSD, PDC and both "tendencies" of PL.

I also had occasion to meet some members of the international Community and the leadership of the Catholic and protestant Churches in Rwanda.

Let me point out that, the second round of consultations were basically held to seek agreement and consensus on the opportunity of holding a collective consultations of the above.

If I were to make a rundown of my report to the Facilitator at this juncture, I would say the above consultations were very useful, frank and sincere. I learnt many aspects the Facilitator was not aware of in so much detail. I received explanations and reasons for certain positions and even managed to get useful suggestions on how we should proceed.

I am extremely grateful to the President of the Republic Government leaders, political forces, the Special Representative of the United Nations Secretary General, the OAU Representative in Rwanda, members of the Diplomatic Corps without forgetting the entire people of Rwanda; for the unreserved support they have extended to me. It is out of these consultations and contributions that I thought a collective consultation of all political forces to enable me to complete my assignment was necessary. Unfortunately this latter part of consultation has not succeeded because three parties did not take part in the meeting for the purpose, namely MRND, Mugenzi tendency of the PL and the representative of the Presidency.

Now allow me to briefly, share with you how the current problem is perceived according to the above consultations. It is a shared opinion of all with whom I consulted that the only remaining stumbling block to the putting into place of the Transitional Institutions evolves on the difficulties within the PL party. Earlier there was a problem with the list of deputies but later on a compromise was reached to share the 11 deputies on a 6/5 formula between Mr. Ndasingwa and Mr. Mugenzi "Tendencies" respectively. During my consultations with the leadership of the two tendencies they both repeated to me that their agreement on this sharing formula still holds. It is true, however, that both Mugenzi and



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Ndasingwa demand two ministerial portfolios to go with the formula and both of them want of necessity the Justice portfolio. It is the strong opinion of the Facilitator that such linkage has no legal basis and, therefore, not acceptable. This is exactly what I told the leadership of the two tendencies. Moreover, according to the provisions of the Peace Agreement this amounts to encroachment on the prerogatives of the Prime Minister Designate.

Connected to this Problem, is RPF rejection of the sharing formula under the contention that it was arrived at under duress during the meeting of 27th February, 1994. The RPF contends that they have moral authority to question compromise reached following alleged intimidation and coercion; especially when the compromise was reached at the meeting of 25th and 27th February whereat they did not take part, as opposed to the different compromise reached at the earlier meeting of 18th February in which they participated. The RPF also believes that the linkage with the cabinet has a background which must be considered.

It is the opinion of the Facilitator that not only that the linkage is irrelevant and illegal going by the Peace Agreement, but also finds the RPF contention not acceptable especially when the leadership of the PL party insist they have reached compromise amicably for the interest of their party, and early setting up of the Institutions despite earlier positions to the contrary.

Allow me also to emphasise that the opinion of the Facilitator is based on the belief that all players should strictly adhere to the mandate prescribed to him/her by different articles of the Peace Agreement. So, each political force exercise their mandate in constituting the National Assembly and the Prime Minister Designate exercise his prerogative in picking up his cabinet as long as he respects the lists given to him during consultation with the Political forces.

As I mentioned earlier the Facilitator is aware of various meetings and consultations held at various levels to try and bring about a speedy installation of the Transitional Institutions. These meetings were held within the spirit of negotiating a

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political compromise to the difficulties facing some political forces.

I wish to point out that noble and well meaning as these meetings might have been, there is no doubt however that they took place outside the framework of the Arusha Peace Agreement. This also includes the consultations I am making now as representative of the Facilitator. May be we need to take stock and if we come to the conclusion that the spirit is not there or rather not sufficient, we may wish to come to an end to this politicking and negotiations outside the Peace Agreement and therefore strictly adhere to the Arusha Peace Agreement which as we all know is now the Fundamental law of the Republic of Rwanda. Let us give Peace a chance by giving implementation of the Peace Agreement a chance.

Let me not tire you further as we are all conversant with the situation and problems facing implementation of the Arusha Peace Agreement.

THANK YOU ALL FOR LISTENING TO ME SO ATTENTIVELY.

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CASE No: ICTR-98-44-T
EXHIBIT No: DNZ491
DATE ADMITTED: 13/2/2009
TENDERED BY: DEFENCE
NAME OF WITNESS: DECISION OF 13/2/2009

CASE No: ICTR-98-44-T
EXHIBIT No: DNZ 491(B)
DATE ADMITTED: 13/2/2009
TENDERED BY: DEFENCE
NAME OF WITNESS: DECISION
OF 13/2/2009

ANNEX "S"

53740

Republic of Rwanda
Office of the Prime Minister
B.P. 1334 - Kigali

Kigali, 24 March 1994
No. 128/02.3.2

His Excellency, the President of the Republic of Rwanda

Kigali

Dear Sir,

Establishment of the transitional institutions

Reference your agreement communicated to me at the audience you granted me on 22 March 1994 on the establishment of a Transitional National Assembly and a Broad-Based Transitional Government on 25 March 1994.

I wish to invite you to swear in the deputies of the Transitional National Assembly as well as the Prime Minister and members of the Broad-Based Transitional Government on 25 March 1994.

Please find attached the draft programme of the ceremony and the list of deputies to be sworn in.

Highest consideration,

Mrs. Agathe Uwilingiyimana

Prime Minister

[Signed and stamped]

cc: (for information)

- His Excellency the Prime Minister designate

- Honourable Ministers (all)
- The President of the Constitutional Court
- The Chairman of the RPF-*Inkotanyi*
- The Special Representative of the United Nations Secretary-General
- Party Chairpersons (all) RPF
- UNAMIR Force Commander
- Chief-of-Staff of the Gendarmerie

Kigali

LIST OF DEPUTIES OF THE TRANSITIONAL NATIONAL ASSEMBLY

MRND

Mathieu Ngirumpatse
 Laurent Semanza
 Esdras Mpamo
 Adalbert Muhutu
 Vénuste Gatabazi
 Édouard Karemera
 Joseph Mporanyi
 Joseph Nzirorera
 Christophe Ndangali
 Pierre Célestin Rwagafilita
 Joseph Ntegeyintwali

RPF

Dr. Tito Rutaremara
 Protais Musoni
 Major Rose Kabuye (Maiden Name: Kayange)
 Deus Kagiraneza
 Antoine Somayire
 Hodari
 Valens Kajeguhakwa
 Col. Théoneste Lizinde
 Augustin Muvunyi
 Sheiki Abdulkarim Harelimana
 Pierre Ndolimana

3. MDR

Jean-Marie Vianney Nkezabera
 Boniface Munyampirwa
 Cyrille Ruvugama
 Jean Baptiste Sebarame
 Vincent Ruhamanya
 Zacharie Serubyogo
 Léonard Hitimana
 Jean Tegeri
 Jérôme Bicomumpaka
 Charles Bizimungu
 Sylvestre Matunguru
 Gérard Rwasamanzi
 Evariste Gasamagera
 Paul Secyugu
 Jean Bapfakurera
 Laurent Mujyebumba
 Innocent Ndekezi
 Jean Damascène Ndindabo
 Alphonse Vainqueur

Gaspard Ayishubije
 Jackson Zilimwabagabo
 Félicien Ngango

5. PL

Mr. Gadi Gatorano
 Mr. Emmanuel Kayiranga
 Mr. Barnabe Twagiramungu
 Mr. Stanislas Mbonampeka
 Mrs. Vénantie Kabageni
 Mr. Esdras Kayiranga
 Mr. Modeste Mudenge
 Mr. Augustin Rwayitare
 Mr. Emmanuel Nsabimana
 Mr. Cyprien Gasana
 Mr. Pascal Gasaumba

6. PDC

Mr. Alype Nkundiyaremye
 Thomas Kabera
 Sylvère Bishirandora
 François Ruberandinda

7. MFBP

8. UDPR

9. PPJR/RAMA RWANDA

10. PECO

11. PDI

12. PADER

13. PSR

14. PARERWA

15. RTD

Gaudence Nyirahabimana
 Vincent Rwabukwisi
 André Hakizimana
 Léonidas Higiro
 Omar Hamidou
 Jean Baptiste Ntagungira
 Henri Ball Zitoni
 Egide Bagabo
 Emmanuel Nzeyimana

Mrs. Agathe Uwilingiyimana
 Prime Minister

[Signed and stamped]

REPUBLIQUE RWANDAISE



SERVICES DU PREMIER MINISTRE
B.P. 1334 KIGALI

TRES URGENT

Kigali, le 27 Mars 1994

N° 131/02.2

~~K0503650~~

K0505650

Son Excellence Monsieur le
Président de la République
K I G A L I.

CASE NO. ICIR-98-44-T
EXHIBIT NO. D.NG.13
DATE ADMITTED. 01/06/2006
TENDERED BY DEFENCE
NAME OF WITNESS. J (PWS)

Réf. N° :

Annexe :

Objet : Mise en place des Institutions
de Transition le 28/03/1994.

Excellence Monsieur le Président,

Référence faite à la lettre du
F P R qui m'est parvenue le 26 Mars 1994 et aux conclusions de la
réunion tenue le 25 Mars 1994 entre le Gouvernement Rwandais et
le F P R en présence des représentants de l'ONU, des Pays obser-
vateurs aux négociations d'ARUSHA, réunion à laquelle Vous étiez
représenté par Votre Directeur de Cabinet, Monsieur Enoch RUHIGIRA,
j'ai l'honneur de Vous tenir informé de ce qui suit :

- 1° La position du F P R concernant le parti C D R est contenue
dans la lettre Vous transmise en annexe de la présente.
- 2° Comme il ressort des conclusions de la réunion susmentionnée,
lesquelles conclusions ont été portées à Votre Excellence et à
tout le peuple rwandais, ni le parti C D R ni aucun autre parti
ne peut prendre le pays en otage et empêcher ainsi la mise en
place des Institutions à base élargie.
Concernant particulièrement la C D R, il a été conclu que quels
que soient les résultats des concertations qui étaient encore
en cours, le pays devait être doté des Institutions de Transition
en date du 26 Mars 1994.
Parallèlement, il sied de rappeler à Votre Excellence que concer-
nant les deux autres partis à savoir: le P.D.I, Parti pour la
Démocratie Islamique et le M.D.R, Mouvement Démocratique Républi-
cain, les Députés retenus sont respectivement Messieurs HAMIDOU
Omar et TEGERI Jean.

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3° En outre, Monsieur le Président, je me déclare prête à renouveler l'invitation aux cérémonies précitées ce lundi 28 Mars 1994 conformément à Votre souhait m'exprimé par Votre Directeur de Cabinet par téléphone dans la nuit du 25 Mars 1994

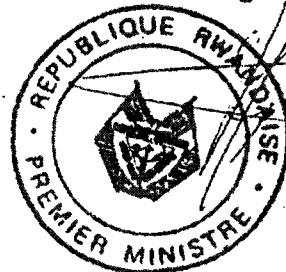
En conclusion, Monsieur le Président, j'informe Votre Excellence que le programme détaillé des cérémonies reste le même que celui qui était retenu le 25 Mars 1994.

Veillez agréer, Excellence Monsieur le Président de la République, l'expression de ma très haute considération,

Le Premier Ministre,
Mme UWILINGIYIMANA Agathe.

Copie pour information :

- Monsieur le Président du F P R
K I G A L I.
- Monsieur le Représentant Spécial
du Secrétaire Général des Nations Unies
K I G A L I.
- Corps Diplomatique (TOUS).



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CASE No: ICTR-98-44-7

EXHIBIT No: P287 B

DATE ADMITTED: 25/01/2008

K0376777

TENDERED BY: PROSECUTOR

NAME OF WITNESS: DECISION OF
25/01/2008

Kigali 28/03/1994
The Prime Minister
KIGALI

re: the role of the Government in the putting in place of the Wider Transitional Institutions

Prime Minister,

We have the honour to refer to our letters of 14 and 21 January 1994 both relating to cabinet meetings and asking you to call once again a cabinet meeting for the purpose of examining the current crucial problems of our country.

As it appears from the communiqué resulting from the meetings of 25 and 27 February 1994 between the President of the Republic and the political parties which form the current government, it was understood that:

"for as long as the Wider Transitional Government is not in place, the current Government must continue to function, particularly cabinet meetings, to tackle the challenges with which the country is confronted, especially problems concerning security and the question of the putting in place of the Transitional Institutions".

By way of carrying out the content of this communiqué, to which you added your own signature, you called a cabinet meeting on 29 February 1994, a meeting which had not taken place for two months.

With this new life coming from the meeting of the political parties represented in the Government with the President of the Republic, it was possible to hope that the cabinet would at last function normally and face up to its responsibilities in these difficult moments which our country is experiencing.

This hope seems, alas, to have been disappointed today, since it is now nearly a month since the cabinet last met.

What is striking in all this is that you continue to issue statements in the name of the Government without having received a mandate to do so.

The last statements dated 24 and 25 March 1994 on the subject of the putting in place of the Wider Transitional Institutions where, purportedly in the name of the Government, you took an unjustified position on the subject of the deputies from the PDI, MDR and CDR parties.

Indeed, you accepted and made public a list of Transitional National Assembly deputies which excluded the CDR deputy although this party has fulfilled all the conditions required ARUSHA Peace Accord, which you yourself had recognised.

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Further, your list does not include the MDR deputy who won his court case with the benefit of provisional judgment, although it is relevant that you know that during the currency of a judicially ordered provisional judgment that judgment is to be carried out despite any appeal.

Lastly, the said list contains the name of a PDI deputy who has not been designated by the proper organs of this party.

In the same way, and after the failure of the oath taking ceremonies of the Transitional National Assembly deputies and the Ministers of the Wider Transitional Government on 25 March 1994, you met the RPF to try to find a solution to this blockage, in the name of the Government without preliminary agreement with the cabinet.

The undersigned insist once again that the cabinet should meet without further delay in order to sort out the position of the government side in the face of this new blockage to the putting in place of the wider transitional institutions.

This is no more than getting the cabinet involved in the taking of decisions in quite complex and delicate matters so that an acceptable solution for suggestion to the RPF can be found by means of the consensus which ought to characterise the deliberations of a Government worthy of this name.

Please accept, Prime Minister, the expression of our highest consideration.

MUNYAZESA Faustin, Minister of the Interior and Communal Development
NGIRABATWARE Augustin, Minister of Planning
MBANGURA Daniel, Minister of Higher Education, Scientific Research and Culture
MUGENZI Justin, Minister of Commerce, Industry and Craft
MUGYIRANEZA Prosper, Minister of the Civil Service
BIZIMUNGU Dr Casimir, Minister of Health (absent on mission)
NYIRAMASUHUKO Pauline, Minister of the Family and for Women
RUHUMULIZA Gaspard, Minister of the Environment and Tourism
NTAMABYALIRO Agnes, Minister of Justice
NZABONIMANA Callixte, Minister of Youth and Cooperatives
BIZIMANA Augustin, Minister of Defence
NTAGERURA Andre, Minister of Transport and Communication

Copies for information to,
His Excellency the President of the Republic
Ministers (All)
Presidents of the MRND, MDR, PSD, PL and PDC Parties
Heads of Diplomatic Missions and accredited Consulates in Kigali
Kigali

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UNITED NATIONS



NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA

MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

UNAMIR
1994 MAR 28 14

CRN-98 OUTGOING CODE CABLE

FAX NUMBER.....

IMMEDIATE

TO: ANNAN, UNATIONS, NEW YORK
GOULDING, UNATIONS, NEW YORK

INFO: KITTANI, UNATIONS, NEW YORK

FROM: BOOH-BOOH, UNAMIR, KIGALI

DATE: 28 MARCH 1994

NO OF PAGES: 3

MIR-672

SUBJECT: EFFORTS TO INSTALL THE TRANSITIONAL INSTITUTIONS

1. This morning, I met with the Dean of the Diplomatic Corps, the Representative of the Facilitator and the Ambassadors of observer countries to the Arusha peace process to examine the political impasse that continues to prevent the installation of the transitional institutions.

2. After an examination of the reasons for impasse, we decided that at this stage, a declaration stating our views on the impasse might be helpful. We therefore agreed to issue a communiqué (which is attached) appealing to all political parties to demonstrate a spirit of compromise and urgently resolve the impasse, which basically is a disagreement between the RPF and the Government on whether or not the CDR should be represented in the Transitional National Assembly at the initial stage. We declared that in our view, all political parties that were authorized on the date of the signature of the protocol of power-sharing and the RPF should be represented in the Transitional National Assembly when it is installed.

3. We recommended further that following the setting up of the transitional institutions, the Commission on National Unity and Reconciliation, which is charged with over-seeing the observance of the code of ethics by political parties, should be immediately established so that it could pronounce itself on the behaviour of political parties represented in the transitional institutions.

4. I expect reactions to our communiqué from the political parties, and will transmit these reactions to you. Meanwhile, I am continuing to associate my ongoing efforts with those of the members of the diplomatic corps and other interested parties to ensure that the installation exercise be carried out in a bi-partisan manner.

5. I would appreciate any action the Secretary-General may wish to take in support of our Declaration and would also suggest that the Spokesman of the Secretary-General brings this Declaration to the attention of the media during his mid-day briefing.

6. Regards.

CASE No: KIR-98-44-T

EXHIBIT No: DNZ401

DATE ADMITTED: 28/11/2007

TENDERED BY: DEFENCE

NAME OF WITNESS: DECISION
OF 28/11/2007

ENTIRE DOCUMENT

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1) The Special Representative of the United Nations Secretary General, the Apostolic Nuncio, Dean of the Diplomatic Corps, the Representative of the Facilitator and the Ambassadors of the observer countries to the Arusha peace process have met to examine the reasons which still impede the setting up of the transitional National Assembly and the broad-based transition government.

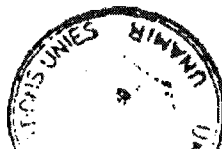
2) They solemnly appeal to the Rwandese parties to show a spirit of compromise and solve the last pending problems. They stress that a solution is urgent, considering political and financial constraints.

3) They are of the opinion, after consideration of the pertinent provisions of the protocol on power-sharing, that all political parties authorized in Rwanda at the date of signature of this protocole and the RPF should be represented at the transitional National Assembly when it is in place, under the condition that they respect the peace agreement.

It will be the task of the Commission on National Unity and Reconciliation to see that every political force respects the principles of the Code of Political Ethics, the violation of which can lead to the exclusion from the institutions, to be decided by the Supreme Court.

4) They recommend this Commission to be set up immediately after the institutions and be asked to give rapidly its preliminary conclusions on the behaviour of the political parties represented in the institutions.

5) They insist that if this principle is agreed by all concerned, no new cause for delay in the installation of the institutions should be brought up. Each political force should abstain from any attempt which might create new problems between or within political parties. A positive and constructive attitude, at this point in time, is indispensable for the smooth functioning of the installations ceremony for the broad-based institutions and their effective operation.



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CRN-98 3/2

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28/03/1994

LISTE DES SIGNATAIRES DE LA DECLARATION
DU 28 MARS 1994

Le Représentant Spécial du
Secrétaire Général de l'ONU
Le Nonce Apostolique
L'Ambassadeur des Etats-Unis
L'Ambassadeur de France
L'Ambassadeur de Belgique
L'Ambassadeur d'Allemagne
Le Représentant du Facilitateur
L'Ambassadeur du Zaïre
L'Ambassadeur d'Ouganda
Le Chargé d'affaires du Burundi

Dr. Jacques-Roger Booh-Booh
Mgr. Giuseppe Bertello
S.E. M. David Rawson
S.E. M. Jean-Michel Marlaud
S.E. M. Johan Swinnen
S.E. M. Dieter Holscher
S.E. M. Saleh Tambwe
S.E. M. Kokule
S.E. M. Ignatius B. Katetegirwe
S.E. M. Severin Mfatiye

DNZ752

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CRN - 99

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OUTGOING CODE CABLE

UNAMIR

194 MAR 29 13:49

A: ANNAN, NATIONS UNIES, NEW YORK
GOULDING, NATIONS UNIES, NEW YORK
INFO: KITTANI, NATIONS UNIES, NEW YORK
DE: BOOH-BOOH, MINUAR, KIGALI
DATE: 29 MARS 1994
OBJET: EFFORTS D'INSTALLATION DES INSTITUTIONS DE LA
TRANSITION

NUMERO: UNAMIR - 676

NBRE DE PAGES: 2

CASE No: ICIR-98-44-1

EXHIBIT No: DNZ752

DATE ADMITTED: 16/02/2010

TENDERED BY: DEFENCE

NAME OF WITNESS: J. R. BOOH BOOH (DNZ26)

Après la publication officielle et la communication aux partis politiques de leur position conjointe dont copie vous a été transmise le 28 mars, le Représentant Spécial du Secrétaire Général, le Nonce apostolique, les Ambassadeurs des pays occidentaux et les Ambassadeurs et Chargé d'affaires du Groupe africain ont rencontré ce matin le Front Patriotique Rwandais pour, une fois de plus, tenter de trouver une solution au dernier obstacle à la mise en place des institutions de la transition. Cet obstacle, comme vous le savez, est l'admission de la Coalition pour la Défense de la République (CDR) au sein de l'Assemblée Nationale de la transition. Le Front Patriotique Rwandais était représenté à la réunion de ce matin par son Premier Vice-Président, son Ministre de la Jeunesse dans le Gouvernement de la transition à base élargie et deux autres hauts responsables politiques.

Il a été demandé au Représentant Spécial, tout au début de la réunion, de faire une déclaration liminaire sur les négociations en cours et leur état d'avancement. Le Front Patriotique, dans sa déclaration, a maintenu sa position à savoir que les institutions de la transition devraient être mises en place sans la CDR, quitte à ce que l'Assemblée Nationale de la transition statue dans un délai raisonnable sur la demande d'admission de ce parti. Le Front Patriotique a par ailleurs estimé qu'étant donné la confusion qui règne sur la position du Président concernant les dissensions internes au sein du MDR et du PDI, il était indispensable d'obtenir de lui des garanties que le règlement préalable des problèmes au sein de ces partis ne serait pas utilisé comme condition à la mise en place des institutions de la transition.

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Cette réunion avec le Front Patriotique Rwandais a été suivie d'une rencontre avec le Premier Ministre du Gouvernement de la transition. Le Premier Ministre, en convoquant cette réunion, souhaitait être informé des développements politiques les plus récents suite à la publication de la position conjointe de la communauté internationale. Elle voulait également faire le point de la situation de ses contacts avec les partis politiques rwandais et le Front Patriotique. A cet effet, le Premier Ministre nous a déclaré être d'avis que les problèmes au sein du MDR et du PDI, une fois réglés, il ne resterait plus qu'à convaincre le Front Patriotique de la nécessité de permettre la participation de la CDR dans l'Assemblée Nationale de la transition. D'après le Premier Ministre, ses contacts avec le Front Patriotique Rwandais ne lui laissent aucune perspective de dénouement heureux de la question de la CDR. Etant donné cette situation, le Premier Ministre a lancé un appel à la communauté internationale afin que celle-ci poursuive ses contacts avec le Front Patriotique Rwandais et le Président de la République. Pour le Premier Ministre, toute solution pouvant conduire à la mise en place des institutions de la transition serait la bienvenue. C'est sur cette note que la réunion a pris fin, étant entendu que les négociations se poursuivront avec le Front Patriotique, le Président de la République et les responsables politiques de la CDR.

En dépit de tous ces obstacles sérieux, le Représentant Spécial estime nécessaire, avec le concours des Ambassadeurs des pays occidentaux, du Nonce apostolique, et des Ambassadeurs du Groupe africain, de poursuivre les négociations avec le Front Patriotique et le Président de la République en vue de trouver une issue heureuse à l'impasse actuelle.

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CONFIDENTIAL

Date Printed: 05/19/1998

DOC_NUMBER: 94KIGALI01458

CHANNEL: n/a

CONFIDENTIAL

PAGE 01 KIGALI 01458 01 OF 02 011542Z

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OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00	SP-00
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TO AMEMBASSY KAMPALA IMMEDIATE
INFO SECSTATE WASHDC PRIORITY 6124

C O N F I D E N T I A L SECTION 01 OF 02 KIGALI 01458

KAMPALA FOR ASSISTANT SECRETARY MOOSE
AND AMBASSADOR CARSON FROM AMBASSADOR

CASE NO: *98-41-7*
EXHIBIT NO: *13*
DATE ADMITTED: *12/8/2003*
TENDERED BY: *DELETA*
NAME OF WITNESS: *A. S. S. S. S. S.*

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, PINR, RW
SUBJECT; NEGOTIATIONS SLIDE INTO LONG WEEKEND

1. CONFIDENTIAL - ENTIRE TEXT.
2. IN VIEW OF YOUR 4/4 MEETING WITH MUSEVENI, I

WANTED TO GET YOU THE LATEST FROM HERE ON THE STATE
OF NEGOTIATIONS TOWARD ESTABLISHMENT OF TRANSITION
INSTITUTIONS. A ROUND OF GOOD FRIDAY CALLS TO
OBSERVERS, THE UN AND KEY PLAYERS SUGGESTS THAT THE
CONFIDENTIAL

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PAGE 02 KIGALI 01458 01 OF 02 011542Z
SIDES ARE INCHING TOWARDS EACH OTHER, BUT AFRAID TO
MAKE THE FINAL OFFER. MANY OBSERVERS BELIEVE
INSTALLATION OF INSTITUTIONS WILL HAVE TO AWAIT THE
ARUSHA SUMMIT ON BURUNDI.

CASE No: *109-98-44-7*
EXHIBIT No: *1366*
DATE ADMITTED: *03/02/2004*
TENDERED BY: *PROSECUTOR*
NAME OF WITNESS: *MATTHEW NGIRUMPA*
(DWNG 39)

THE CDR ISSUE

3. INTERNAL OPPOSITION PARTIES TOLD ME 3/31 THAT IF
THE PRESIDENT WERE TO MAKE A CLEAR CUT DECLARATION
THAT ADMISSION OF THE CDR TO THE NATIONAL ASSEMBLY
WAS THE LAST ISSUE INHIBITTING INSTALLATION OF THE
INSTITUTIONS, THEY WOULD LOBBY FOR CDR. RPF TOLD
AMBASSADOR TAMBWE THE SAME DAY THAT, IF THEY GOT
FORMAL ASSURANCES FROM THE PRESIDENT THAT CDR WAS THE
LAST ISSUE AT STAKE, THEY WOULD TAKE A LOOK AT THEIR
POSITION. AS OF NOW, THEIR POSITION IS THAT THE CDR
MUST WAIT A MONTH OR TWO BEFORE THE NATIONAL ASSEMBLY

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Date Printed: 05/19/1998

DOC_NUMBER: 94KIGALI01458

CHANNEL: n/a

ACTS ON ITS APPLICATION TO JOIN. MEANWHILE, IN SPITE OF THE ASSASSINATION OF ONE OF ITS YOUTH LEADERS, CDR CONTINUES TO URGE ITS PARTISANS TO BE PATIENT. KIGALI HAS REMAINED RELATIVELY QUIET WITH DAILY TRAFFIC AT USUAL LEVELS. THE NIGHT OF 3/31 DID, HOWEVER, OFFER UP SEVERAL GRENADE EXPLOSIONS AND SOME GUNSHOTS. THERE IS ONE REPORTED FATALITY AMONGST YOUTH WHO WERE REPORTEDLY TAUNTING GUARDS AT THE PRESIDENCY LATE AT NIGHT AND DREW THEIR FIRE.

IS CDR THE LAST ISSUE?

4. OVER THE LAST THREE DAYS, I HAVE CONCENTRATED MY DIPLOMATIC EFFORTS ON PRESIDENTIAL COUNSELORS. I
CONFIDENTIAL

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REMINDS THEM THAT OUR SUPPORT FOR EQUITY TO ALL PARTIES, INCLUDING THE CDR, DERIVES FROM OUR SUPPORT FOR THE ARUSHA PEACE ACCORD. ALL OTHER CURRENT DISPUTES ARE INTERPARTY QUESTIONS THAT SHOULD BE RESOLVED AFTER THE INSTITUTIONS HAVE BEEN PUT IN PLACE. PRESIDENTIAL CABINET DIRECTOR RUHIGIRA SAID THAT THE CDR WAS THE LAST OUTSTANDING SUBSTANTIVE ISSUE FOR THE PRESIDENT. HE NOTED, HOWEVER, THAT THE PRESIDENT DID NOT CONTROL PARTY SENTIMENT. PRESIDENTIAL COUNSELOR RUNYINYA ELABORATED THE LINKS BETWEEN ELECTION OF THE NATIONAL ASSEMBLY PRESIDENT AND A POSSIBLE REVOLT BY PL MUGENZI OVER INSTALLATION OF MINISTERS. ACCORDING TO RUNYINYA, IF MUGENZI'S CANDIDATE, FORMER MINISTER OF JUSTICE MBONAMPEKA, WINS EITHER THE PRESIDENCY OR THE VICE PRESIDENCY OF THE NATIONAL ASSEMBLY, MUGENZI WILL BE SATISFIED. IF MBONAMPEKA LOSES BOTH OFFICES, MUGENZI WILL NOT FEEL ADEQUATELY REWARDED FB HAVING GIVEN UP THE JUSTICE MINISTRY TO HIS PARTY OPPONENT, MINISTER NDASINGWA. MUGENZI WOULD THEN PROBABLY CALL FOR A SUSPENSION OF THE INSTALLATION CEREMONY FOR GOVERNMENT. MINISTER OF TRANSPORT AND COMMUNICATIONS (THE PRESIDENT'S RECENT ENVOY TO WESTERN CAPITALS AND THE UNITED NATIONS) SAID ALL WOULD BE WELL WITH THE NATIONAL ASSEMBLY ONCE THE CDR WERE ADMITTED, BUT OUTSTANDING QUESTIONS MIGHT STILL TROUBLE THE FORMATION OF GOVERNMENT. I MADE IT CLEAR TO ALL THE ABOVE THAT THE INTERNATIONAL COMMUNITY CONSIDERED THE INSTALLATION CEREMONY TO BE ONE AND INDIVISIBLE. THE PRESIDENT AND THE POLITICAL PARTIES SHOULD GO TO THAT CEREMONY PREPARED TO COMPLETE IT WITHOUT FURTHER
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Date Printed: 05/19/1998

DOC_NUMBER: 94KIGALI01458

CHANNEL: n/a

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DELAY OR RAISING ANY NEW ISSUES.

5. WE BELIEVE THAT THE CDR ISSUE IS THE ONE
REMAINING REAL IMPEDIMENT TO PUTTING THE INSTITUTIONS
IN PLACE. IF THE PRESIDENT GETS SATISFACTION ON
THAT, HE WILL CARRY THROUGH WITH THE INSTALLATION,
BUT THE PRESIDENCY IS WAITING FOR RPF TO BUDGE. EACH
PARTY IS AFRAID TO MAKE FINAL COMMITMENT FOR FEAR OF
LOSING ADVANTAGE. BOTH TANZANIAN AMBASSADOR AND
GERMAN AMBASSADOR (CURRENT PRESIDENT OF THE
EUROPEANS) BELIEVE THAT THE INSTITUTIONS WILL NOT BE

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ACTION AF-01

INFO	LOG-00	CIAE-00	C-01	OAS-00	DODE-00	HA-09	H-01
	TEDE-00	INR-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00
	OMB-01	PA-01	PM-00	PRS-01	P-01	SNP-00	SP-00
	SS-00	TRSE-00	T-00	USIE-00	RPE-01	PMB-00	/019W

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O 011537Z APR 94
FM AMEMBASSY KIGALI
TO AMEMBASSY KAMPALA IMMEDIATE
INFO SECSTATE WASHDC PRIORITY 6125

C O N F I D E N T I A L SECTION 02 OF 02 KIGALI 01458

KAMPALA FOR ASSISTANT SECRETARY MOOSE
AND AMBASSADOR CARSON FROM AMBASS
DOR

E.O. 12356: DECL: OADR
TAGS: PREL, PGOV, PINR, RW
SUBJECT; NEGOTIATIONS SLIDE INTO LONG WEEKEND

ESTABLISHED UNTIL PRESIDENT HABYARIMANA GETS BACK
FROM THE ARUSHA SUMMIT ON BURUNDI. OUR MAJOR FEAR IS
THAT THE RELATIVE CALM WHICH HAS CHARACTERIZED KIGALI
THE LAST COUPLE OF WEEKS WILL NOT HOLD UNTIL THEN. I

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CONFIDENTIAL

Date Printed: 05/19/1998

DOC_NUMBER: 94KIGALI01458

CHANNEL: n/a

HAVE URGED ALL MY INTERLOCUTORS TO USE EVERY
INFLUENCE AT THEIR DISPOSAL TO ENCOURAGE CALM AS WE
APPROACH THIS LAST TURN ON THE COURSE.

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PAGE 02

KIGALI 01458 02 OF 02 011542Z

END

7. REGARDS. RAWSON

CONFIDENTIAL

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*** Current Handling Restrictions *** n/a
*** Current Classification *** CONFIDENTIAL

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COMMUNIQUE DE PRESSE

08/06/1994

Le Comité Exécutif du Parti CDR s'est réuni le 02/04/94 pour examiner la situation politique et d'insécurité qui règne dans le pays.

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K0505687

Concernant la mise en place des Institutions de Transition, le Parti CDR tient à informer le public de ce qui suit :

Nº 5
21

1° Le blocage de la mise en place des Institutions de Transition émane du FPR et de ses alliés du Parti PSD et de quelques individus Mme UWILINGIYIMANA Agathe, Mr Faustin TWAGIRAMUNGU, Mr NAYINZIRA Népomuscène et Mr NDASINGWA Landoald du PL-TUTSI.

Le FPR utilise ses individus avides du pouvoir personnel pour essayer de contrôler le Gouvernement et l'Assemblée Nationale de Transition. C'est pour cette raison que leur clique cherche à barrer la route du pouvoir à tous ceux qui s'opposent opposés à leurs visées machiavéliques.

2° Le Gouvernement actuel doit se réunir sans délai pour recueillir et publier les listes définitives des députés à l'Assemblée Nationale de Transition conformément aux décisions prises par les organes habilités des Partis Politiques devant participer à l'Assemblée nationale de Transition sans oublier le Parti CDR. Cette tâche ne doit pas être laissée à l'appréciation de Madame le Premier Ministre seule surtout qu'elle a déjà un parti pris.

3° Le Parti CDR a pris l'engagement d'occuper son siège à l'Assemblée Nationale de Transition en se conformant aux prescrits de l'article 61 et 80 du Protocole d'Accord sur le Partage du pouvoir signé le 9 janvier 1993. Aucune force politique, aucune institution, aucune personne n'a le droit ni le pouvoir d'empêcher le Parti CDR d'occuper son siège à l'Assemblée nationale de Transition.

En conséquence, Monsieur KAVARUGANDA, Président de la Cour Constitutionnelle, les Partis PSD, PDI, PSR et le FPR doivent disponibiliser pour signature par le Parti CDR, les exemplaires du Code d'Ethique Politique en leur possession.

4° Le FPR doit par ailleurs cesser les autres manoeuvres dilatoires visant à empêcher le Parti CDR d'occuper son siège à l'Assemblée Nationale de Transition. Il n'a plus aucun droit d'exiger la vérification du respect des Accords d'ARUSHA puisque cet exercice a été clôturé avec la signature de ces Accords le 08 août 1993. En effet, cette vérification a eu lieu durant les négociations (cfr. §2 de l'article 61 du protocole d'Accord sur le partage du pouvoir signé le 9 janvier 1993) et la décision prise transparait dans le §1 de l'article 61 et dans l'article 62 du Protocole précité ainsi que dans la page 3 du Document contenant le Code d'Ethique Politique qui donne la liste des Forces

CASE No. ICR-90-40-1
EXHIBIT No. P 565
DATE ADMITTED 03/02/2011
TENDERED BY PROSECUTOR
NAME OF WITNESS MATTHEU NGIRUMPAZE (DWNG 39)

politiques agrées en ce moment seront représentés à l'Assemblée Nationale de Transition. Elles précisent le nombre des Députés sans exclure aucun Parti. Leur liste dans laquelle figure le Parti CDR, apparaît dans le document du Code d'Ethique Politique. 70505688 ~~70503668~~

Le contrôle du respect du Code d'Ethique Politique sera fait, quant à lui, conformément à l'article 81 du Protocole évoqué ci-dessus, par la Commission de l'Unité et de la Réconciliation Nationales.

Par conséquent, le FPR n'a le droit d'exercer aucun contrôle sur aucun Parti politique s'érigeant ainsi en censeur et en Juge et partie.

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5°

Le Parti CDR profite de l'occasion pour adresser ses remerciements au Facilitateur et à tous les observateurs qui reconnaissent le droit de toutes les Forces politiques y compris le Parti CDR de faire partie de l'Assemblée Nationale de Transition.

Le Parti CDR se félicite par ailleurs de la position de 13 Partis politiques sur 16 devant faire partie de l'Assemblée Nationale de Transition qui soutiennent l'entrée immédiate et inconditionnelle du Parti CDR à l'Assemblée Nationale de Transition.

Il est donc clair que le FPR est complètement isolé dans ses manoeuvres et porte seul la responsabilité du blocage de la mise en place des Institutions de Transition.

En ce qui concerne l'insécurité qui règne dans le pays, le Parti CDR dénonce énergiquement l'irresponsabilité du Gouvernement actuel qui ne fait aucun effort pour assurer la sécurité de la population.

Par contre, le Premier Ministre Madame UWILINGIYIMANA Agathe a décidé de se ranger du côté du FPR qui est pourtant à l'origine de la guerre et de tous les maux qu'elle a entraînés, entre autres les violences armées et les assassinats de civils innocents.

Le Parti CDR invite encore une fois les Partis membres de la coalition gouvernementale à prendre leur responsabilité et collaborer avec les autres partis politiques en vue de mettre en place un Gouvernement capable de protéger la population contre les exactions du FPR et de ses escadrons de la mort, un Gouvernement qui serait un véritable interlocuteur devant cette Organisation terroriste.

~~Le Parti CDR met enfin en garde le FPR contre les assassinats systématiques de ses adhérents dont le Président BUCYANA Martin et M^r INGABIRE Alphonse dit KATUMBA, dernière~~

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~~K0505689~~
K0505689



Le Parti CDR met enfin en garde le FPR contre les assassinats systématiques de ses adhérents dont le Président BUCYANA Martin et Mr INGABIRE Alphonse dit KATUMBA, dernière victime lâchement assassiné le 30 mars 1994. Il va sans dire que faute de protection du Gouvernement, les Impuzamugambî assureront eux-mêmes leur propre auto-défense pour faire échec aux escadrons de la mort du FPR qui opèrent impunément dans le pays. En effet, les provocations de ces assassins ont atteint la limite du tolérable.



Fait à Kigali le 11 Mars 1994



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May 14, 1995
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K0080225

DNZ-180

IDN2-32

A. G.
- 8 JUN 1995

CASE NO. KIR 95-04-1
 EXHIBIT NO. DNZ 231
 DATE ADMITTED 25 JUN 1995
 TENDERED BY DEFENCE
 NAME OF WITNESS FRANK CLARYS (PW 11)

OUTGOING CODE CABLE

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IMMEDIATE

TO : ANNAN, UNATIONS, NEW YORK
 : GOULDING, UNATIONS, NEW YORK

INFO : UNOMUR

FROM : BOOH-BOOH, UNAMIR, KIGALI, RWANDA

DATE : 05 Apr 94

NUMBER :

11*

SUBJECT : WEEKLY SITREP Nb 25, 29 Mar 94 - 04 Apr 94

1. GENERAL SITUATION AND HIGHLIGHTS

- A. This week was relatively calm and passed without any major incident. The security situation at KIGALI is influenced by a curfew from 23.00 Hrs till 05.00 Hrs the next day. This curfew is installed by the government since the assassination of the Minister of Public Works, Mr. GATABAZI, on 23 Feb 94.
- B. The formation of the Broad Based Transitional Government is still uncertain.
- C. On 302200 Mar 94 the leader of the CDR youth organization (extreme Hutu) was killed during a gun fight at KIGALI. The next morning the CDR flags were hoisted half mast and there was a spontaneous demonstration by CDR supporters. Gendarmerie and UNCIVPOL held the situation under control.

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EXCERPT

Further escalation of the violence was expected but did not take place. Fear amongst the Tutsi population is limited and few Tutsi take shelter in churches and other public places during the night. The CDR flags are still hoisted half mast.

- D. Sec KIGALI, UNCIVPOL and Gendarmerie conducted a first Cordon and Search operation at KACYIRO (KIGALI) on 010600 Apr 94. The operation was authorized by the Public Prosecutor and it was done in a legal manner. One rifle, some military documents and drug plants were captured. The procedures are being reviewed in order to conduct next cordon and search operation more smoothly.

2. POLITICAL

- A. The political stalemate continues with the issue of the entry of the party of the Coalition pour la Défense de la République (CDR) into Transitional National Assembly (TNA) being the apparent remaining obstacle to the setting up of the remaining institutions. Eleven (11) of the fifteen (15) political parties legally established at the time of the signing of the Protocol on Power-sharing issued a statement expressing support for CDR's entry into the TNA.
- B. The Special Representative together with the Representative of the Facilitator, the Papal Nuncio, and the Ambassadors of the observer countries to the Arusha peace process issued on 28 march a solemn declaration calling on the parties to resolve their differences.
- C. The Declaration specifically endorsed the right of the CDR to be admitted in the TNA when it is established and called all political actors to refrain from bringing any new obstacle.
- D. As the RPF expressed its reluctance to let the CDR enter the TNA, the aforementioned met on 29 march with a delegation of the Rwandese Patriotic Front (RPF). While not refusing the CDR the right to have one seat in the TNA as provided for in the Arusha Agreement, the RPF argued that the CDR had not followed the relevant provisions of article 61 of the Protocol on Power-sharing. The RPF further contented that the CDR had not renounced its practice of racial hatred.
- E. The current Prime Minister also met with the aforementioned to register the RPF's reluctance about the CDR and CDR's refusal to issue a statement renouncing violence, as demanded by the RPF. She called on the international community to exert pressure on both the President of the Republic and the RPF to solve this new obstacle.

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(4) There was a meeting between CIVPOL and the commander of the CRCD. He was informed by the minister of defense on new orientations about the assassination of late Minister GATABAZI. The information is being checked and will be incorporated in the final investigation report.

(5) Concerning the vehicle full of ammunition (the one that had a car crash near the CND, reported as per daily sitrep 06/07 Mar 94) CIVPOL got a written permission from the Public Prosecutor to explode the Ammo. The EOD team was informed and the disposal took place on 01 Apr 94.

(6) Early in the morning of 01 Apr 94 there was a weapon search action by the GdN together with some CIVPOL teams. The operation was a success.

D. Current Manpower

60 Police Officers. (Unchanged).

5. ADMINISTRATION AND LOGISTICS

The logistic environment is still difficult. Equipment arrived from UNTAC but the logistic situation remains difficult due to delays in delivery vehicles as most of them require medium to major repairs. Radios are also in short supply. Operational status from BANGLADESH contingent has somehow improved due to the arrival of their vehicles/equipment. The logistics and engineer company vehicles and equipments are being distributed. It was also brought to FOD's attention that there are no spare parts and no mechanics available for the APCs (BTR-80) provided by BANGLADESH. For the moment three BTR-80 out of eight are not operational.

6. CONCLUSION

We passed the scheduled installation date for the BBTG by more than 95 days. This situation is deteriorating significantly and all UNAMIR resources are being used to the maximum of their availability. The rhythm of activity will require a reassessment of troops to tasks in order to ensure a sustainable capability of the Force over the next month. Intense diplomatic efforts are continuing to facilitate the setting up of the BBTG. Joint Military Commission meetings are also continuing to maintain communication between the two forces (RGF and RPF). Looking ahead, UNAMIR is preparing the ground for the Disengagement, Demobilization and Integration of the Forces.

7. REGARDS

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FRONT PATRIOTIQUE RWANDAIS RWANDESE PATRIOTIC FRONT

F
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R

4r Annua
cc to V Building
IK HCA

Mulindi, le 05 avril 1994

Ref : FR/X.1/0017/94 B.u.

J/S 10:45 am

RECEIVED 0004204
9408777
- 4 1994
EXECUTIVE OFFICE
OF THE SECRETARY-GENERAL

ACTION: RECEIVED OASG/DPKO
- 5 1994
INFO:

Excellence Mr. Le Secrétaire
Général des Nations Unies
New York.

Objet : Plainte contre Dr. Booh Booh

Excellence Monsieur Le Secrétaire Général,

Le FFR a l'honneur de rappeler que l'Accord de Paix d'Arusha, signé le 04.08.1993, prévoyait un délai de trente-sept (37) jours pour la mise en place des Institutions de Transition sous réserve de la présence de la Force des Nations Unies. Les formations politiques devant participer dans ces Institutions avaient - dans la limite de ce délai - rempli toutes les formalités requises et avaient désigné par l'une ou l'autre voie qui leur était agréable, leurs représentants à ces Institutions. Les Unités des Nations Unies ayant achevé leur déploiement à la mi-décembre 1993, nouvelle date convenue entre toutes les parties concernées malgré la réticence du Président HABYARIMANA. Le FFR s'inscrit en faux contre les manoeuvres à épisode que celui-ci a multipliés depuis avec la collaboration de Dr. Booh Booh pour retarder ou faire échouer la mise en place de ces Institutions. L'épisode en cours et qui est loin d'être la dernière porte sur la formation terroriste et fasciste CDR : une des créations du Président HABYARIMANA.

Dr. Booh Booh, tout comme le Président HABYARIMANA, pose depuis seulement le 29.03.1994 comme préalable à l'instauration des Institutions de Transition, l'entrée de la CDR à l'Assemblée Nationale de Transition (voir V/lettre 29.03.1994). Et ce, moyennant une interprétation forcée ne correspondant pas à la Déclaration du Corps Diplomatique du 28.03.1994, qui stipule que leurs Excellences :

- "sont d'avis, après examen des dispositions pertinentes du Protocole d'Accord sur le Partage du Pouvoir, que tous les partis politiques agréés au Rwanda

- 1 -

CASE No. ICTR-98-44-T
EXHIBIT No. 2569
DATE ADMITTED: 03/02/2011
TENDERED BY: PROSECUTOR
NAME OF WITNESS: NGIRUMPASE
(DU NG 39)

à la date de signature de ce Protocole et le FPR doivent être représentés à l'Assemblée Nationale de Transition à condition qu'ils respectent l'Accord de Paix."

Or l'Accord de Paix précise (Art. 61, Protocole sur le Partage du Pouvoir) :

- " comme le FPR et les partis politiques participant au Gouvernement actuel de Coalition sont d'office liés, directement ou indirectement par le Protocole d'Accord sur l'Etat de Droit conclu entre les deux parties en négociation, les partis politiques ne participant pas audit Gouvernement (dont la CDR) devront dès la signature du Protocole d'Accord sur le Partage du Pouvoir (09.01.1993) manifester leur engagement à respecter les principes contenus dans le Protocole d'Accord sur l'Etat de Droit, à appuyer le Processus de Paix et à éviter toute pratique sectaire ainsi que toute forme de violence. Cet engagement constitue une condition préalable à leur entrée à l'Assemblée Nationale de Transition et il revient aux deux parties en négociation d'en vérifier le respect. "

Ce texte est sans ambiguïté. Au lieu de s'engager à respecter les principes contenus dans la Déclaration Universelle des Droits de l'Homme repris dans le Protocole sur l'Etat de Droit, à renoncer au sectarisme et à la violence, à adhérer au Processus de Paix, la CDR a tout juste fait l'opposé comme par le passé. Personne ne peut rien contre les faits accablants pour la CDR à cet égard. Certains de ces faits ont été rapportés par "la Commission Internationale d'Enquête sur les violations des Droits de l'Homme au Rwanda" (mars 1993), dont les conclusions ont été confirmées plus tard par la Mission des Nations Unies que Dr. Booh Booh est censé représenter.

- "La Commission estime que, quoi qu'il en soit des qualifications juridiques (génocide ou pas), la réalité est tragiquement identique : de nombreux Tutsis. Pour la seule raison qu'ils appartiennent à ce groupe, sont morts, disparus ou gravement blessés et mutilés; ont été privés de leurs biens; ont dû fuir leur lieu de vie et sont contraints de se cacher; les survivants vivent dans la terreur. On constate certes une extension des agressions aux Hutus opposants du MRND ou de la CDR. Cette extension peut compliquer mais pas modifier la nature fondamentale du débat". p.50

Quant aux massacres du mois de janvier - février 1993, la Commission déclare :

- " Les événements qui se sont déroulés après le départ de la Commission d'enquête, c'est-à-dire après le 21 janvier 1993 ... révèlent, d'après les informations reçues, que ce sont les milices armées du MRND et de la CDR qui ont pris le relais

Ces informations ne font d'ailleurs que confirmer l'impression ressentie par la Commission d'enquête, lors des cinq jours qu'elle a passés dans les deux Préfectures de RUHENGURI et de GISENYI. Elle a observé l'omniprésence de ces milices à leur expression arrogante à l'égard de la population". p. 79 - 80.

La situation d'insécurité telle que l'avait observée la Commission à l'époque s'est entre-temps aggravée avec la distribution officielle des armes à la CDR :

- "Ainsi, difficile le jour, la circulation des Tutsi et de tout Hutu qui ne font pas partie du MRND et de la CDR, relève d'un tempérament suicidaire". p. 81.

À quoi peut-on s'attendre d'autre d'ailleurs quand les principes d'"Apartheid", d'exclusion, d'arbitraire, de violence sont contenus dans la doctrine et les prises de position officielles que vous connaissez déjà et que la CDR professe même aujourd'hui.

- "La majorité populaire (les Hutus) n'a rien de commun avec la minorité (Tutsis et Twas); les trois ethnies devront donc se résoudre à la coexistence pacifique, chacun défendant ses propres intérêts". Préambule au Manifeste Programme de la CDR.

C'est encore la CDR qui prêche que : (cfr Meeting du 26.07.1992 radiodiffusé)

- Le Rwanda est "le patrimoine exclusif des Hutus". (Igimigu cya Gahutu)
 - "Les vices des Tutsi sont dans les gènes : ils ne constituent guère quelque chose appris d'hier".

Et Mr. Barayagwiza J. Bosco, Secrétaire Général de la CDR, dont Dr. Booh Booh est devenu le défenseur de spécifier plus tard en 1993 à ce sujet lors d'un meeting radiodiffusé :

- "Les Cancrelats n'engendrent naturellement que les Cancrelats".

Pour la CDR, la discrimination n'est que naturelle :

- "Tu ne peux pas cuire le riz et les patates douces dans une même marmite. Non, cela est impossible". Mugoragore Célestin, CDR : KIBUNGO

Ces a priori justifient aux yeux de la CDR, qui se prend pour le Rwanda, ses hauts faits criminels, dont elle ne fait d'ailleurs pas mystère.

- "Les Cancrelats - Inkotanyi (FER) qui ont attaqué le Rwanda sont des Tutsis exclusivement (faux), et nous savons que leurs complices - que sont les Tutsis - vivent au Rwanda.

Ceux-ci doivent être exterminés... Vous savez ce que nous avons fait dans le BUGESERA(lieu des massacres)". (Meeting du 20.04.1992, radiodiffusé).

Mardi 22 juin 1993, lors d'une émission hebdomadaire sur Radio Rwanda la CDR déclara que les Protocoles d'Accord d'Arusha sont le fruit de la complicité entre le FPR et les partis MDR, PSD, FL qui ont rencontré ce premier à Bruxelles. La CDR rejette ces Accords tout comme elle l'avait fait le 10.11.1992 en déclarant :

- "Celui qui veut de ces Accords le fait à ses risques et périls". (ushaka ariya masaserane najye mu rugan*).

En réalité, sous la couleur de défendre une ethnie, ce qui sert aisément de moyen de mystification, la CDR se présente comme un groupuscule ayant pour vocation de défendre dans la violence la dictature du Président HABYARIMANA. Dès que cet objectif est contrarié, la CDR ne recule devant rien : mensonge, fabrication de faits, massacres sans distinction, etc ...

- a) 01.02.1994 : Pour créer un climat de terreur, la CDR prétend sur les antennes de Radio Rwanda que la MINUAR a dépêché chez Mr. J. B. Barayagwiza, Secrétaire Général de la CDR, un commando pour l'assassiner.
- b) 22.02.1994 : à BUTARE, le peuple en furie lynche à mort, en plein jour, le Président de la CDR, Mr. Bucyana M. , après l'assassinat du Ministre Gatabazi par un commando armé. La CDR attribue la mort de Mr. Bucyana aux Tutsis, mais les massacres dans Kigali dont cette mort sert de prétexte frappent les Tutsis certes, mais également les gens de l'opposition.

Dr. Booh Booh ne peut pas prétendre ignorer les faits rapportés ci-dessus et beaucoup d'autres dont il serait superflu de faire l'inventaire.

En vertu de la loi rwandaise il revient au Ministre de l'intérieur de demander la dissolution judiciaire d'un parti politique coupable de tels faits. Le 05.09.1992 et en mars 1993 le Ministre de la Justice et la Commission Internationale devaient respectivement observer avec amertume :

- "J'avais pensé que la CDR disparaîtrait de soi à cause de ses déclarations dépassées.. ses prises de position sont à combattre parce que non conformes à l'idéal démocratique".

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- "Aucune mesure n'a encore été prise pour infraction à la loi... contre la CDR.
Il faut rappeler que le Ministre de l'Intérieur a toujours appartenu au MRND".
p. 81.

Pour ceux qui respectent l'Accord d'Arusha, la CDR ne peut être acceptée à l'Assemblée Nationale de Transition sur fondement de l'article 61 du protocole du 09.01.1993. Dans un élan tout caractéristique de réconciliation nationale, les deux parties en négociation à Arusha avaient convenu à la fois d'oublier le passé et de donner, aux partis politiques non impliqués directement dans les négociations, particulièrement ceux dont le passé laissant à désirer, une période probatoire avant d'entrer dans les Institutions de Transition. Les autres étaient acceptés d'office pour faire partie de ces Institutions sous réserve d'être contrôlés plus tard par la Commission sur l'Unité et la Réconciliation Nationale. Ainsi la considération politique fondée sur la réconciliation nationale que certains invoquent pour accepter la CDR a été déjà envisagée dès janvier 1993. Mais la CDR n'a pas voulu se départir de ses idées et de son passé. La réconciliation sans contrition est un leurre et nous rejetons l'idée selon laquelle l'humiliation des uns : les victimes; face à l'impunité ainsi qu'au mépris triomphant des autres seraient la condition de la réconciliation. Dire enfin qu'il faut accepter la CDR par peur de sa violence : c'est précisément aller à l'encontre de l'article 61 et 80 du Protocole susdit.

Le 18.03.1994, à l'issue de sa mission durant laquelle il avait consulté toutes les parties. Le Représentant du Facilitateur, le Ministre Tanzanien des Affaires Etrangères avait déclaré dans son communiqué que le seul obstacle retardant la mise en place des Institutions de Transition était le problème du parti Libéral. Vous savez que ce problème était né parce que le Président HABYARIMANA forçait les Députés de ce parti élus le 05.09.1993 à céder leurs sièges aux personnes désignées, d'obédience du MRND.

Aujourd'hui Dr. Booh Booh pose comme condition de mise en place des Institutions de Transition l'admission d'un Député CDR :
parti du Président. Cette condition n'avait jamais apparue auparavant, même pas lors des réunions des partis que Dr. Booh Booh même avait dirigées les 07, 10 et 15 février 1994. Cette condition intervient après qu'il ait remis au FPR et soutenu de la part du parti du Président HABYARIMANA, un document reniant Arusha et tendant à attribuer au Président un pouvoir exorbitant. Cela avait abouti le 13.02.1994 à un fiasco le forçant à se tenir depuis à l'écart.

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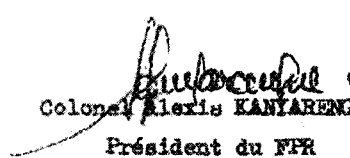
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D'autres manœuvres de la part du Président au sein des partis MDR, PDI, PSD sont annoncées et Dr. Booh Booh lors de sa rencontre du 01.03.1994 avec le FPR déclarait cela de bon aloi, encourageant notre mouvement à trouver des compromis avec le Président. Or les Accords d'Arusha du 04.08.1993 sont un compromis qu'il ne faut plus renégocier. Nous dénonçons donc la position de Dr. Booh Booh qui :

- renie l'Accord d'Arusha;
- dénature la mission de la MINUAR et dilapide les fonds des Nations Unies en donnant au Président HABYARIMANA son gage pour ses manœuvres;
- son parti pris pour ce dernier .

Pour que la mission de la MINUAR connaisse un succès, il faut respecter l'Accord d'Arusha. Nous avons cru utile de porter les faits ci-dessus à votre connaissance pour que vous puissiez apprécier exactement la situation et prendre le cas échéant les mesures qui s'imposent.

Veuillez recevoir, Excellence Monsieur le Secrétaire Général, l'expression de ma haute considération.


Colonel Alexis KANYARENGWE
Président du FPR

CPI : - Président du Conseil de Sécurité (New - York)
- Dr. Booh Booh, Représentant Spécial du Secrétaire
Général (Kigali).

