

ICTR-98-44-AR73.13  
11-3-2008  
(2103/A - 2075/A)

2103/A  
HM

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR RWANDA

CASE No. ICTR-98-44-AR73.13

IN THE APPEALS CHAMBER

Before: The Appeals Chamber

Registrar: Mr. Adama Dieng

Date Filed: 11 March 2008

THE PROSECUTOR

v.

EDOUARD KAREMERA,  
MATHIEU NGIRUMPATSE, and  
JOSEPH NZIRORERA

JUDICIAL RECORDS/ARCHIVES  
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JOSEPH NZIRORERA'S APPEAL FROM  
DECISION ON TENTH RULE 68 MOTION

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The Office of the Prosecutor:

Mr. Don Webster  
Ms. Allayne Frankson-Wallace  
Mr. Iain Morley  
Ms. Gerda Visser  
Mr. Saidou N'Dow

Defence Counsel:

Mr. Peter Robinson  
Mr. Patrick Nimy Mayidika Ngimbi

Counsel for Co-Accused:

Ms. Dior Diagne Mbaye and Mr. Felix Sow for Edouard Karemera  
Ms. Chantal Hounkpatin and Mr. Frederick Weyl for Mathieu Ngirumpatse

1. Joseph Nzirorera hereby appeals, pursuant to certification, from the Trial Chamber's *Decision on Joseph Nzirorera's Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures* (5 February 2008) (the "Impugned Decision").

2. In that decision, the Trial Chamber held that:

"When a document on a *prima facie* basis contains exculpatory information, as well as information supporting the prosecution case on the same issue, the Chamber notes that all information on the same issue must be read in context. Thus, only information that, when read in its entirety, tends to be exculpatory, must be disclosed under Rule 68(A)."<sup>1</sup>

3. Mr. Nzirorera contends that the Trial Chamber erred as a matter of law in holding that the prosecution may withhold exculpatory information from disclosure under Rule 68(A) where the information is "mixed" with other inculpatory information.

#### **Procedural History**

4. This is a case which has been polluted with disclosure violations by the prosecution.<sup>2</sup>

5. On 21 November 2007, Joseph Nzirorera filed *Joseph Nzirorera's Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures*. He contended that the prosecution had violated Rule 68 by failing to disclose documents it had received from the United States National Security Archives in May 2006 which contained exculpatory information.

6. The prosecution responded on 28 November 2007.<sup>3</sup> Mr. Nzirorera replied on 3 December 2007.<sup>4</sup> The prosecution filed a rejoinder on 4 December 2007.<sup>5</sup>

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<sup>1</sup> *Impugned Decision* at para. 20

<sup>2</sup> See *Joseph Nzirorera's Motion for Mistrial at the Close of the Prosecution Case* (7 January 2008), incorporated by reference herein.

<sup>3</sup> *Prosecutor's Response to Joseph Nzirorera's Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures* (28 November 2007)

7. Mr. Nzirorera filed a supplement on 17 December 2007 alleging other documents from the United States National Security Archives had been improperly withheld.<sup>6</sup> The prosecution responded to this supplement on 24 December 2007.<sup>7</sup>

7. On 5 February 2007, the Trial Chamber issued its *Decision on Joseph Nzirorera's Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures*.

8. Mr. Nzirorera applied for certification to appeal on 7 February 2008.<sup>8</sup> The prosecution responded on 11 February 2008.<sup>9</sup> Mr. Nzirorera replied on 13 February 2008.<sup>10</sup>

9. In a decision of 4 March 2008, the Trial Chamber granted certification to appeal one aspect of its decision—whether the Trial Chamber erred in holding that document #2 was not exculpatory in nature because the exculpatory information was “mixed” with inculpatory information.<sup>11</sup>

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<sup>4</sup> *Reply Brief: Joseph Nzirorera's Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures* (3 December 2007)

<sup>5</sup> *Prosecutor's Rejoinder to Joseph Nzirorera's Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures* (4 December 2007)

<sup>6</sup> *Supplemental Memorandum in Support of Joseph Nzirorera's Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures* (17 December 2007)

<sup>7</sup> *Prosecutor's Response to Nzirorera's Supplemental Filing of 17 December 2007—10<sup>th</sup> Rule 68 Violation* (24 December 2007)

<sup>8</sup> *Joseph Nzirorera's Application for Certification to Appeal Decision on Tenth Rule 68 Motion* (7 February 2008)

<sup>9</sup> *Prosecutor's Response to Joseph Nzirorera's Application for Certification to Appeal Decision on Tenth Rule 68 Motion* (11 February 2008)

<sup>10</sup> *Reply Brief: Joseph Nzirorera's Application for Certification to Appeal Decision on Tenth Rule 68 Motion* (13 February 2008)

<sup>11</sup> *Decision on Joseph Nzirorera's Application for Certification to Appeal Decision on Tenth Rule 68 Motion* (4 March 2008)

### **Ground of Appeal**

10. Mr. Nzirorera contends that the Trial Chamber erred as a matter of law in holding that the prosecution may withhold exculpatory information from disclosure under Rule 68(A) where the information is “mixed” with other inculpatory information.

### **Standard of Review**

11. The Appeals Chamber has frequently held that the Trial Chamber’s exercise of discretion will be reversed only if it is demonstrated that the Trial Chamber made a discernible error because its decision was based upon an incorrect interpretation of governing law, on a patently incorrect conclusion of fact, or because it was so unfair and so unreasonable to constitute an abuse of the Trial Chamber’s discretion.<sup>12</sup>

12. Mr. Nzirorera respectfully contends that the Trial Chamber made an incorrect interpretation of governing law when holding that the prosecution was entitled to withhold exculpatory information when such information was “mixed” with inculpatory information.

### **Argument**

#### **Context: The MRND and CDR Parties**

13. The three accused are leaders of the ruling MRND political party. The prosecution has contended in its indictment that from 1992-94, the accused conspired with, *inter alia*, Jean-Bosco Barayagwiza, a leader of an extremist political party--the CDR party-- to exterminate the Tutsis in Rwanda.<sup>13</sup>

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<sup>12</sup> *Decision on Prosecution’s Interlocutory Appeal Concerning Disclosure Obligations* (23 January 2008) at para. 7 and cases cited therein.

<sup>13</sup> *Indictment* at paragraph 6(iii) alleging CDR leader Jean-Bosco Barayagwiza to be a member of the joint criminal enterprise, and paragraph 23 alleging him to be a co-conspirator.

7. During its case, the prosecution led evidence from Witness UB that the MRND and CDR had entered into an agreement “so that they would take over power” and after entering into that agreement “the MRND and CDR were like one party.”<sup>14</sup> The parties were allied “from the beginning”.<sup>15</sup> Witness UB claimed that certain members of the MRND had created the CDR and that the two parties had a secret pact to persecute the Tutsis.<sup>16</sup>

8. Witness UB claimed that the accused Ngirumpatse had told him that the MRND preferred to collaborate with the CDR than to retain its Tutsi members because they did not trust Tutsis.<sup>17</sup> He said that the MRND had never condemned any acts of the CDR, nor did the CDR condemn acts committed by the MRND.<sup>18</sup>

9. Witness GOB testified for the prosecution that the MRND and the CDR were like one family. According to him, the CDR was the child of the MRND and they together constituted “just one whole”.<sup>19</sup>

#### **The Document in Question**

10. The document which is the subject of this appeal is a 15 page cable from United States Ambassador to Rwanda Robert Flaten to the United States Department of State dated 21 August 1992.<sup>20</sup>

11. In his report to the State Department on the internal insecurity in Rwanda at that time, Ambassador Flaten said:

<sup>14</sup> Transcript of 23 February 2006 @ 43

<sup>15</sup> Transcript of 23 February 2006 @ 46

<sup>16</sup> Transcript of 23 February 2006 @ 44-45

<sup>17</sup> Transcript of 23 February 2006 @ 44

<sup>18</sup> Transcript of 23 February 2006 @ 45

<sup>19</sup> Transcript of 22 October 2007 @ 51-52

<sup>20</sup> This document, which was attached as Annex “B” to *Reply Brief: Joseph Nzirorera’s Tenth Notice of Rule 68 Violation and Motion for Remedial and Punitive Measures* (3 December 2007) is reproduced for the Appeals Chamber’s convenience as Annex “A” to this appeal.

“Queried by Charge [d’ Affairs], however, leaders of both the MRND and CDR contend that their two organizations are completely separate and that their ideologies and aims are totally different. CDR leader Barayagwiza is critical of the MRND for failure to put Hutu interests first. . . MRND leader Ngirumpatse is equally critical of the CDR policy of ethnic separatism and claimed to Charge that CDR is actually a threat to the MRND. He acknowledged that Interahamwe members might be participating in CDR demonstrations and vice-versa, but said such persons, if identified, would be punished. He claimed such participation was totally spontaneous and not sanctioned by the MRND.”<sup>21</sup>

12. Neither the prosecution nor the Trial Chamber ever disputed that this portion of the cable was exculpatory as contradicting the prosecution’s evidence that the two parties were conspiring together to exterminate the Tutsis.

13. The prosecution pointed to other parts of the same cable which it claimed were inculpatory including reports that the MRND and CDR youth had been the principal architects of recent roadblocks and attacks, that “observers contend that the MRND and CDR youth are “virtually interchangeable”<sup>22</sup>, and that “many people in different political and social positions have told us that the CDR is nothing more than a mouthpiece of the President.”<sup>23</sup>

14. The Trial Chamber concluded that the document “when read in its entirety does not tend to suggest that there was no relationship between the CDR and MRND parties. There is therefore no *prima facie* showing that [the document] contains exculpatory information.”<sup>24</sup>

15. Mr. Nzirorera contends that the Trial Chamber incorrectly interpreted the law on what constitutes exculpatory material pursuant to Rule 68.

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<sup>21</sup> See Annex “A” at pages 7-8

<sup>22</sup> See Annex “A” at pages 1-2

<sup>23</sup> See Annex “A” at pages 4-5

<sup>24</sup> Impugned Decision at para. 23

### Rule 68—Text and Scope

16. Rule 68(A) provides that:

“The Prosecutor shall, as soon as practicable, disclose to the Defence any material, which in the actual knowledge of the Prosecutor may suggest the innocence or mitigate the guilt of the accused or affect the credibility of Prosecution evidence.”

17. The Appeals Chamber has held that the obligation to disclose exculpatory material to the defence “is as important as the obligation to prosecute.”<sup>25</sup> It has held that the prosecution’s obligation to disclose exculpatory material is essential for a fair trial, and that this obligation “is to be interpreted broadly.”<sup>26</sup>

18. This interpretation is supported by the text of Rule 68(A) which applies to *any* material which *may* suggest the innocence...of the accused or affect the credibility of Prosecution evidence.

19. The Appeals Chamber has also said that “the disclosure of Rule 68 material is fundamental to the fairness of proceedings before the Tribunal, and considerations of fairness are the overriding factor in any determination of whether the governing Rule has been breached.”<sup>27</sup>

20. Trial Chambers of the ICTR, including the Trial Chamber in Mr. Nzirorera’s case, have held that whether information “may suggest the innocence or mitigate the guilt of the accused” must depend on an evaluation of whether there is *any possibility*, in light

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<sup>25</sup> *Ndindabahizi v Prosecutor*, No. ICTR-01-71-A, *Judgement* (16 January 2007) at para. 72; *Prosecutor v Kordic & Cerkez*, No. IT-65-14/2-A, *Judgement* (17 December 2004) at para. 183, 242; *Prosecutor v Brdjanin*, No. IT-99-36-A, *Decision on Appellant’s Motion for Disclosure Pursuant to Rule 68 and Motion for an Order the Registrar to Disclose Certain Materials* (7 December 2004)

<sup>26</sup> *Prosecutor v Karemera et al*, No. ICTR-98-44-AR73.7, *Decision on Interlocutory Appeal Regarding the Role of the Prosecutor’s Electronic Disclosure Suite in Discharging Disclosure Obligations* (30 June 2006) at para. 9

<sup>27</sup> *Prosecutor v Stakic*, No. IT-97-24-A, *Judgement* (22 March 2006) at para. 188; *Prosecutor v Krstic*, No. IT-98-33-A, *Judgement* (19 April 2004) at para. 180

of the submissions of the parties, that the information could be relevant to the defence of the accused.<sup>28</sup>

21. Similarly, at the ICTY, a Trial Chamber has held that “for material to fall within the ambit of Rule 68, it is not required that it in fact suggests the innocence of the accused; it is sufficient that it *may* so suggest.”<sup>29</sup>

#### **The Trial Chamber’s Error**

22. The Trial Chamber has misunderstood the fundamental purpose of Rule 68. It evaluated the information in the document in question as if the defence was seeking to admit the document as an exhibit, weighing the probative value of the document to the defence, and determining that, on balance, the document was not more helpful than harmful to the accused.

23. But Rule 68 is a disclosure provision, not an admissibility provision. It is designed to require the prosecution to disclose information which may suggest the innocence of the accused or may contradict prosecution evidence. Such disclosure constitutes only the first step in a process which may or may not lead to admissible evidence. Rule 68 is designed to provide leads to the defence to search for information and witnesses which it may ultimately use at the trial.

24. The Appeals Chamber has recognized this distinction. It has held on two occasions that “material to be disclosed under Rule 68 is not restricted to material which is in a form which would be admissible in evidence. Rather, it includes all information

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<sup>28</sup> *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, *Decision on Disclosure of Defence Witness Statements in the Possession of the Prosecution Pursuant to Rule 68(A)* (8 March 2006) at para. 5; *Prosecutor v Karemera et al*, No. ICTR-98-44-T, *Decision on Joseph Nzirorera’s Notices of Rule 68 Violation and Motions for Remedial and Punitive Measures* (25 October 2007) at para. 6

<sup>29</sup> *Prosecutor v Krajisnik*, No. IT-00-39-T, *Decision on Defence Motion on Rule 68 of the Rules of Procedure and Evidence* (2 June 2006) at para. 9



which in any way tends to suggest the innocence or mitigate the guilt of an accused or may affect the credibility of prosecution evidence, as well as material which may put an accused on notice that such material exists.”<sup>30</sup>

25. In the *Kordic* case, the Appeals Chamber held that Rule 68 required the prosecution to disclose prior statements of one of its witnesses in which he had acknowledged providing false evidence at his own trial. Had the Appeals Chamber applied the principle employed by the Trial Chamber in Mr. Nzirorera’s case, it may well have held that, on balance, the information was not exculpatory, since the record of the witness’ own trial also contained information consistent with his trial testimony against the accused.

26. However, the Appeals Chamber recognized that the accused was entitled to disclosure and “notice” so that he might make use of that portion of the material which was exculpatory. It ordered disclosure of the witness’ prior testimony at his own trial.<sup>31</sup>

27. In the *Krstic* case, the prosecution conceded on appeal that six witness statements had not been disclosed in violation of Rule 68. Those witness statements contained both inculpatory and exculpatory information. Had the prosecution and Appeals Chamber followed the principle set forth by the Trial Chamber in Mr. Nzirorera’s case, it may well have concluded that on balance the statements were more inculpatory than exculpatory and denied disclosure.<sup>32</sup>

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<sup>30</sup> *Prosecutor v Krstic*, No. IT-98-33-A, *Judgement* (19 April 2004) at para. 178; *Prosecutor v Kordic & Cerkez*, No. IT-65-14/2-A, *Decision on Motion by Dario Kordic for Access to Unredacted Portions of October 2000 Interviews With Witness AT* (23 May 2003) at para. 24

<sup>31</sup> *Prosecutor v Kordic & Cerkez*, No. IT-65-14/2-A, *Decision on Motion by Dario Kordic for Access to Unredacted Portions of October 2000 Interviews With Witness AT* (23 May 2003) at paras. 24-28

<sup>32</sup> *Prosecutor v Krstic*, No. IT-98-33-A, *Judgement* (19 April 2004) at para. 177; *Prosecution Response to Defence Appeal Brief Concerning Rule 68 Violations* (8 May 2003) at para. 2.1

28. In the *Rutaganda* case, the Appeals Chamber held that the failure of the prosecution to disclose a radio broadcast of the accused on 25 April 1994 in which he appealed for calm violated Rule 68. The broadcast could also be interpreted as showing that Rutaganda had control over the Interahamwe who were killing. Under Mr. Nzirorera's Trial Chamber's interpretation of Rule 68, the broadcast would not have had to have been disclosed if, on balance, the evidence tended to be more inculpatory than exculpatory. The Appeals Chamber clearly did not take such an approach to the disclosure of exculpatory evidence.<sup>33</sup>

29. In the *Niyitegeka* case, the Appeals Chamber held that the prosecution violated Rule 68 when it failed to disclose a radio broadcast which showed that the accused was at a meeting of the Interim Government in Kigali on 10 April 1994. It did not balance the exculpatory value of the recording (showing the accused's presence in Kigali) against its inculpatory value (showing his participation in the alleged unlawful and genocidal Interim Government). Rather, given the existence of some exculpatory material in the broadcast, the Appeals Chamber held it should have been disclosed pursuant to Rule 68.

30. Therefore the approach employed by the Trial Chamber in Mr. Nzirorera's case is at odds with the approach to disclosure of exculpatory evidence employed by the Appeals Chamber on at least four occasions.

31. The Trial Chamber's approach is also in contravention of the express language of Rule 68, which requires disclosure of *any* material, which *may suggest* the innocence of the accused or the credibility of prosecution evidence. This language does

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<sup>33</sup> *Rutaganda v Prosecutor*, No. ICTR-96-03-R, *Decision on Requests for Reconsideration, Review, Assignment of Counsel, Disclosure, and Clarification* (8 December 2006) at para. 37

not envision the balancing test employed by the Trial Chamber, but broad disclosure of any material which could conceivably assist the accused, in whole or in part.

32. The erroneous nature of the Trial Chamber's treatment of "mixed" content of a document is also illustrated by how it would be applied to witness statements. If a potential witness said in a statement to the prosecution that the accused had told him he vigorously opposed the extermination of Tutsis and had tried to stop the killings, but in the same statement had observed that others had told him that the accused was involved in the extermination of Tutsis, it is clearly wrong to deprive the accused of disclosure of this statement, and the right to investigate its contents.

33. Perhaps upon meeting the potential witness, the defence would discover that he didn't believe those who had said that the accused was involved in the extermination of Tutsis, or that the prosecution's investigator got it wrong when he put such material in the statement, or that there were ten other people present when the accused made the statement that he vigorously opposed the extermination of the Tutsis. All of these are reasons why the disclosure is required in the first place. The Trial Chamber's approach would snuff out any possibility that the defence could obtain favorable evidence by assuring that the material was never disclosed to him at all.

34. This is precisely the situation with the document in question in the Impugned Decision. With disclosure, the accused can interview the American Charge d'Affairs to whom Mathieu Ngirumpatse made the statements disavowing a connection with the CDR party and their ethnic views. She can be called as a witness and give important evidence for the defence. The fact that the American Ambassador, in other parts of the document, repeated information from other, anonymous sources that cast doubt on the separation

between the two parties, cannot operate to deprive the accused of disclosure of the document, which could lead to discovery of a witness who can provide exculpatory testimony.

### Conclusion

35. Mr. Nzirorera respectfully contends that the Trial Chamber misinterpreted Rule 68 in the Impugned Decision and that its decision is contrary to the letter and spirit of that Rule, as well as the decisions of the Appeals Chamber which have applied it. The Trial Chamber's interpretation, if incorporated in the jurisprudence of the *ad hoc* Tribunals, would have a detrimental effect upon the fairness of trials at the Tribunals by allowing the prosecution to withhold exculpatory information from the defence if it were "mixed" with inculpatory information.

36. For those reasons, it is respectfully requested that the Impugned Decision be reversed, and that the matter be returned to the Trial Chamber for determination of the appropriate remedy, if any, for yet another violation of Rule 68 by the prosecution in this case.<sup>34</sup>

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Respectfully submitted,



PETER ROBINSON

Lead Counsel for Joseph Nzirorera

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<sup>34</sup> Mr. Nzirorera notes that the prosecution has never improved its Rule 68 disclosure practices and has ignored the Appeals Chamber's suggestion that it "might be helpful if the prosecution either separates a special file for Rule 68 material or draws the attention to the Defence to such material in writing and permanently updates the special file or the written notice." *Decision on Interlocutory Appeal Regarding the Role of the Prosecutor's Electronic Disclosure Suite in Discharging Disclosure Obligations* (30 June 2006) at para. 15

**ANNEX "A"**

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PAGE 01 KIGALI 03478 01 OF 06 210539Z  
ACTION AF-01

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INFO	LOG-00	AMAD-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
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	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SNP-01
	SP-01	SS-01	TRSE-00	T-01	USIE-00	/037W	

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P 210525Z AUG 92  
 FM AMEMBASSY KIGALI  
 TO SECSTATE WASHDC PRIORITY 1549  
 INFO AMEMBASSY BRUSSELS  
 AMEMBASSY BUJUMBURA  
 AMEMBASSY DAR ES SALAAM  
 AMEMBASSY KAMPALA  
 AMEMBASSY PARIS

Dept of State, RPS/IPS, Margaret P. Grafeld, Dir  
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SECTION 01 OF 06 KIGALI 03478

E.O. 12356: DECL:OADR  
 TAGS: PGOV, PINS, RW  
 SUBJECT: INTERNAL INSECURITY: AN ONGOING PROBLEM

REFS: (A) ✓ KIGALI 3196, (B) KIGALI 3211  
 (C) ✓ KIGALI 3044, (D) KIGALI 2203

1. [REDACTED]

SUMMARY

[REDACTED]

[REDACTED]

PAGE 02 KIGALI 03478 01 OF 06 210539Z  
 2. INTERPARTY VIOLENCE SUBSIDED DURING THE PAST WEEK FOLLOWING TWO WEEKS THAT SAW DEATH AND DESTRUCTION IN WIDELY SEPARATED PARTS OF THE COUNTRY, COINCIDENT TO A CALMER POLITICAL ATMOSPHERE AS A BROAD SPECTRUM OF RWANDANS ACCEPTED THE ARUSHA ACCORD PRINCIPLES FUNDAMENTAL TO POLITICAL TALKS WITH THE REBEL RPF. PARTY YOUTH, THE INTERAHAMWE OF THE PRESIDENT'S MRND PARTY AND HARDLINE CDR YOUTH, APPEAR TO HAVE BEEN THE PRINCIPLE ARCHITECTS OF RECENT ROAD BLOCKS AND ATTACKS, WHILE THE MAIN OPPOSITION PARTY, THE MDR, PROBABLY

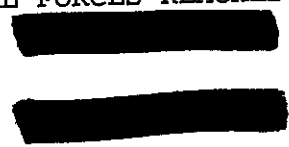
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PROVOKED MOST OF THE RECENT COMMUNE-LEVEL VIOLENCE IN THE SOUTH. OBSERVERS CONTEND THAT THE INTERAHAMWE AND THE CDR YOUTH ARE BECOMING INTERCHANGEABLE AND ALLEGE THAT MILITARY ARE INVOLVED IN THEIR ACTIVITIES. WHILE THERE HAVE BEEN SOME ARRESTS IN CONNECTION WITH INTERPARTY DISTURBANCES, THE LACK OF RESPONSE FROM THE SECURITY SERVICES, STILL CONTROLLED BY THE PRESIDENT'S PARTY, AND THE LACK OF JUDICIAL FOLLOW-UP ARE TROUBLING. ALTHOUGH THE VIOLENCE SEEMS TO HAVE SUBSIDED FOR NOW, WE CAN ANTICIPATE A NEW WAVE OF INTERNAL INSECURITY, IN SOME FORM OR ANOTHER, AS PEACE TALKS PROCEED, ESPECIALLY IF INTERNAL DIFFERENCES OVER POWERSHARING AND INTEGRATION OF FORCES BECOME ACUTE.  
END SUMMARY.

INTERNAL INSECURITY EBBS AND FLOWS

3. THROUGHOUT THIS YEAR, INTERNAL INSECURITY HAS INCREASED IN PARALLEL WITH EACH SIGNIFICANT STEP FORWARD IN THE DEMOCRATIZATION AND PEACE PROCESSES AND SUBSIDED AS INTERNAL POLITICAL FORCES REACHED A NEW LEVEL OF



PAGE 03 KIGALI 03478 01 OF 06 210539Z  
COMMON UNDERSTANDING. THE BUGESERA MASSACRES, FOR EXAMPLE, TOOK PLACE JUST AS NEGOTIATIONS OVER FORMATION OF A MULTI-PARTY GOVERNMENT WERE REACHING THEIR CONCLUSION. RANDOM LAND MINE EXPLOSIONS REACHED A PEAK IN EARLY MAY, JUST WEEKS AFTER THE MULTI-PARTY TRANSITION GOVERNMENT WAS SWORN IN AND ANNOUNCED ITS PROGRAM. THE CRAZY WEEKEND IN LATE MAY INVOLVING INTER-PARTY VIOLENCE AND MILITARY MUTINIES, MIXED IN WITH A CAR BOMB EXPLOSION (REF D) OCCURRED AFTER THE FOREIGN MINISTER'S SUCCESSFUL TRIP TO UGANDA WHERE HE AND THE RPF AGREED TO TALK AND JUST PRIOR TO THE INITIAL GOR-RPF TALKS IN PARIS. INTERNAL SECURITY DETERIORATED AGAIN IN JULY WITH AN UPSURGE IN INTERPARTY VIOLENCE, IN THE INTERIM PERIOD AFTER THE SIGNING OF THE ARUSHA CEASEFIRE ACCORD WITH ITS THREE PRINCIPLES AIMED AT GUIDING AUGUST'S POLITICAL-MILITARY NEGOTIATIONS AND BEFORE THE NEGOTIATIONS BEGAN.

TENSIONS HEIGHTENED

4. TENSIONS BETWEEN POLITICAL PARTIES WERE HEIGHTENED IN LATE JULY WITH CALLS FOR THE TRANSITION GOVERNMENT TO

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FileName : .../t920861/aaaabusw.tel

CHANNEL: n/a

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RESIGN. THE CALLS CAME BOTH FROM SUPPORTERS OF  
PRESIDENT HABYARIMANA'S MRND PARTY YOUTH, THE  
INTERAHAMWE, AND FROM THE HARDLINE HUTU SUPREMACY  
COALITION FOR THE DEFENSE OF THE REPUBLIC (CDR).  
UNAUTHORIZED DEMONSTRATIONS, MAINLY IN THE FORM OF  
BLOCKING PRINCIPAL ROADS IN THE COUNTRY, DREW ATTENTION  
TO THE CDR'S DENUNCIATION OF THE ARUSHA ACCORD AS WELL  
AS TO DEMANDS FROM BOTH GROUPS FOR THE RELEASE OF THEIR  
MEMBERS WHO HAVE BEEN ARRESTED AND FOR THE RELEASE OF

[REDACTED]

PAGE 04 KIGALI 03478 01 OF 06 210539Z  
MILITARY ARRESTED IN CONNECTION WITH THE MUTINIES OF  
RUHENGERI AND GISENYI.

VIOLENCE BREAKS OUT

5. THE JULY 28 CDR DEMONSTRATION IN KIGALI (REF B)  
RESULTED IN A FINAL COUNT OF THREE DEAD, TWO CDR  
MEMBERS AND ONE POLICEMAN. INTER-PARTY VIOLENCE THE  
WEEKEND OF AUGUST 8-9 NEAR GISENYI (NORTHWEST)  
BETWEEN THE MDR AND THE INTERAHAMWE, NEAR KIBUNGO

[REDACTED]

NNNN

[REDACTED]

PAGE 01 KIGALI 03478 02 OF 06 210541Z  
ACTION AF-01

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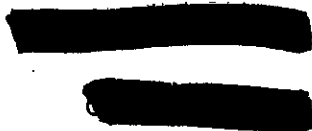
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P 210525Z AUG 92  
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AMEMBASSY DAR ES SALAAM  
AMEMBASSY KAMPALA  
AMEMBASSY PARIS

SECTION 02 OF 06 KIGALI 03478

E.O. 12356: DECL:OADR  
TAGS: PGOV, PINS, RW  
SUBJECT: INTERNAL INSECURITY: AN ONGOING PROBLEM

(SOUTHEAST) BETWEEN THE MDR AND THE INTERAHAMWE, AND  
OUTSIDE CYANGUGU (SOUTHWEST) BETWEEN THE CDR AND THE  
LIBERAL PARTY (PL) LEFT FOUR DEAD, ALL MDR YOUTH, AND  
MANY INJURED. COMMUNE-LEVEL VIOLENCE IN THE SOUTH  
CONTINUES, WITH MDR LOYALISTS ATTEMPTING TO RID THEIR  
COMMUNES OF MRND AUTHORITIES.



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THE CDR  
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6. THE CDR IS NORTHERN-BASED PARTY WHICH DRAWS ITS  
SUPPORT FROM BOTH THE PRESIDENT'S MRND AND THE  
OPPOSITION MDR AND CLAIMS TO BE THE TRUE SUCCESSOR TO  
THE OLD PARMEHUTU PARTY, WHICH PREACHED HUTU  
SUPREMACY AT INDEPENDENCE. IT IS PARTICULARLY FEARED  
BY MEMBERS OF THE OPPOSITION FOR ITS KU KLUX  
KLAN-LIKE APPROACH TO ETHNIC RELATIONS. ITS REPEATED  
CALL FOR RECOGNITION OF DIFFERENCES BETWEEN TUTSI AND  
HUTU IS WIDELY INTERPRETED AS A CALL FOR  
EXTERMINATION OF THE TUTSIS. MANY PEOPLE IN  
DIFFERENT SOCIAL AND POLITICAL POSITIONS HAVE TOLD US  
THAT THE CDR IS NOTHING MORE THAN THE MOUTH-PIECE OF  
THE PRESIDENT, SAYING WHAT HE WOULD LIKE TO SAY BUT  
CANNOT. THIS PARTY, REGISTERED IN MARCH, IS NOT  
INCLUDED IN THE TRANSITION GOVERNMENT.

7. CDR LEADER, JEAN BOSCO BARAYAGWIZA INSISTS THAT  
UNITY BETWEEN HUTU AND TUTSI IS IMPOSSIBLE; THEY CAN

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ONLY CO-EXIST. HE IS EXTREMELY CRITICAL OF A SPEECH IN WHICH THE PRIME MINISTER CALLED FOR ALL RWANDANS TO SEE THEMSELVES AS BANYARWANDA RATHER AS HUTU, TUTSI OR TWA. BARAYAGWIZA TOLD CHARGE THAT ONLY RECOGNITION OF ETHNIC DIFFERENCES CAN ALLOW RWANDA TO FIND A SOLUTION TO ITS PROBLEMS. HE SAID THAT HIS PARTY WANTS PEACE BUT NOT PEACE AT ANY PRICE, A REFERENCE TO THE CDR'S STRONG OBJECTIONS TO THE ARUSHA ACCORD PRINCIPLES (REF C). HE BELIEVES THE GOVERNMENT SHOULD BE WORKING FOR THE INTERESTS OF THE MAJORITY. THIS, HE EXPLAINED, MEANS WORKING FOR

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[REDACTED]

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PEACE WITHOUT YIELDING TO THE RPF AS HE BELIEVES THIS GOVERNMENT HAS DONE, AND IT MEANS PREPARING FOR ELECTIONS WHICH HE SAYS HAVE BEEN ALL BUT FORGOTTEN.

8. BARAYAGWIZA, TOLD CHARGE JUST BEFORE THE FATAL KIGALI DEMONSTRATION THAT THE CDR WAS NOT INTERESTED IN CREATING VIOLENCE AND THAT HIS GROUP WAS AGAINST DEMONSTRATIONS. RECALLING EARLIER ROADBLOCKS IN THE NORTH, BARAYAGWIZA REPLIED THOSE HAD BEEN UNAUTHORIZED AND THAT THE CDR MEMBERS INVOLVED HAD BEEN REPRIMANDED. APPARENTLY THE REPRIMAND WENT UNHEEDED.

THE INTERAHAMWE

9. THE INTERAHAMWE, THE MRND YOUTH, ARE ALSO WIDELY FEARED BY OPPOSITION MEMBERS WHO BELIEVE THE GROUP IS MORE A MILITIA THAN SIMPLY THE YOUTH WING OF THE PARTY. MANY OPPOSITION PARTY MEMBERS CLAIM THEY HAVE SEEN GENDARMES AMONG INTERAHAMWE GROUPS AND THAT THESE PEOPLE HAVE BEEN PROVIDING MILITARY TRAINING TO THE YOUTH.

10. A SOURCE WHO CLAIMS TO HAVE BEEN AN INTERHAMWE FOUNDER SUPPORTED THIS ALLEGATION TO CHARGE RECENTLY. ENCOURAGED TO TALK TO CHARGE BY A TRUSTED COMMON ACQUAINTANCE, THE SOURCE SAID THAT THE INTELLECTUAL YOUTH GROUP HE STARTED LAST AUGUST IN RESPONSE TO YOUTH GROUPS LAUNCHED BY OPPOSITION PARTIES HAD BECOME A MILITIA. HE CLAIMED THE AIMS OF THE GROUP HAD BEEN PERVERTED BY MEMBERS OF THE

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PRESIDENT'S FAMILY WHO HAD INSERTED THEMSELVES INTO  
THE MANAGEMENT OF THE GROUP. HE CONTENTS THAT 50  
MEMBERS OF THE PRESIDENTIAL GUARD, WHOSE NAMES HAVE  
BEEN PASSED TO THE DEFENSE MINISTER, ARE ACTIVELY  
PARTICIPATING IN THE GROUP'S ACTIVITIES AND INVOLVED  
IN MILITARY TRAINING FOR SOME MEMBERS OF THE GROUP.  
HE BELIEVES MANY MEMBERS OF THE INTERAHAMWE ARE  
UNAWARE OF THE ORGANIZATION'S CURRENT THRUST. THE  
SOURCE, WHO RESIGNED FROM THE MRND IN JUNE, SAID HE  
BELIEVES HIS LIFE IS IN DANGER FROM PERSONS CLOSE TO

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ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
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	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SNP-01
	SP-01	SS-01	TRSE-00	T-01	USIE-00	/037W	

-----582A89 210543Z /38

P 210525Z AUG 92  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 1551  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY KAMPALA  
AMEMBASSY PARIS

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SECTION 03 OF 06 KIGALI 03478

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TAGS: PGOV, PINS, RW  
SUBJECT: INTERNAL INSECURITY: AN ONGOING PROBLEM

THE PRESIDENT. INDEED, SHORTLY BEFORE HIS RESIGNATION FROM THE PARTY, A CAR BOMB EXPLODED IN FRONT OF HIS WORK PLACE WHICH HE LINKS TO PEOPLE WHO MAY BE INTERESTED IN HIS ELIMINATION.

11. MRND SECRETARY GENERAL, MATHIEU NGIRUMPATSE, SAID THAT ALLEGATIONS AGAINST THE INTERAHAMWE ARE



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PURE PROPAGANDA. HE SAID A GENDARME COMMANDANT TOLD HIM THERE WERE 2-3 GENDARMES IN THE GROUP BUT HAD NOT YET PROVIDED NAMES. NGIRUMPATSE SAID HE WOULD REPRIMAND ANY GENDARME FOUND AMONG THE MEMBERS.

12. CHARGE ASKED PRESIDENTIAL CABINET DIRECTOR ENOCH RUHIGIRA ABOUT ALLEGATIONS OF MILITARY INVOLVEMENT IN THE INTERAHAMWE. HE REPLIED THAT A PARTY INVESTIGATION HAD TURNED UP INVOLVEMENT OF "MILITARY RESERVISTS". THESE PEOPLE, HE SAID, WOULD BE EXCLUDED FROM INTERAHAMWE ACTIVITIES IN THE FUTURE. KIGALI'S PUBLIC PROSECUTOR ALSO TOLD CHARGE THAT "MILITARY RESERVISTS" ARE IN THE INTERAHAMWE. (NOTE: MILITARY ARE PRECLUDED BY LAW FROM JOINING POLITICAL PARTIES. END NOTE).

DIFFERENCES BLURRED?  
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13. SEVERAL OBSERVERS BELIEVE THAT THERE IS NOW LITTLE DIFFERENCE BETWEEN THE CDR AND THE INTERAHAMWE. THEY CLAIM TO HAVE SEEN MEMBERS OF EACH GROUP PARTICPATING IN DEMONSTRATIONS ORGANIZED BY THE OTHER. THE INTERAHAMWE SOURCE TOLD CHARGE THAT, LIKE THE INTERAHAMWE, THE CDR IS ALSO AN AFFAIR OF THE PRESIDENT AND HIS FAMILY.

14. QUERIED BY CHARGE, HOWEVER, LEADERS OF BOTH THE MRND AND THE CDR CONTENT THAT THE TWO ORGANIZATIONS ARE COMPLETELY SEPARATE AND THAT THEIR IDEOLOGIES AND

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AIMS ARE TOTALLY DIFFERENT. CDR LEADER BARAYAGWIZA IS CRITICAL OF THE MRND FOR FAILING TO PUT HUTU

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INTERESTS FIRST. HE CLAIMS THAT THE CDR IS COMPOSED PRIMARLY OF YOUNG PEOPLE WHO HAVE NOT BEEN "DIRTIED" IN MRND POLITICS. MRND LEADER NGIRUMPATSE IS EQUALLY CRITICAL OF THE CDR POLICY OF ETHNIC SEPARATISM AND CLAIMED TO CHARGE THAT THE CDR IS ACTUALLY A THREAT TO THE MRND. HE ACKNOWLEDGED THAT INTERAHAMWE MEMBERS MIGHT BE PARTICIPATING IN CDR DEMONSTRATIONS AND VICE-VERSE, BUT HE SAID SUCH PERSONS, IF IDENTIFIED, WOULD BE PUNISHED. HE CLAIMED SUCH PARTICIPATION WAS TOTALLY SPONTANEOUS AND NOT SANCTIONED BY THE MRND.

MDR ACCUSED

15. THE MAJOR OPPOSITION PARTY, THE MDR, IS THE TRUE SOURCE OF INSTABILITY, ACCORDING TO MRND LEADER NGIRUMPATSE. HE CLAIMS THAT MDR LEADER FAUSTIN TWIGIRAMUNGU IS RESPONSIBLE FOR STIRRING UP MDR YOUTH, THE JDR, AGAINST MRND MEMBERS. HE HAS WRITTEN LETTERS TO THE PRIME MINISTER ACCUSING TWAGIRAMUNGU OF URGING MDR MEMBERS AT POLITICAL RALLIES TO TAKE STEPS TO REMOVE THE MRND AUTHORITIES IN THEIR COMMUNES FROM THE POSITIONS. HE SAID THAT THE PRIME MINISTER HIMSELF HAS CONDONED THE PRACTICE OF "LIBERATION" OF COMMUNES IN PUBLIC PRONOUNCEMENTS. HE BLAMED THE MDR PRIME MINISTER FOR TALKING WITH TWO VOICES, ONE TO OFFICIALS AND ANOTHER TO THE POPULATION. HE ALSO ACCUSED THE PRIME MINISTER OF FOSTERING INTERPARTY FRICTION WITH FORKED-TONGUE LANGUAGE IN COUNCIL OF MINISTERS MEETINGS.

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SECRET PLANS FOR DESTABILIZATION?

16. MANY RWANDANS ARE CONVINCED THAT THE INTERNAL SECURITY RAMPANT IN THE COUNTRY IN THE LAST SIX

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CHANNEL: n/a

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MONTHS IS NO ACCIDENT, BUT THEY DISAGREE ON THE SOURCE. BOTH SIDES IN RWANDA'S POLITICAL DIALOGUE BELIEVE THE INCIDENTS OF INTERNAL INSECURITY FIT WITH PLANS THE OTHER HAS TO DESTABILIZE THE COUNTRY IN ORDER TO ACHIEVE ITS GOALS.

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ACTION AF-01

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	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SNP-01
	SP-01	SS-01	TRSE-00	T-01	USIE-00	/037W	

-----582AA3 210545Z /38

P 210525Z AUG 92  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 1552  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY KAMPALA  
AMEMBASSY PARIS

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SUBJECT: INTERNAL INSECURITY: AN ONGOING PROBLEM

17. A TRUSTED SOURCE WHO ADVOCATES CHANGE TOLD CHARGE OF A "SECRET" GROUP OF 45 PROMINENT RWANDANS WHOSE AIM IS TO CREATE DISTURBANCES THROUGHOUT RWANDA

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THAT WILL DESTABILIZE THE COUNTRY AND SLOW DOWN IF NOT REVERSE THE DEMOCRATIZATION PROCESS. ALLEGEDLY INCLUDED IN THE GROUP ARE GOVERNMENT OFFICIALS,

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[REDACTED]

PAGE 02 KIGALI 03478 04 OF 06 210544Z JOURNALISTS, BUSINESSMEN AND PERSONS IN THE SECURITY FORCES. AMONG THE NAMES SHOWN TO CHARGE WERE THOSE OF CDR LEADER BARAYAGWIZA, FOR EXAMPLE, THE WIFE OF THE PRESIDENT'S PERSONAL SECRETARY, COL. SAGATWA, AND GAUDANCE HABIMANA, HEAD OF THE NATIONAL POPULATION PLANNING OFFICE AND CLOSE ASSOCIATE OF THE PRESIDENT.

18. ON THE OTHER SIDE, THE PRESIDENT'S PARTY CHARGED EARLIER THIS YEAR THAT THE OPPOSITION, IN COLLABORATION WITH THE REBELS, WAS ENGAGED IN A DESTABILIZATION CAMPAIGN INVOLVING ETHNIC MASSACRES, STRIKES, PROTESTS, AND SO FORTH, AS THE THIRD PHASE OF THE REBEL PLAN TO OUST THE GOVERNMENT. MRND SECRETARY GENERAL, NGIRUMPATSE, TOLD CHARGE THAT HE ADVISED THE PRIME MINISTER (MDR) IN A LATE JULY LETTER OF A NEW DESTABILIZATION PLAN DESIGNED TO RUN THE MRND OUT OF KIGALI AND REMOVE THE PREFET, WHO HAS THE FULL BACKING OF THE PRESIDENT. (NOTE: THE PRIME MINISTER REPLIED THAT THE PERSONS NAMED BY NGIRUMPATSE HAD BEEN FOUND TO BE INNOCENT OF THE CHARGES. END NOTE.)

SECURITY FORCES ON THE SIDELINES

19. THE ABSENSE OF A STRONG RESPONSE TO THESE MANY INSTANCES OF VIOLENCE FROM RWANDA'S SECURITY FORCES, STILL UNDER THE CONTROL OF LOYALISTS OF THE PRESIDENT'S PARTY, IS TROUBLING. KIGALI'S PUBLIC PROSECUTOR SHOWED CHARGE A LETTER HE WROTE TO THE RADIO STATION (WHICH TO OUR KNOWLEDGE WAS NEVER AIRED), IN WHICH HE DEPLORED THE SLOW RESPONSE OF THE

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PAGE 03 KIGALI 03478 04 OF 06 210544Z GENDARMERIE TO THE VIOLENCE THAT RESULTED IN THE DEATH OF TWO CDR MILITANTS IN KIGALI RECENTLY. HE NOTED THAT THE GENDARMES OFTEN LEAVE THE RESPONSE TO

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THE URBAN POLICE, WHO ARE NOT SPECIALIZED IN RIOT OR CROWD CONTROL. THE PUBLIC PROSECUTOR TOLD CHARGE HE BELIEVES THE GENDARME BEHAVIOR IS A RESULT OF THE FACT THAT MANY SYMPATHIZE WITH THE CDR. HE CLAIMS THEY ALSO DO NOT WANT TO ENGAGE AGAINST THE "RESERVISTS", THEIR FORMER COLLEAGUES AND SOMETIMES SUPERIORS, WHEN THEY SEE THEM AMONG THE RANKS OF DEMONSTRATORS. HE SPECULATES THAT THE HEAD OF THE GENDARMERIE, AN MDR STALWART, IS MORE COMFORTABLE SITTING ON THE FENCE THAN RISKING ACTIONS/DECISIONS THAT MIGHT UPSET HIS "BOSS".

20. THE PUBLIC PROSECUTOR TOLD CHARGE THAT HIS OFFICE, RESPONSIBLE FOR BRINGING CASES TO TRIAL, IS DEPENDENT ON THE GENDARMERIE'S JUDICIAL POLICE BRANCH FOR CONDUCTING INVESTIGATIONS INTO THESE KINDS OF OFFENSES. HE SAID HE HAS NO CONTROL OVER THE PACE OR THE METHODS OF THEIR WORK, ALTHOUGH THE BRANCH NOMINALLY WORKS UNDER THE GUIDANCE OF HIS OFFICE AND TURNS ITS WORK OVER TO HIM FOR PREPARING CASES. HE CITED AN EXAMPLE OF A RECENT INCIDENT WHERE HE ISSUED A MANDATE FOR THE ARREST OF SEVERAL PEOPLE. THE JUDICIAL POLICE RETURNED EMPTY-HANDED SAYING THEY COULD NOT FIND THEM.

21. AT ITS MEETING AUGUST 12, THE COUNCIL OF MINISTERS DISCUSSED THE SECURITY SITUATION AND DECIDED THAT, TO BE MORE EFFECTIVE, SECURITY FORCES

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NEEDED REORGANIZATION, EQUIPMENT, AND TRAINING. THE COUNCIL ALSO DECIDED THAT MINISTERS SHOULD VISIT THEIR PREFECTURES OF ORIGIN WITH THE AIM OF DIFFUSING TENSIONS AND ENCOURAGING COOPERATION AMONG PARTIES. THREE MINISTERS FROM THREE DIFFERENT PARTIES HAVE ALREADY MADE SUCH A VISIT IN THE PREFECTURE OF BUTARE (WHERE THE PREFET IS FROM YET A FOURTH PARTY) TO ENCOURAGE CALM.

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ACTION AF-01

INFO	LOG-00	AMAD-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
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	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SNP-01
	SP-01	SS-01	TRSE-00	T-01	USIE-00	/037W	

-----582AD3 210547Z /38

P 210525Z AUG 92  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 1553  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY KAMPALA  
AMEMBASSY PARIS

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E.O. 12356: DECL:OADR  
TAGS: PGOV, PINS, RW  
SUBJECT: INTERNAL  
INSECURITY: AN ONGOING PROBLEM

JUDICIAL SYSTEM INERT

22. THE APPARENT INABILITY OF THE JUDICIAL SYSTEM TO PROSECUTE PERSONS ASSOCIATED WITH RECENT INCIDENTS OF INSECURITY, INCLUDING LAND MINE EXPLOSIONS, BOMBINGS, ROBBERIES, ASSASSINATIONS AND THE MORE RECENT INTER-PARTY VIOLENCE, IS RAISING A LOT OF QUESTIONS



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BY THOSE WHO THOUGHT THE TRANSITION GOVERNMENT MIGHT BE ABLE TO MAKE A DIFFERENCE. THE JUSTICE DEPARTMENT

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CURRENTLY HEADED BY A MINISTER FROM THE LIBERAL PARTY HAS NOT BEEN ABLE TO INCREASE ITS CREDIBILITY IN THESE MATTERS SINCE THE TRANSITION GOVERNMENT TOOK OFFICE. BOTH THE PUBLIC PROSECUTOR AND MRND LEADER NGRUMPATSE, WHO WAS MINISTER OF JUSTICE IN THE FIRST TRANSITION GOVERNMENT, ATTRIBUTE JUDICIAL WEAKNESS TO A LACK OF TRAINED JUDGES. INDEED, THE EDUCATION LEVEL OF JUDGES, WHO ARE DEPENDENT UPON THE PRESIDENT FOR THEIR APPOINTMENTS, IS LOW AND FEW ARE TRAINED IN THE LAW, MAKING THEM SUSCEPTIBLE TO POLITICAL PRESSURE AND CORRUPTION.

PARTY RESPONSIBILITY

23. MDR LEADER TWAGIRAMUNGU TOLD CHARGE RECENTLY THAT HIS PARTY PLANS TO MODERATE ITS TONE AND ENCOURAGE RESPONSIBLE BEHAVIOR BY PARTY MEMBERS. AT A PRESS CONFERENCE AT THE ONSET OF RECENT PARTY VIOLENCE HE TOLD MDR PARTY YOUTH TO LET SECURITY FORCES TAKE RESPONSIBILITY FOR RESTORING ORDER INSTEAD OF TAKING MATTERS INTO THEIR OWN HANDS. KIGALI'S PUBLIC PROSECUTOR NOTED A DISTINCT CHANGE IN OPPOSITION SPEECHES AT POLITICAL RALLIES. HE SAID THAT LIBERAL PARTY LEADER MUGENZI, KNOWN FOR HIS FIRERY RHETORIC, HAD RECENTLY MADE AN UNUSUALLY BALANCED SPEECH. HE CLAIMS THAT THE ONLY PARTY LEADER CURRENTLY MAKING INFLAMMATORY SPEECHES IS MRND LEADER NGRUMPATSE.

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24. NGRUMPATSE BELIEVES THE MRND YOUTH MUST STRIKE BACK IF ATTACKED. NGRUMPATSE DEMONSTRATED HIS ABILITY TO EXERCISE CONTROL OVER THE INTERAHAMWE WHEN IT BLOCKED ROADS NORTH AND SOUTH FROM KIGALI JULY 28. HE WENT TO THE SCENE AND INSTRUCTED THE YOUTH TO DEPART, AFTER BOTH THE KIGALI PREFET (MRND) AND THE MINISTER OF THE INZERIOR (MDR) HAD FAILED IN SIMILAR EFFORTS. BOTH HE AND CDR LEADER, BARAYAGWISA, HOWEVER, ACKNOWLEDGED TO CHARGE THAT THEIR PARTY YOUTH HAD ENGAGED IN ACTIVITIES NOT ENDORSED BY THE PARTY, SUGGESTING THAT PARTY LEADERS MAY NOT ALWAYS BE IN A POSITION TO CONTROL THE ACTIONS OF THEIR YOUTH.

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COMMENT

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25. ALTHOUGH THE "INVISIBLE HAND" (OR HANDS) THEORY CANNOT BE RULED OUT, THERE IS NO HARD EVIDENCE TO SUPPORT A CONSPIRACY THEORY OF VIOLENCE FROM EITHER THE RIGHT OR THE LEFT. AFTER EIGHT MONTHS OF RIDING THE WAVES OF INTERNAL INSECURITY, HOWEVER, IT DOES APPEAR THAT VIOLENCE OF ONE SORT OR ANOTHER IS MOST LIKELY TO ERUPT WHEN TENSIONS INCREASE AS THE SOCIETY STRUGGLES TO REACH CONSENSUS ON THE DIRECTION OF ITS NEXT STEP IN THE DEMOCRATIZATION OR THE PEACE PROCESS. ONCE THE CONSENSUS, OR SEMBLANCE OF GENERAL AGREEMENT, IS REACHED, AS IS THE CASE NOW, WITH ALMOST ALL ELEMENTS OF THE SOCIETY READY TO ACCEPT THE NEARLY REVOLUTIONARY ARUSHA ACCORD PRINCIPLES, CALM IS RESTORED FOR A TIME. WITH MORE TOUGH SOCIAL DECISIONS YET AHEAD, HOWEVER, WE CAN ONLY ANTICIPATE



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FUTURE DISTURBANCES THAT ECHO THIS PATTERN.

26. THE USE OF VIOLENCE BY EITHER SIDE IN THIS POLITICAL DEBATE IS ANTITHETICAL TO THE USG GOAL OF SUPPORTING THE DEMOCRATIC PROCESS AND PROMOTING DEMOCRATIC VALUES. IT THREATENS THE VERY FABRIC OF THE SOCIETY BY STIRRING HATREDS THAT WILL BE DIFFICULT, IF NOT IMPOSSIBLE, TO CALM. INDEED, NGIRUMPATSE CLAIMS THAT ONE OF RWANDA'S PROBLEMS IS THAT ITS DEMOCRACY IS FOUNDED ON HATE. ON THE ONE



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	OMB-01	PA-01	PM-01	PRS-01	P-01	RP-10	SNP-01
	SP-01	SS-01	TRSE-00	T-01	USIE-00	/037W	

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P 210525Z AUG 92  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 1554  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY KAMPALA  
AMEMBASSY PARIS

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TAGS: PGOV, PINS, RW  
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HAND, WE NEED TO CONTINUE TO ENCOURAGE PARTY LEADERS TO USE MODERATION AND DEMOCRATIC STRATEGIES TO ACHIEVE THEIR GOALS, SUCH AS THE MDR PLAN TO USE PETITIONS INSTEAD OF VIOLENCE TO EXPRESS DISCONTENT WITH LOCAL LEADERSHIP. AT THE SAME TIME, WE NEED TO EMPHASIZE AGAIN TO THE HIGHEST LEVELS OF THE GOVERNMENT THE IMPORTANCE OF INTERNAL SECURITY TO

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BOTH THE PROCESS OF PEACE AND THE PROCESS OF DEMOCRATIZATION.

27. AMERICAN NATIONALS ARE NOT/NOT DIRECTLY THREATENED BY THIS RECENT OF INTER-PARTY VIOLENCE, AND WE DO NOT ANTICIPATE BECOMING TARGETS OF ANY FUTURE VIOLENCE. THE RISK EXISTS, THOUGH, THAT WE MIGHT END UP IN THE WRONG PLACE AT THE WRONG TIME.

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# TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

**COURT MANAGEMENT SECTION**  
(Art. 27 of the Directive for the Registry)

## I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

<b>To:</b>	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input checked="" type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
<b>From:</b>	<input type="checkbox"/> Chamber (names)	<input checked="" type="checkbox"/> Defence Peter Robinson (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. Joseph Nzirorera			<b>Case Number:</b> ICTR-98-44-T
<b>Dates:</b>	Transmitted: 10 March 2008		Document's date: 11 March 2008	
<b>No. of Pages:</b>	28	<b>Original Language:</b>	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
<b>Title of Document:</b>	JOSEPH NZIRORERA'S APPEAL FROM DECISION ON TENTH RULE 68 MOTION			
<b>Classification Level:</b>	<b>TRIM Document Type:</b>			
<input type="checkbox"/> Strictly Confidential / Under Seal	<input type="checkbox"/> Indictment	<input type="checkbox"/> Warrant	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Submission from non-parties
<input type="checkbox"/> Confidential	<input type="checkbox"/> Decision	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Notice of Appeal	<input type="checkbox"/> Submission from parties
<input checked="" type="checkbox"/> Public	<input type="checkbox"/> Disclosure	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book	<input type="checkbox"/> Accused Particulars
	<input type="checkbox"/> Judgement	<input type="checkbox"/> Motion	<input type="checkbox"/> Book of Authorities	

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## II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

**CMS SHALL** take necessary action regarding translation.

Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):

English                                       French                                       Kinyarwanda

**CMS SHALL NOT** take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

**CMS SHALL NOT** take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English                                       French                                       Kinyarwanda

**KINDLY FILL IN THE BOXES BELOW**

<input type="checkbox"/> <b>The OTP</b> is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> <b>DEFENCE</b> is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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## III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	<b>COMMENTS</b>	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: