

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  
RECEIVED

2008 MAR 11 A 9:13  
*[Signature]*

---

JOSEPH NZIRORERA'S APPEAL FROM  
DECISION ON TENTH RULE 68 MOTION

---

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>

---

<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>

---

<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>

---

<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.

---

<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

---

<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

---

<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>

---

<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

---

<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>

Word Count: 2610

Respectfully submitted,



PETER ROBINSON

Lead Counsel for Joseph Nzirorera

---

<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"**

E38

20901A

UNCLASSIFIED

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

R

INFO	LOG-00	AMAD-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
	H-01	INRE-00	INR-01	L-03	ADS-00	NSAE-00	NSCE-00
	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	

-----582A57 210539Z /38

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  
 (x) Release ( ) Excise ( ) Deny (x) Declassify  
 Date 9/18/98 Exemption \_\_\_\_\_

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

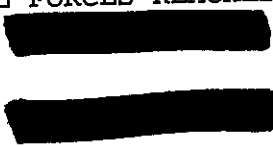
UNCLASSIFIED

UNCLASSIFIED

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

UNCLASSIFIED

2088/A

UNCLASSIFIED

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]

[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

INFO	LOG-00	AMAD-01	CIAE-00	C-01	DODE-00	EUR-01	HA-09
	H-01	INRE-00	INR-01	L-03	ADS-00	NSAE-00	NSCE-00
	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	
					-----582A7B 210541Z /38		

UNCLASSIFIED

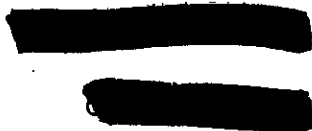
UNCLASSIFIED

P 210525Z AUG 92  
FM AMEMBASSY KIGALI  
TO SECSTATE WASHDC PRIORITY 1550  
INFO AMEMBASSY BRUSSELS  
AMEMBASSY BUJUMBURA  
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.



PAGE 02 KIGALI 03478 02 OF 06 210541Z  
THE CDR  
-----

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

UNCLASSIFIED