

1154. Witness AWE attended only one meeting at Rwamagana and knew of no other MRND meeting held there.<sup>1232</sup> The only persons he could recall attending were Gabriel Mbaryehe, Rose Karushara, and Odette Nyirabaganzi.<sup>1233</sup>

1155. In a broadcast on Radio Rwanda in February 1994, it was stated that an MRND rally had been held in Rwamagana, but Mathieu Ngirumpatse was unable to attend because he was meeting with the Special Representative of the UN Secretary General.<sup>1234</sup> Speeches of Ferdinand Kabegema and Edouard Karemera were reported. There were no references to Inyenzi or Tutsi.<sup>1235</sup>

1156. Witness AWE claimed that politicians' speeches included the words Tutsi and Inkotanyi in every three sentences, and that the person recording the speech made a selection because they did not want the international community to know that they were saying the Tutsi was the enemy.<sup>1236</sup> A person who did not delete such references from a recording would be severely punished because the recording would be heard by the international community.<sup>1237</sup>

- b. Defence evidence
  - ii. Nzirorera case

1157. **Joseph Nzirorera** will testify that he never attended any MRND rally in Rwamagana.

- 3. January 1994 Allegations by Jean Pierre Turatsinze
  - a. Prosecution evidence

<sup>1232</sup> Transcript of 9 July 2007 @ 33

<sup>1233</sup> Transcript of 9 July 2007 @ 33

<sup>1234</sup> Transcript of 9 July 2007 @ 35; Exhibit DNZ-311

<sup>1235</sup> Transcript of 9 July 2007 @ 36-37; Exhibit DNZ-311

<sup>1236</sup> Transcript of 9 July 2007 @ 37

<sup>1237</sup> Transcript of 9 July 2007 @ 38

i. Frank Claeys

1158. On 9 January 1994, in a broadcast over Radio Rwanda, Anastase Gasana, MDR Minister of Foreign Affairs announced that “our political parties are also informed of the lugubrious plan to physically eliminate the main opponents of the Habyarimana regime, which plan is to be implemented by the 1,700 *Interahamwe*, who are the MRND militia and who have been trained and armed for that purpose. They have just been unleashed in all the neighbourhoods of Kigali city.” This figure of 1700 was the same that Jean Pierre Turatsinze provided to UNAMIR on 10 January.<sup>1238</sup>

1159. On 10 January 1994, General Dallaire asked Claeys and Captain Amadou Deme of Senegal to get in contact with Prime Minister Designate Faustin Twagiramungu, who would put them in touch with someone who had information to give.<sup>1239</sup> They went to the office of Twagiramungu, who provided them with the name and phone number of the person to contact.<sup>1240</sup>

1160. Thus, the informant came to UNAMIR through the political opponents of the MRND, rather than just reporting his information directly to a law enforcement agency.<sup>1241</sup>

1161. They went back to UNAMIR headquarters and called the informant, whose name was Jean Pierre Turatsinze. They arranged to meet that evening at the parking lot of the Kigali Nights nightclub. They picked Turatsinze up that evening and drove him to the Belgian contingent headquarters.<sup>1242</sup>

<sup>1238</sup> Transcript of 27 November 2006 @ 17; Exhibit DNZ-204

<sup>1239</sup> Transcript of 21 November 2006 @ 47

<sup>1240</sup> Transcript of 21 November 2006 @ 47

<sup>1241</sup> Transcript of 27 November 2006 @ 19

<sup>1242</sup> Transcript of 21 November 2006 @ 48

1162. Turatsinze never said there was any plan to kill Belgian soldiers. He only speculated that this might have occurred if certain events had taken place. The Belgian contingent of UNAMIR never took any special precautions based upon this information.<sup>1243</sup> Claeys never heard of any plans to kill Belgian soldiers while he was in Rwanda.<sup>1244</sup>

1163. Turatsinze later told Claeys that the MRND leaders had changed their attitudes towards the Belgians and believed they were not bad-intended.<sup>1245</sup> In a meeting with Booh Booh in early February, the MRND party leaders urged UNAMIR to proceed with the recovery of illegal arms throughout the country so as to ensure a peaceful and secure environment.<sup>1246</sup> Also in early February, General Dallaire reported a major change in the attitude of authorities such as the MRND Minister of Defence, MRND Minister of Interior, Army Chief of Staff, and Prefet of Kigali, who were now publicly calling for confiscation of weapons by UNAMIR and the gendamerie.<sup>1247</sup>

1164. Claeys had never experienced any hostility towards him during his stay in Kigali.<sup>1248</sup>

1165. The Belgian soldiers who were killed on 7 April 1994 were not killed by Interahamwe.<sup>1249</sup>

1166. Turatsinze claimed to be a former member of the President. Claeys understood he had been a member of the Presidential Guard, although Turatsinze did not

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<sup>1243</sup> Transcript of 27 November 2006 @ 35

<sup>1244</sup> Transcript of 27 November 2006 @ 39

<sup>1245</sup> Transcript of 27 November 2006 @ 35

<sup>1246</sup> Transcript of 27 November 2006 @ 36; Exhibit DNZ-205

<sup>1247</sup> Transcript of 27 November 2006 @ 38; Exhibit DNZ-206

<sup>1248</sup> Transcript of 22 November 2006 @ 56; Transcript of 27 November 2006 @ 39

<sup>1249</sup> Transcript of 27 November 2006 @ 39-40

use the term "Presidential Guard."<sup>1250</sup> He claimed to be paid 150,000 RWF per month as a wage. It was a huge wage in Rwanda, amounting to around E 2,000.<sup>1251</sup>

1167. Turatsinze said he had a direct link to the President of the MRND, although he did not give any detail about financial support.<sup>1252</sup>

1168. Turatsinze said that the Interahamwe had trained 1700 men in RGF military camps outside the capital. They were scattered in groups of 40 throughout Kigali. Since UNAMIR deployed, he had trained 300 men in three week training sessions at RGF camps. Turatsinze was very convincing and appeared to be familiar with military terms. He claimed to have been trained in Egypt.<sup>1253</sup>

1169. Turatsinze said that since UNAMIR's mandate, he had been ordered to make an inventory of the houses of all Tutsi in Kigali. The inventory was still in process and therefore he could not give a copy to UNAMIR. Turatsinze said he suspects it is for their extermination. He also said his personnel could kill up to 1000 Tutsis in 20 minutes.<sup>1254</sup>

1170. Claeys had no information concerning the existence of such lists prior to meeting Turatsinze or after meeting Turatsinze.<sup>1255</sup> Turatsinze told them that he "suspects" the lists are for the extermination of Tutsis. He had apparently never been explicitly told this explicitly by MRND leaders.<sup>1256</sup> Turatsinze had apparently never been instructed to train Interahamwe to exterminate Tutsis.<sup>1257</sup> Turatsinze never told Claeys that Interahamwe had been trained in such things as how to approach houses in the

<sup>1250</sup> Transcript of 21 November 2006 @ 60

<sup>1251</sup> Transcript of 21 November 2006 @ 61

<sup>1252</sup> Transcript of 21 November 2006 @ 62

<sup>1253</sup> Transcript of 21 November 2006 @ 64; Exhibit DNZ-15 @ para. 5

<sup>1254</sup> Transcript of 21 November 2006 @ 65; Exhibit DNZ-15 @ para. 6

<sup>1255</sup> Transcript of 27 November 2006 @ 2, 31

<sup>1256</sup> Transcript of 27 November 2006 @ 16

<sup>1257</sup> Transcript of 27 November 2006 @ 16

middle of the night, how to enter locked premises, or how to neutralize the head of the household.<sup>1258</sup>

1171. Turatsinze never showed UNAMIR these lists. They asked him for these lists at every meeting, and Turatsinze always responded, "Where is my security?"<sup>1259</sup>

1172. Claeys understood Turatsinze to be saying that since he had people in 40 sections of Kigali, they could be deployed to enter houses of Tutsi during the night and kill 1000 in 20 minutes. Turatsinze said he did not want to be involved in killings of innocent Tutsi.<sup>1260</sup> Claeys understood Turatsinze to say that President Habyarimana was not aware of the numbers or activities that he had disclosed during the interview.<sup>1261</sup>

1173. After 6 April, Tutsis in Rwanda were not killed by trained Interahamwe with firearms invading their houses at the rate of 1000 Tutsis in 20 minutes, but were killed by a combination of youth wing members from several parties, soldiers, and members of the population at roadblocks, in their home, and at places of refuge.<sup>1262</sup>

1174. Turatsinze said that he could provide the location of a major weapons cache with at least 135 weapons and that he had already distributed 110 weapons, including 35 with ammunition and can give details on their location. He was ready to go to the arms cache that night if he could be guaranteed protection for himself, his wife, and four children. He wanted safe haven in an embassy and then political asylum in another country.<sup>1263</sup>

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<sup>1258</sup> Transcript of 27 November 2006 @ 16

<sup>1259</sup> Transcript of 27 November 2006 @ 31

<sup>1260</sup> Transcript of 21 November 2006 @ 66

<sup>1261</sup> Transcript of 21 November 2006 @ 67; Exhibit DNZ-15 @ para. 7

<sup>1262</sup> Transcript of 27 November 2006 @ 40

<sup>1263</sup> Transcript of 22 November 2006 @ 2

1175. Claeys was not aware that Turatsinze had sold a large number of weapons earmarked for the *Interahamwe* to a Burundian organisation known as FRODEBU and had pocketed the money.<sup>1264</sup> It is possible that this might explain why Turatsinze was asking UNAMIR for protection and not for money.<sup>1265</sup>

1176. Dallaire stated that he had reservations of the suddenness of Turatsinze's change of heart to come clean with this information and could not fully exclude the possibility of a trap and a set up.<sup>1266</sup>

1177. Claeys believed the information was too precise to be untrue, but it needed some verification. The fax was sent to New York in the early morning hours of 11 January 1994. He was informed that New York did not give any authorization for any action to recover weapons at the sites earmarked by the informant.<sup>1267</sup> The UN headquarters, in their response, noted that there were inconsistencies in the information provided by the informant.<sup>1268</sup>

1178. The information provided by Turatsinze was being treated with caution at all levels of the UN.<sup>1269</sup>

1179. They never attempted to verify the information provided by Turatsinze before forwarding it to UN headquarters.<sup>1270</sup> It was never subjected to rigorous intelligence analysis because UNAMIR, as a Chapter Six UN mission, was not authorized or equipped to conduct intelligence analysis.<sup>1271</sup>

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<sup>1264</sup> Transcript of 27 November 2006 @ 16

<sup>1265</sup> Transcript of 27 November 2006 @ 32

<sup>1266</sup> Transcript of 22 November 2006 @ 4; Exhibit DNZ-15 @ para. 11

<sup>1267</sup> Transcript of 22 November 2006 @ 5

<sup>1268</sup> Transcript of 27 November 2006 @ 23; Exhibit P39

<sup>1269</sup> Transcript of 27 November 2006 @ 23

<sup>1270</sup> Transcript of 23 November 2006 @ 10

<sup>1271</sup> Transcript of 27 November 2006 @ 43

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1180. The second time he met Turatsinze was on the evening of 12 January 1994. Turatsinze explained that he was late for the meeting because he had been with the MRND President who had urged Turatsinze to accelerate the distribution of weapons.<sup>1272</sup>

1181. Turatsinze explained that he had already distributed weapons to the 25 secteur commanders, but that they had not distributed them to the lower levels. That would require an order from him. He also could order that the weapons be returned to him.<sup>1273</sup>

1182. Turatsinze said he distributed weapons in his own car, a white sedan, as well as six minibuses belonging to the MRND or vehicles of the security services of the Army.<sup>1274</sup> He said that the weapons were moved every 5 or 6 days. He also said that grenades had been distributed a long time ago and that up to 60 Interahamwe per secteur should have 2-3 grenades each.<sup>1275</sup>

1183. At the end of the meeting on 12 January, Turatsinze offered to prove his reliability by showing UNAMIR weapons which were stored at MRND headquarters.<sup>1276</sup> Claeys and Deme drove Turatsinze to the party headquarters. Claeys waited in the car while Turatsinze took Deme inside. When Deme returned, he said that he had seen 50 weapons in canvas bags with sealed boxes of ammunition in a shed on the property.<sup>1277</sup>

1184. Turatsinze did not tell them on 10 January that the weapons were stored at the MRND headquarters.<sup>1278</sup> He told them there were 135 weapons on 10 January, and when he showed them the weapons on 12 January at the MRND headquarters, Captain

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<sup>1272</sup> Transcript of 22 November 2006 @ 8

<sup>1273</sup> Transcript of 22 November 2006 @ 9; Exhibit P42 @ para. 4

<sup>1274</sup> Transcript of 22 November 2006 @ 9; Exhibit P42 @ para. 4

<sup>1275</sup> Transcript of 22 November 2006 @ 10; Exhibit P42 @ para. 4

<sup>1276</sup> Transcript of 22 November 2006 @ 11

<sup>1277</sup> Transcript of 22 November 2006 @ 11-12; Exhibit P42 @ para. 8

<sup>1278</sup> Transcript of 27 November 2006 @ 23

Deme observed about 50. Turatsinze did not distribute any weapons between 10 and 12 January. Therefore it is possible that the 135 weapons were stored at some place other than the MRND headquarters.<sup>1279</sup>

1185. Turatsinze had the ability to move weapons around, and had offered to move some of the weapons from his home to the MRND headquarters if UNAMIR was going to stage a raid there.<sup>1280</sup>

1186. Turatsinze told Claeys that he was able to order the return of previously-distributed weapons to him. Turatsinze never told Claeys that on 11 January 1994, he had issued a communiqué over RTL M calling for an urgent meeting of the Interahamwe secteur Presidents to be held at MRND headquarters in Kimiruhura.<sup>1281</sup>

1187. For all Claeys knows, Turatsinze could have put the weapons at the MRND headquarters on the evening of 12 January before showing them to UNAMIR.<sup>1282</sup> Claeys never determined that Ngirumpatse or Nzirorera were aware of the presence of weapons at MRND headquarters.<sup>1283</sup>

1188. On 12 January, Turatsinze offered to provide them the next evening with license numbers of vehicles used for arms distribution and a few of the sites where arms caches are located.<sup>1284</sup>

1189. On 13 January, in the afternoon, he attended a meeting between General Dallaire and the President and Secretary General of the MRND.<sup>1285</sup> The meeting was tape recorded, but the tape has not been located. At the meeting, Dallaire expressed his

<sup>1279</sup> Transcript of 27 November 2006 @ 23-24

<sup>1280</sup> Transcript of 27 November 2006 @ 24; Exhibit P44

<sup>1281</sup> Transcript of 27 November 2006 @ 24,30; Exhibit DNZ-242

<sup>1282</sup> Transcript of 27 November 2006 @ 30

<sup>1283</sup> Transcript of 27 November 2006 @ 31

<sup>1284</sup> Transcript of 22 November 2006 @ 12; Exhibit P42 @ para. 10

<sup>1285</sup> Transcript of 22 November 2006 @ 12



concern of weapons being possessed outside military barracks. The MRND officials denied knowledge of this.<sup>1286</sup>

1190. Claeys did not know that there had been a meeting the day before between UNAMIR and the MRND leaders. For him it was the first time this concern was expressed to these people.<sup>1287</sup>

1191. On the evening of 13 January, he and Deme again met with Turatsinze.<sup>1288</sup> He provided them with three license numbers of cars used to transport weapons. Turatsinze offered to move some weapons from his home to the MRND offices to increase the number of weapons there if they mounted an operation there.<sup>1289</sup>

1192. Turatsinze said that most of the weapons he had were brand new. He said that only a few of the weapons he had distributed had magazines or ammunition and those distributed to the lower cells had no magazines.<sup>1290</sup> He said that the weapons distribution had begun about a month before (December).<sup>1291</sup>

1193. Turatsinze said he had a list of around 2000 Interahamwe, but he never provided or showed that list. He did show them three places where he said weapons were stored.<sup>1292</sup> However, Claeys did not see weapons at these locations.<sup>1293</sup>

1194. Turatsinze said that the MRND leaders had videotaped the meeting with General Dallaire and the meeting at UNAMIR the previous week. Claeys believed he was referring to the meeting where Dallaire and Booh Booh had gone to the MRND

<sup>1286</sup> Transcript of 22 November 2006 @ 17

<sup>1287</sup> Transcript of 22 November 2006 @ 17; Transcript of 27 November 2006 @ 74

<sup>1288</sup> Transcript of 22 November 2006 @ 19

<sup>1289</sup> Transcript of 22 November 2006 @ 21; Exhibit P44

<sup>1290</sup> Transcript of 22 November 2006 @ 21

<sup>1291</sup> Transcript of 22 November 2006 @ 22;

<sup>1292</sup> Transcript of 22 November 2006 @ 23

<sup>1293</sup> Transcript of 22 November 2006 @ 24

offices, and the meeting at which Claeys had been present. However, Claeys observed no taping equipment at the meeting he attended with the MRND leaders.<sup>1294</sup>

1195. Turatsinze also told them on 20 January that he had distributed 9 of the weapons in a blue Pajero belonging to Prefet Renzaho. He also warned that the contractor of the works at CND, named Severa, would be killed soon.<sup>1295</sup> UNAMIR took no steps to warn Severa and had no information that he was ever killed.<sup>1296</sup>

1196. Turatsinze also said that he had been told that a UNAMIR Colonel had driven a bus of PL members to the CND on 5 January. To Claeys' knowledge, nobody in UNAMIR was involved in driving a bus with PL members to the CND.<sup>1297</sup>

1197. Turatsinze also said that UNAMIR had three minibuses on standby to evacuate its Tutsi employees if necessary. Claeys was not aware of such measures ever being prepared.<sup>1298</sup>

1198. Claeys met with Turatsinze on 10 February. Turatsinze told him how he and the Chief of Staff of the Gendarmerie had secured the return of a weapon seized from an Interahamwe.<sup>1299</sup> UNAMIR never attempted to verify this information with the chief of staff, although Colonel Marchal was in daily contact with him.<sup>1300</sup>

1199. Turatsinze also spoke of an impending raid on the communal office at Butumwa to recover a weapon seized from an Interahamwe. To Claeys knowledge, no such raid ever took place.<sup>1301</sup> UNAMIR never warned the bourgmestre of Butumwa.<sup>1302</sup>

<sup>1294</sup> Transcript of 22 November 2006 @ 25  
<sup>1295</sup> Transcript of 22 November 2006 @ 26  
<sup>1296</sup> Transcript of 27 November 2006 @ 74  
<sup>1297</sup> Transcript of 22 November 2006 @ 28; Transcript of 27 November 2006 @ 75  
<sup>1298</sup> Transcript of 27 November 2006 @ 74  
<sup>1299</sup> Transcript of 22 November 2006 @ 32  
<sup>1300</sup> Transcript of 27 November 2006 @ 75  
<sup>1301</sup> Transcript of 22 November 2006 @ 33; Transcript of 27 November 2006 @ 75

1200. Turatsinze also claimed that the Interahamwe were trained by Israelis in the forests.<sup>1303</sup> Although Israel was a member of the UN, Claeys never confirmed that Israel had ever trained people in Rwanda.<sup>1304</sup> Turatsinze also claimed that the Interahamwe were responsible for the attack on RPF Major Karenzi.<sup>1305</sup>

1201. Turatsinze told him on 17 February that the French had been training Zaireans in the Gishwati forest in Rwanda. Claeys never verified this with the French.<sup>1306</sup>

1202. Claeys was told by the RPF liason officer, Colonel Karenzi, that he understood that UNAMIR was infiltrating the Interahamwe. From this, Claeys assumed that perhaps Turatsinze had approached the RPF since UNAMIR had not been able to provide him the guarantees he had sought.<sup>1307</sup> He believed that Turatsinze may have been shopping his information to the RPF.<sup>1308</sup>

1203. The information they did have from other sources related to military training and distribution of weapons to Interahamwe. They did not have any other information concerning the extermination of Tutsis.<sup>1309</sup>

ii. Witness G

1204. Witness G testified that Jean Pierre Turatsinze was an MRND driver.<sup>1310</sup> He was not all that honest, since he had stolen weapons from MRND and sold them to

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<sup>1302</sup> Transcript of 27 November 2006 @ 75  
<sup>1303</sup> Transcript of 22 November 2006 @ 33  
<sup>1304</sup> Transcript of 27 November 2006 @ 75-76  
<sup>1305</sup> Transcript of 22 November 2006 @ 34  
<sup>1306</sup> Transcript of 27 November 2006 @ 76  
<sup>1307</sup> Transcript of 23 November 2006 @ 47  
<sup>1308</sup> Transcript of 27 November 2006 @ 23  
<sup>1309</sup> Transcript of 28 November 2006 @ 60  
<sup>1310</sup> Transcript of 17 October 2005 @ 53

FRODEBU.<sup>1311</sup> He disappeared after the sale of these weapons between October and December 1993 and was not seen again.<sup>1312</sup>

1205. Contrary to what was said in the UNAMIR Coded Cable of 11 January 1994, Turatsinze was never in charge of any MRND demonstrations.<sup>1313</sup> He knew of no plans of the MRND to provoke a civil war with the RPF battalion, to assassinate opposition leaders at the swearing-in of the transitional government, or to provoke and kill Belgian soldiers.<sup>1314</sup> He was not paid 150,000 RWF per month by MRND, which was more than the salary of a Minister or even perhaps the President of the Republic.<sup>1315</sup> He was also unaware of any link between Turatsinze and the Chief of Staff of the Army.<sup>1316</sup>

1206. It was not true that the Interahamwe were to protect Kigali from the RPF. They were trained only to protect MRND officials. There were no lists of Tutsis drawn up by the Interahamwe, as claimed by Turatsinze. He was not aware of any training of Interahamwe to kill up to 1000 Tutsis in 20 minutes.<sup>1317</sup>

iii. Witness UB

1207. Although he had several conversations with Turatsinze about distribution of weapons, Turatsinze never told him of a plan to kill Belgian soldiers so that the Belgians would withdraw from Rwanda.<sup>1318</sup> He was not aware that Turatsinze had worked in the office of the Presidency.<sup>1319</sup>

<sup>1311</sup> Transcript of 17 October 2005 @ 53

<sup>1312</sup> Transcript of 17 October 2005 @ 53-54; Transcript of 18 October 2005 @ 2

<sup>1313</sup> Transcript of 18 October 2005 @ 4; Exhibit #DNZ-15B

<sup>1314</sup> Transcript of 18 October 2005 @ 4; Exhibit #DNZ-15B

<sup>1315</sup> Transcript of 18 October 2005 @ 5; Exhibit #DNZ-15B

<sup>1316</sup> Transcript of 18 October 2005 @ 5; Exhibit #DNZ-15B

<sup>1317</sup> Transcript of 18 October 2005 @ 5; Exhibit #DNZ-15B

<sup>1318</sup> Transcript of 2 March 2006 @ 41

<sup>1319</sup> Transcript of 2 March 2006 @ 41

iv. Witness T

1208. Witness T testified that the Interahamwe never received any instructions from the MRND to provoke Belgian soldiers.<sup>1320</sup>

1209. Witness T believes the FAX of 11 January 1994 is a manipulation. The figure of 1700 Interahamwe having been trained is an overestimate—probably double the actual figure. And the claim that Tutsis could be killed at a rate of 1000 in 20 minutes was “too good to be true” and may well have been created after the April events, not on 11 January.<sup>1321</sup>

1210. Witness T was not aware that Turatsinze had ever worked for the presidency, as claimed in the FAX. It was not possible that Turatsinze was being paid RWF150,000 per month to train Interahamwe.<sup>1322</sup> He was unaware of any order to register all Tutsis in Kigali, or that 1000 Tutsis were to be killed in 20 minutes.<sup>1323</sup> Witness T was unaware of any lists of Tutsis compiled by Interahamwe.<sup>1324</sup> Witness T never saw any weapons stockpiled anywhere.<sup>1325</sup>

v. Witness HH

1211. Witness HH testified that Turatsinze never admitted to him that he was involved in arms trafficking to FRODEBU. He simply said that others were saying that. He later got the proof that he had in fact sold the weapons.<sup>1326</sup> This meant to him that Turatsinze could not be trusted.<sup>1327</sup>

b. Defence evidence

<sup>1320</sup> Transcript of 29 May 2006 @ 45  
<sup>1321</sup> Transcript of 24 May 2006 @ 32-33; Transcript of 29 May 2006 @ 51  
<sup>1322</sup> Transcript of 29 May 2006 @ 52-53  
<sup>1323</sup> Transcript of 29 May 2006 @ 53  
<sup>1324</sup> Transcript of 7 June 2006 @ 19  
<sup>1325</sup> Transcript of 1 June 2006 @ 4  
<sup>1326</sup> Transcript of 13 November 2006 @ 12  
<sup>1327</sup> Transcript of 13 November 2006 @ 13

i. Karemera case

1212. **Witness NKM** will testify that he did not believe that Turatsinze's allegations were credible.

1213. **Augustin Ndlindliyimana** will testify that he never ordered the return of a weapon seized from the Interahamwe, or tipped off the MRND to weapons seizures.

ii. Nzirorera case

1214. **Joseph Nzirorera** will testify to Turatsinze's role in the MRND and the fact that Turatsinze's allegations were false. He will explain how he fired Turatsinze for dishonesty.

1215. **Witness 29, Georges Rutaganda, Witness 31, Seraphin Twahirwa, and Witness 36** will testify to Turatsinze's role in the MRND and the fact that Turatsinze's allegations were false.

1216. **Tharcisse Renzaho** will testify that he never lent any vehicle to Turatsinze.

1217. **Luc Marchal and Faustin Twagiramungu** will testify that he did not believe that Turatsinze's allegations of a plan to exterminate the Tutsis were credible.

4. Sabotage of the Arusha Accords

a. Prosecution evidence

i. Witness UB

1218. Witness UB testified that at a rally at Nyamirambo stadium at the end of 1993, Ngirumpatse said that the MRND would never accept to share power with the Tutsi

saying that the Tutsi had obtained several seats in the government under the Arusha Accords.<sup>1328</sup>

ii. Witness ALG

1219. At a rally at Nyamirambo stadium at the end of 1993, Ngirumpatse said that the MRND would never accept to share power with the Tutsi saying that the Tutsi had obtained several seats in the government under the Arusha Accords.<sup>1329</sup> Ngirumpatse never called for the elimination of the Tutsis.<sup>1330</sup>

iii. Witness GOB

1220. At the MRND rally in Ruhengeri, President Habyarimana said that the MRND would not accept the Arusha Accords.<sup>1331</sup> The President himself said he was not in agreement with the Arusha Accords. It was a scrap of paper that could not be implemented.<sup>1332</sup> Ngirumpatse also said the MRND would never accept the Arusha Accords.<sup>1333</sup>

iv. Witness G

1221. Witness G testified that in May, 1993, Emmanuel Gapyisi of the PSD party was assassinated. Witness G has no knowledge of any involvement of the Interahamwe in that killing.<sup>1334</sup>

1222. In February, 1994, Felicien Gatabazi was assassinated. The Interahamwe was blamed for this, but as far as Witness G knows, they were not responsible for

<sup>1328</sup> Transcript of 23 February 2006@ 46

<sup>1329</sup> Transcript of 23 February 2006@ 46

<sup>1330</sup> Transcript of 3 March 2006@ 21

<sup>1331</sup> Transcript of 22 October 2007 @ 43

<sup>1332</sup> Transcript of 22 October 2007 @ 49

<sup>1333</sup> Transcript of 22 October 2007 @ 49

<sup>1334</sup> Transcript of 17 October 2005 @ 27

Gatabazi's assassination. The next day, the CDR leader Martin Bucyana was killed.

The Interahamwe was not responsible for his death.<sup>1335</sup>

1223. According to Witness G, President Habyarimana met with the National Committee of the Interahamwe in January, 1994. He asked them to tell any contacts they had in the Belgian and American Embassies that the MRND was not against the Arusha Accords.<sup>1336</sup> He found that President Habyarimana was in favor of peace and power sharing according to the Arusha Accords. He said with peace the refugees who were suffering would finally be able to go home.<sup>1337</sup> There was no indication that President Habyarimana favored the extermination of the Tutsis.<sup>1338</sup>

1224. He had heard that Paul Kagame said on Radio Muhabura that if the Arusha Accords were not implemented, they would be forced to accept them at gunpoint.<sup>1339</sup>

v. Witness T

1225. Witness T testified that the Arusha Accords were signed in August 1993 and were supported by President Habyarimana and the MRND.<sup>1340</sup>

1226. The Interahamwe never received any instructions from the MRND to block the implementation of the Arusha Accords, as the MRND supported those accords.<sup>1341</sup>

1227. Witness T testified that the Interahamwe had nothing to do with the assassination of MDR leader Emmanuel Gapyisi in May 1993. His family even acknowledged this.<sup>1342</sup>

<sup>1335</sup> Transcript of 18 October 2005@ 17-18

<sup>1336</sup> Transcript of 18 October 2005@ 13

<sup>1337</sup> Transcript of 18 October 2005@ 14

<sup>1338</sup> Transcript of 18 October 2005@ 15

<sup>1339</sup> Transcript of 18 October 2005@ 10

<sup>1340</sup> Transcript of 29 May 2006 @ 19

<sup>1341</sup> Transcript of 29 May 2006 @ 44

<sup>1342</sup> Transcript of 29 May 2006 @ 13



1228. Witness T testified that the Interahamwe received no instructions to assassinate Felicien Gatabazi in late February, 1994,<sup>1343</sup> or Martin Bucyana.<sup>1344</sup>

1229. In 1994, it was the RPF which was the obstacle to the setting up of transitional institutions.<sup>1345</sup> Article 61 of the Arusha Accords of 30 October 1992 provided that all political parties were to be represented in the transitional assembly if they signed a code of ethics. There was no legitimate reason to exclude the CDR as of March 1994.<sup>1346</sup>

vi. documentary evidence

1230. On 9 July 1992, Enoch Ruhigira wrote to President Habyarimana conveying the views of the Council of Ministers concerning the Arusha Accords which recommended closer coordination between the Prime Minister and the President concerning the government's position in the Arusha negotiations.<sup>1347</sup>

1231. On 30 October 1992, Enoch Ruhigira and Juvenal Renzaho wrote a handwritten letter to President Habyarimana reporting the results of a reflection meeting held by the MRND leaders, including Mathieu Ngirumpatse. The letter likewise reflected the views that the government should be speaking with one voice in Arusha and the Prime Minister and President should be in greater consultation.<sup>1348</sup>

1232. The MRND's position on the Arusha Accords was set forth on several occasions. In an MRND aide-memoire dated 14 November 1992, Mathieu Ngirumpatse objected to the opposition negotiating the Arusha Accords without consulting all parties,

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<sup>1343</sup> Transcript of 29 May 2006 @ 56

<sup>1344</sup> Transcript of 29 May 2006 @ 58

<sup>1345</sup> Transcript of 1 June 2006 @ 13

<sup>1346</sup> Transcript of 1 June 2006 @ 15-16

<sup>1347</sup> Exhibit DNZ-427

<sup>1348</sup> Exhibit DNZ-428

and urged the government to investigate and make public the results of its investigation on acts of insecurity, such as Bugesera. He also called for a timetable for early elections.<sup>1349</sup>

1233. At the 15 November 1992 Ruhengeri meeting, Ngirumpatse reiterated MRND's support for the Arusha negotiations, but said they had some points to discuss concerning the composition of the national assembly. He expressed confidence that when elections were held, MRND would win.<sup>1350</sup>

1234. During the rally in Ruhengeri, Casimir Bizimungu spoke of the 400,000 people displaced by the war, 100,000 of whom were in Ruhengeri and asked people to assist those persons.<sup>1351</sup> He spoke in support of the Arusha Accords and called for elections.<sup>1352</sup>

1235. At that rally, President Habyarimana declared MRND's support for the Arusha negotiations and said it was false to say that the MRND did not support the negotiations. He said that peace is not confined to a piece of paper, it is in one's heart.<sup>1353</sup>

1236. In a memorandum dated 18 December 1992, the MRND said that the Arusha Accords needed to be agreed to in consultation with all parties, not simply the opposition and RPF. It accused the opposition of exceeding their mandate in the most recent negotiations.<sup>1354</sup>

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<sup>1349</sup> Exhibit DNZ-339

<sup>1350</sup> Exhibit #DNZ-48-49

<sup>1351</sup> Transcript of 14 October 2005 @ 46-47; Exhibit #DNZ-8

<sup>1352</sup> Transcript of 14 October 2005 @ 47; Exhibit #DNZ-8

<sup>1353</sup> Exhibit #DNZ-47

<sup>1354</sup> Exhibit DNZ-340

1237. In an MRND document entitled "Contribution to the Arusha Accords" dated 21 December 1992, all of the concessions of the MRND to achieve peace were listed. Proposals were made for an equitable sharing of power among the political parties.<sup>1355</sup>

1238. On 30 December 1992, Enoch Ruhigira sent a letter to the Prime Minister complaining on behalf of President Habyarimana that the Prime Minister and negotiators at Arusha had taken certain positions without consulting the President.<sup>1356</sup>

1239. On 11 January 1993, Enoch Ruhigira issued a communiqué in response to statements by the Minister of Information concerning the Arusha negotiations.<sup>1357</sup>

1240. On 18 January 1993, Ngirumpatse wrote to the Prime Minister complaining that the negotiations in Arusha were being carried out without proper consultation and consensus among the Ministers and with the President.<sup>1358</sup>

1241. On 26 January 1993, Enoch Ruhigira sent a letter to the Prime Minister setting forth the position of the President on various issues concerning the Arusha negotiations.<sup>1359</sup>

1242. In a speech dated 13 March 1993, President Habyarimana said that the problems with the RPF could only be solved by negotiations. He said the government's commitment to the Arusha negotiations was unyielding. He condemned those in the Army who resorted to violence and insisted that they be punished. He said that unity and reconciliation, without prejudice or vengeance, was essential.<sup>1360</sup>

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<sup>1355</sup> Exhibit DNZ-341

<sup>1356</sup> Exhibit DNZ-429

<sup>1357</sup> Exhibit DNZ-430

<sup>1358</sup> Exhibit #P216

<sup>1359</sup> Exhibit DNZ-431

<sup>1360</sup> Exhibit DNZ-342

1243. In a speech dated 23 March 1993, President Habyarimana once again emphasized that the Arusha negotiations were the sole path for solving the problems of the country, and condemned the RPF for renewing the war which had displaced 1 million people in the country. He responded to the report of the International Commission on Human Rights and said that they had mistakenly focused on ethnic problems. He recognized that local populations had victimized innocent civilians and urged the perpetrators be punished. He called on the leaders of political parties to sensitize their youth wings to a spirit of tolerance and for the parties to work together to achieve peace and reconciliation.<sup>1361</sup>

1244. Among the acts Major Hock indicates in his report were attributed to the Interahamwe was the 19 April 1993 assassination of Colonel Mayuya, the 8 May 1993 assassination of MDR official Emmanuel Gapyisi, demonstrating on 5 January 1994 at the CND after the swearing-in ceremony, and an 8 January 1994 demonstration near CND.<sup>1362</sup>

1245. On 15 June 1993, Enoch Ruhigira sent a letter to the Minister of Foreign Affairs on behalf of the President recalling him from Arusha for consultations.<sup>1363</sup>

1246. On 28 November 1993, in an assessment made by UNAMIR, it was noted that President Habyarimana and other leaders demonstrated a genuine readiness to support the early implementation of the Arusha Peace Agreement.<sup>1364</sup>

1247. In a report of the Secretary General on 16 December 1993, it was noted that there was political goodwill on behalf of the parties in Rwanda and it was their intention

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<sup>1361</sup> Exhibit DNZ-343

<sup>1362</sup> Pages 7-8

<sup>1363</sup> Exhibit DNZ-432

<sup>1364</sup> Exhibit DNZ-384

to implement the Arusha Accords. He remarked that “after Namibia and Cambodia, Rwanda is on the way of becoming another success story of the United Nations peacekeeping operations.”<sup>1365</sup>

1248. In January 1994, Enoch Ruhigira sent a letter to the Prime Minister concerning the President’s desire to swear in the Broad Based Transitional Government.<sup>1366</sup>

1249. In a communiqué dated 1 February 1994, the Interahamwe expressed its support for the Arusha Accords and for unity amongst Rwandans. It announced that persons were dressing in MRND uniforms and committing acts of violence and therefore members should no longer wear the uniform.<sup>1367</sup>

1250. On 16 March 1994, the Tanzanian Foreign Minister informed the UN that President Habyarimana and the political parties did not appear to wish to implement the Arusha Accords.<sup>1368</sup>

1251. On 25 March 1994, UNAMIR reported that the RPF refused to appear at the swearing-in. President Habyarimana said that the RPF refused to allow the CDR to be in Parliament, even though they accepted the accord and fulfilled all the conditions.<sup>1369</sup>

1252. On 26 March 1994, UNAMIR reported that the BBTG installation could not take place due to the boycott of the RPF.<sup>1370</sup>

1253. On 28 March 1994, UNAMIR reported that the impasse was now between the RPF and the government over whether the CDR should be represented in the

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<sup>1365</sup> Transcript of 27 November 2006 @ 48-49; Exhibit DNZ-210

<sup>1366</sup> Exhibit DNZ-433

<sup>1367</sup> Transcript of 18 October 2005 @ 16-17

<sup>1368</sup> Exhibit #P139

<sup>1369</sup> Exhibit DNZ-399

<sup>1370</sup> Exhibit DNZ-400

Transitional Assembly. Booh Booh and the Ambassadors' view is that CDR should be allowed.<sup>1371</sup>

1254. On 29 March 1994, Enoch Ruhigira sent a letter to Special Representative Jacques Roger Booh Booh concerning President Habyarimana's desire to swear in the Broad Based Transitional Government.<sup>1372</sup>

b. Defence case

i. Karemera case

1255. **Witness XQL**, a member of the MRND Ruhengeri prefectural committee, testified that President Habyarimana did not speak against the Arusha Accords, but supported it firmly.<sup>1373</sup>

ii. Nzirorera case

1256. **Joseph Nzirorera** will testify that the MRND supported the Arusha Accords.

1257. **Witness 29, Francois Karera, Georges Rutaganda, Witness 31, Casimir Bizimungu, and Pauline Nyiramasuhuko** will testify that the MRND supported the Arusha Accords.

1258. **Jacques Roger Booh Booh** will testify about the various political parties' support and obstructions of the Arusha Accords.

1259. **Barabriwiza Runyinya**, President Habyarimana's Advisor for Diplomatic Affairs, who worked on the Arusha Accords negotiation and implementation, will testify that President Habyarimana and the MRND supported the Arusha Accords and were prepared to implement them.

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<sup>1371</sup> Exhibit DNZ-401

<sup>1372</sup> Exhibit DNZ-434

<sup>1373</sup> Transcript of 5 May 2008 @ 31

1260. Joshua Ruzibiza, Aloys Ruyenzi, Witness ALL-42, and Witness BRA-1, will testify that the RPF assassinated Emmanuel Gapyisi, Felicien Gatbazi, and President Habyarimana so that the Arusha Accords would not be implemented.

5. Cooperation with Military to Plan Extermination of Tutsis

a. Prosecution evidence

i. Witness ZF

1261. See allegations concerning Gisenyi events.

ii. Witness XBM

1262. See allegations concerning Gisenyi events

iii. Documentary evidence

1263. On 27 July 1992, Colonel Anatole Nsengiyumva sent a memorandum entitled "Mood of the Military and Civilians" to the Army Chief of Staff and the President.<sup>1374</sup> In the memorandum, he indicates that many in the military are apprehensive about the proposed merger between the RPF and RGF, and believe that the practice of Kubofoza must be stopped. He proposes that the RPF be integrated into the Army in proportion to the percentage of Tutsis in Rwanda (14%).

1264. In a document dated 21 September 1992, Army Chief of Staff Deogratias Nsabimana directed that a document entitled "Definition of the Enemy" which had been prepared by a commission of officers appointed in 1991, be disseminated to the troops. The main enemy was defined as "the Tutsi, inside and abroad, extremist and hungry for

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<sup>1374</sup> P197

power, who has never and not yet recognized the reality of the 1959 social revolution and who wants to take power in Rwanda by all means including the use of armed force.”<sup>1375</sup>

b. Defence evidence

1265. **Joseph Nzirorera** will testify that he was not aware of any plan for the extermination of Tutsis. After the multiparty system was inaugurated, military officers did not participate in political party rallies.

1266. **Anatole Nsengiyumva, Theoneste Bagosora, Witness LE-1, Tharcisse Renzaho, and Gratien Kabiligi** will testify that the Army had no plans to exterminate Tutsis and did not participate in political party rallies.

E. Other Facts Concerning Credibility of Prosecution Kigali Witnesses

1267. Certain events which took place before Mr. Nzirorera joined the MRND executive bureau, such as attacks in the Bugesera region, and MRND rallies in Kigali, Ruhengeri, and Gisenyi prefectures, have been the subject of testimony by multiple prosecution witnesses. While these events are not charged in the indictment, and do not involve Mr. Nzirorera, the false testimony about them can be proven, and therefore are relevant to show that the testimony of those prosecution witnesses are not credible.

1. March 1992 Events in Bugesera

a. Prosecution evidence

i. Witness AWD

1268. Witness AWD claimed that the Interahamwe and soldiers attacked Tutsis in Bugesera and about 100 people were killed. He knew about the participation of Interahamwe because they would come back and brag about it. The Interahamwe also went to Sharongi, attacked Tutsis, and drove people away, like Gasamagara and Venante

<sup>1375</sup> P198



Kabagemi. The Interahamwe told him everything they had done when they met at the MRND office.<sup>1376</sup>

1269. His information about participation of the Interahamwe in the Bugesera attacks actually came from overhearing Jean Damascene Ryeze say so in a bar one night when he was drunk. Witness AWD was with Jean Gasana.<sup>1377</sup> The other person he spoke to, Aminadab Buhake, the MRND President in Kicikuro commune, told him that the Interahamwe left his commune in large numbers to participate in the attacks. No one else was present when they had this conversation.<sup>1378</sup>

ii. Witness GOB

1270. Witness GOB also testified that the Interahamwe played a role in the killings in Bugesera.<sup>1379</sup> After it was said that the RPF had laid mines in the area, the Interahamwe and members of the local population attacked the Tutsis, killing 165 people and displacing some 750 others.<sup>1380</sup> However, it was ourselves who had laid the mines in order to make the residents of the area afraid.<sup>1381</sup>

1271. Witness GOB acknowledged that he was not in Bugesera and his information came from information concerning an international investigation that was conducted.<sup>1382</sup>

1272. The testimony of Witness AWD and GOB was contradicted by other prosecution witnesses:

iii. Witness G

<sup>1376</sup> Transcript of 10 October 2007 @ 16-17

<sup>1377</sup> Transcript of 8 November 2007 @ 60

<sup>1378</sup> Transcript of 8 November 2007 @ 60

<sup>1379</sup> Transcript of 22 October 2007 @ 44

<sup>1380</sup> Transcript of 22 October 2007 @ 44-45

<sup>1381</sup> Transcript of 22 October 2007 @ 48

<sup>1382</sup> Transcript of 25 October 2007 @ 47

1273. Witness G testified that the Interahamwe were not involved in the killing of Tutsis in Bugesera in 1992 as far as he knew.<sup>1383</sup> In fact, the members of the National Committee of the Interahamwe wrote a letter to Faustin Twagiramungu of the MDR denying his allegations that they were involved in the Bugesera killings.<sup>1384</sup> The Interahamwe were not involved in attacking Tutsis in March 1992.<sup>1385</sup>

1274. Mathieu Ndirumpatse was Minister of Justice during the Bugesera events in March 1992 and many people were arrested and remained in jail when he left office.<sup>1386</sup>

1275. In April 1992, the MRND Congress passed a resolution condemning the killings in Bugesera and other places.<sup>1387</sup>

iv. Witness T

1276. Witness T testified that the letter sent by the Interahamwe committee to Faustin Twagiramungu in March 1992 was in response to his baseless claims that the Interahamwe were responsible for the violence in Bugesera.<sup>1388</sup> The contents of this letter are true.<sup>1389</sup> Investigations were carried out by the Ministry of Justice and it was concluded that the Interahamwe were in no way connected with the acts of violence.<sup>1390</sup> To the knowledge of Witness T, the Interahamwe had no involvement in the killings in Bugesera in March 1992.<sup>1391</sup>

b. Defence evidence

i. Karemera case

<sup>1383</sup> Transcript of 14 October 2005 @ 23

<sup>1384</sup> Transcript of 14 October 2005 @ 25; Exhibit #DNZ-5

<sup>1385</sup> Transcript of 14 October 2005 @ 27-28

<sup>1386</sup> Transcript of 21 October 2005 @ 17

<sup>1387</sup> Transcript of 14 October 2005 @ 31; Exhibit #DNZ-6

<sup>1388</sup> Transcript of 22 May 2006 @ 35

<sup>1389</sup> Transcript of 26 May 2006 @ 43

<sup>1390</sup> Transcript of 22 May 2006 @ 36

<sup>1391</sup> Transcript of 26 May 2006 @ 40

1277. **Witness LOL** testified that the perpetrators of the Bugesera crimes were arrested with the support of Minister of Justice Mathieu Ndirumpatse.<sup>1392</sup>

ii. Nzirorera case

1278. **Joseph Nzirorera** will testify that he had no involvement with the MRND national structures in March 1992 and has no knowledge of or responsibility for the attacks in Bugesera.

1279. **Charles Nyandwi** will testify that he was President of the MRND for Kigali Rural prefecture at the time and conducted an investigation into the Bugesera attacks. He found no evidence of involvement by Interahamwe.

1280. **Georges Rutaganda and Witness 31**, officers of the National Committee of Interahamwe, will testify that the Interahamwe were not involved in the attacks in Bugesera.

2. 28 May 1992 MRND March and Rally

a. Prosecution evidence

i. Jean Bosco Twahirwa

1281. Twahirwa testified that he observed an MRND demonstration on 28 May 1992 which began at the roundabout in Kigali town. He heard the demonstrators chanting to exterminate the Tutsi and those who sympathise with them.<sup>1393</sup> Twahirwa later obtained a tape of this demonstration.<sup>1394</sup>

1282. The recording of the MRND demonstration of 28 May 1992 provided by Twahirwa does not show any anti-Tutsi statements or songs. It contains a speech by Jean

<sup>1392</sup> Transcript of 8 July 2008 @ 43-45 (CS)

<sup>1393</sup> Transcript of 25 June 2007 @ 78-79

<sup>1394</sup> Transcript of 25 June 2007 @ 80; Exhibit P91

Habyarimana in which he requests the authorities to punish any individual who commits an offence, whether he is from the MRND party or MDR.<sup>1395</sup> He urged the MRND members to be disciplined.<sup>1396</sup>

1283. Mathieu Ngirumpatse said that the other parties wanted to destroy the Interahamwe, despite his pleas for a meeting to stop the violence. He said that henceforth the youth wing of the party would be called the JMRND-Interahamwe. The term "Interahamwe" does not have an aggressive connotation—it denotes unity and harmony. Ngirumpatse said that they had urged the Interahamwe to avoid acts of aggression, but would not tolerate people forming gangs whose purpose is to attack Interahamwe.<sup>1397</sup>

1284. Ngirumpatse urged people of Kigali to join the MRND and not to be forced to join other parties.<sup>1398</sup> He complained that Radio Rwanda had announced plans to demobilize the soldiers in the Rwandan Army and says it would be inappropriate to demobilize soldiers during the war.<sup>1399</sup>

1285. Ngirumpatse noted that some political parties had gone to Brussels to negotiate with the Inkotanyi and said no agreements entered into without the MRND's consent would be honored. Ngirumpatse said that the trouble caused by the political parties and RPF was aimed at preventing elections from being held and that if elections were held, the MRND would win.<sup>1400</sup>

1286. At the end of the meeting, Kajuga asked the people to be disciplined as they returned to their homes.<sup>1401</sup>

<sup>1395</sup> Exhibit P91 at page K0386778

<sup>1396</sup> Exhibit P91 at page K0386779

<sup>1397</sup> Exhibit P91 at page K0386781

<sup>1398</sup> Exhibit P91 at page K0386781

<sup>1399</sup> Exhibit P91 at page K0386782

<sup>1400</sup> Exhibit P91 at page K0386782-83

<sup>1401</sup> Exhibit P91 at page K0386783

ii. Ahmed Mbonnyunkiza

1287. Mbonnyunkiza testified that on 28 May 1992, an MRND demonstration was held and Ngirumpatse spoke to the crowd at the roundabout in front of the Prime Minister's office.<sup>1402</sup> The Interahamwe attacked opposition party members during this demonstration and two people were killed.<sup>1403</sup> During his speech, Ngirumpatse said that he no longer wanted to hear of the JMRND and that the Interahamwe were to be the youth wing of the MRND from that day forward.<sup>1404</sup>

1288. After 28 May 1992, Ngirumpatse issued a communiqué in which he blamed the other parties for the violence and misrepresented the events of that day.<sup>1405</sup>

1289. Mbonnyunkiza's account of the demonstration of 28 May 1992, in which he blamed MRND for the violence, is at odds with the official report made by the Prosecutor of Kigali who concluded that the attacks were directed at the MRND, who had a lawful permit for the demonstration.<sup>1406</sup> He claimed that the letter was not accurate and that the Prosecutor, Francis Xavier Nsanzuera, did not do his job properly.<sup>1407</sup>

1290. The testimony of Twahirwa and Mbonnyunkiza is also contradicted by other prosecution witnesses:

iii. Witness G

1291. Witness G testified that he attended the demonstration of 28 May 1992 and observed that it was the members of the PL and other parties who attacked the

<sup>1402</sup> Transcript of 21 September 2005 @ 19

<sup>1403</sup> Transcript of 21 September 2005 @ 19, Transcript of 22 September 2005 @ 35

<sup>1404</sup> Transcript of 21 September 2005 @ 19

<sup>1405</sup> Transcript of 22 September 2005 @ 35-36; Exhibit #P2

<sup>1406</sup> Transcript of 24 October 2005 @ 47-48; Exhibit #DNZ-45

<sup>1407</sup> Transcript of 24 October 2005 @ 48-49

Interahamwe on that occasion. He heard the speech of Mathieu Ngirumpatse that day. Ngirumpatse never said anything about exterminating Tutsis.<sup>1408</sup>

iv. Witness T

1292. Witness T testified that at the MRND rally on Pentacost weekend in May, 1992, which was authorized by the prefet of Kigali, MRND members were attacked by youth wings of the MDR and PL parties.<sup>1409</sup> The opposition parties were destroying property of MRND members who were attending the rally. The response by the MRND members was legitimate self-defence.<sup>1410</sup>

v. Witness GOB

1293. Witness GOB testified that on 28 May 1992, he attended an MRND rally to protest a speech that had been delivered by Prime Minister Dismas Nsengiyaremye concerning demobilization of soldiers and a speech by Justin Mugenzi of the PL party against the MRND. The plan was to meet at the main Kigali roundabout and to take down the flags at the PL and MDR headquarters. There was about 600 MRND members who took part in this march and they smashed the windows of the party headquarters.<sup>1411</sup>

1294. However, there was a confrontation with members of these parties and they were unable to reach their headquarters. They went to the prime minister's roundabout. He was with Ngirumpatse, Karemera, and Nahimana.<sup>1412</sup> The Interahamwe sang songs, including "Tubatsembasembe", which meant "let us exterminate them" and was directed

<sup>1408</sup> Transcript of 14 October 2005 2005 @ 42  
<sup>1409</sup> Transcript of 26 May 2006 @ 56  
<sup>1410</sup> Transcript of 7 June 2006 @ 7  
<sup>1411</sup> Transcript of 22 October 2007 @ 31  
<sup>1412</sup> Transcript of 22 October 2007 @ 32

at MRND's political enemies.<sup>1413</sup> The enemy was anyone who did not work with or collaborate with the MRND—the RPF, Tutsis, or political opponents.<sup>1414</sup>

1295. At the roundabout in front of the Prime Minister's office, it was said that MRND did not agree with the opposition parties meeting with the RPF without MRND being involved.<sup>1415</sup> They called for Nsengiyaremye's resignation because he had stated in Gikongoro that soldiers would have to be demobilized when the two armies merged. Ngirumpatse asked the MRND members to remain active and those who had left the MRND to come back.<sup>1416</sup>

b. Defence evidence

i. Nzirorera case

1296. **Joseph Nzirorera** will testify that he had nothing to do with the MRND national organs at the time of this rally and that he did not attend.

1297. **Witness 29 and Augustin Ngirabatware** will testify that they participated in the 28 May 1992 rally and that it had nothing to do with Tutsis.

1298. **Georges Rutaganda** will testify that he attended the 28 May 1992 rally and that it had nothing to do with Tutsis.

3. MRND/CDR Coalition

a. Prosecution evidence

i. Witness UB

1299. Witness UB testified that the MRND and CDR signed a coalition agreement towards the end of 1993. After signing that agreement, they were like one

<sup>1413</sup> Transcript of 22 October 2007 @ 34-35

<sup>1414</sup> Transcript of 22 October 2007 @ 35-36

<sup>1415</sup> Transcript of 22 October 2007 @ 43

<sup>1416</sup> Transcript of 22 October 2007 @ 43

party.<sup>1417</sup> He met Mathieu Ndirumpatse and told him that Tutsi members were leaving the MRND because of its coalition with CDR. Ndirumpatse said that they preferred to be in a coalition with the CDR than the Tutsis, with whom they did not share the same opinion.<sup>1418</sup> Ndirumpatse said that they deemed it useful to collaborate with the CDR and Tutsis were free to leave the party. Those Tutsis who stayed would be protected.<sup>1419</sup>

1300. This meeting took place in the Kabuga building while Ndirumpatse was still Secretary General of the MRND. He went with Hamadi Nshimijimana.<sup>1420</sup> (In his handwritten statement of 15 December 2004, he said he had met with Ndirumpatse in the presence of Gabriel Mbariyehe and Jean Bizimana.)<sup>1421</sup>

1301. After the signing of the coalition agreement, the MRND never condemned the acts committed by the CDR and the CDR never condemned the acts committed by the MRND.<sup>1422</sup> In fact, the communiqués issued by the CDR showed that they criticized the MRND and President Habyarimana on several occasions.<sup>1423</sup>

1302. The coalition agreement was signed on 12 November 1992.<sup>1424</sup> CDR resigned from the coalition on 25 March 1993.<sup>1425</sup>

ii. Witness GOB

1303. Witness GOB testified that there were extremists within the MRND and they went and formed the CDR. The two parties worked like parent and child.<sup>1426</sup> The CDR said what the MRND could not say—that Hutus had to keep power.<sup>1427</sup>

<sup>1417</sup> Transcript of 23 February 2006@ 43

<sup>1418</sup> Transcript of 23 February 2006@ 44

<sup>1419</sup> Transcript of 2 March 2006@ 48

<sup>1420</sup> Transcript of 2 March 2006@ 46-47

<sup>1421</sup> Transcript of 2 March 2006@ 49; Exhibit #P20

<sup>1422</sup> Transcript of 23 February 2006@ 45

<sup>1423</sup> Transcript of 2 March 2006@ 50-54; Exhibits DNZ65-69

<sup>1424</sup> Transcript of 2 March 2006@ 46; Exhibit #DNZ64

<sup>1425</sup> Transcript of 2 March 2006@ 54; Exhibit #DNZ70