

## II. ALTERNATIVE EXPLANATION OF THE TRAGIC EVENTS IN RWANDA DURING THE FOUR YEAR WAR

### A “Plan to Seize Power”...No Matter the Consequences, NOT a “Plan for a Genocide”

There would have been no “genocide” without the assassination of President Habyarimana.....If it comes to be learned that the assassination was committed by the RPF the entire history of what happened in Rwanda will have to be rewritten...

*Prof. Filip Reyntjens, Testimony of Prosecution Expert, 16 September 2004, p. 102-103*

Before I left Rwanda, I personally told both President Habyarimana and Gen. Kagame that whoever resumed the war would be responsible for killings like those that had just occurred in Burundi....

*Former U.S. Amb. Robert Flaten, Testimony before ICTR, 30 June 2005 p. 68-69*

The final order to shoot down the presidential plane was personally given by Paul Kagame.....the attack...falls within a larger scheme orchestrated by the F.P.R. under the leadership of Paul KAGAME which aimed to violently seize power, a goal which they could not hope to achieve legally by compliance with institutional mechanisms implemented further to the ARUSHA Agreements;

*Judge Bruguiere, Issuance of International Arrest Warrants, Order to Execute, p. 45*

Although his army was militarily superior to that of the F.A.R., the refusal of the F.P.R. to accept the cease-fire while massacres were underway and to authorize the presence of international forces to participate in the restoration of order and to put an end to the genocide demonstrates that the sole goal pursued by its leaders was to obtain total victory at the price of a massacre of Tutsis “from the interior,” considered by Paul KAGAME as “collaborators with the HABYARIMANA government.”<sup>454</sup>

*Judge Bruguiere, Issuance of International Arrest Warrants, Order to Execute, p. 46*

The Rwandan Government Forces only had about 5,000 well-trained and supplied troops...the rest were “rabble” and completely unreliable...it would have been possible to stop the civilian killings with...5,000 disciplined, well-trained troops....but it would not be possible to stop the killings and fight a war of invasion at the same time...

*Gen. Romeo Dallaire, Testimony of Prosecution Witness, 27 January 2004 p. 63*

There are about ten hypothesis of who could be responsible for the killing, but I think that the excesses we witnessed were beyond what could have been conceived. But there was a process of political -- of much of the, the destruction of moderates, yes, and after that there was a chain of hysterical reactions from ordinary people, who were also enriched by some of the people. But I think nobody could have foreseen the scope of the massacres.

*Gen. Romeo Dallaire, Testimony of Prosecution Witness, 23 January 2004 p. 55*

Not only in the state of my knowledge and in the current state of research, I have not found any proof of planning. Not only have I criticised at length in my reports what is considered as information trying to establish the existence of such a plan -- I would ask you to read my reports in that regard.

*Testimony of Prof. Lugan on 15/11/06, p. 7*

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<sup>454</sup> Bruguiere, p. 46.

## 1. INTRODUCTION<sup>455</sup>

439. In the Pre-Defence Brief,<sup>456</sup> the Ntabakuze Defence asserted that, contrary to the allegations of the Prosecutor and particularly the Prosecution expert-witness Ms. Alison DesForges, there was *no* plan or conspiracy to kill or harm civilians on the part of the former Rwandan Government or the Rwandan Government Forces during the war that ended with a military victory for the Rwanda Patriotic Army and Rwanda Patriotic Front [RPA/F] in July 1994<sup>457</sup>. Ms. Deforges concedes this point in her testimony in Military II in 2006, because the Rwandan Government was a multi-party government, and the military was not a monolithic institution.<sup>458</sup>

...it was not the government as such, simply because it was government that included Habyarimana's opponents from April 1992, and it would simply not have been possible for them as a group to have agreed to such a policy.<sup>459</sup>

440. Further, the Ntabakuze Pre-Defence Brief asserted that there is an *alternative* explanation for the wave of civilian killings that swept Rwanda near the end of a four-year war of aggression by the RPA/F, which arises from re-examination of the assassination of President Habyarimana,<sup>460</sup> as it relates to the military strategy and capability of *both* sides during the war, and the political and social conditions existing in Rwanda and the region at that time. All of the evidence produced by both the Prosecution *and* Defence demonstrates that the "theory of a planned genocide" is simply not supported by the evidence.

441. While there may be some dispute regarding the particulars of the long history of conflict for political power in Rwandan and Burundi, between groups known as "hutu" and "tutsi," there can be *no doubt* that the invasion of Rwandan territory by Rwandan "tutsi" ex-patriot elements of the Ugandan army in October 1990 (and the course of the four years of war that followed) is the *first* cause of events that led to massacres that occurred between April and July 1994.<sup>461</sup>

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<sup>455</sup> See documentary and other evidence supporting this analysis in the Ntabakuze Brief Section immediately following this analysis, entitled: CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR

<sup>456</sup> Pre-Defence Brief, pp. 3-7.

<sup>457</sup> It should be noted that by the time of her testimony in the Military II case, Ms. DesForges has also apparently withdrawn this assertion. See, *Testimony of Allison DesForges, October 2006*.

<sup>458</sup> T. 19/09/2006. Lines 13-32.

<sup>459</sup> *Id.* pp. 19-22.

<sup>460</sup> Bruguiere, p. 46 and references therein

<sup>461</sup> See testimony of Defence witnesses, DH-90 and DH-91, [REDACTED] who witnesses the Invasion in the Parish in which one of them served; Defence Experts Desouter, Strizek, Lugan and the documents in the section marked 1990.

442. It is now quite apparent that the invasion from Uganda was driven more by internal Ugandan politics, which had caused Ugandan President Yoweri Museveni to renege on his promise to grant citizenship to Rwandan ex-patriots who had supported him and served in the NRA war to seize power, rather than a legitimate effort to democratize Rwanda, or to protect Rwandan “tutsi” from the interior.<sup>462</sup> Prosecution witness Prof. Reyntjens testified that had the October invasion been delayed by even a few months, the moral justification for the invasion would have been lost because the Habyarimana government had already undertaken to solve the “Uganda refugees issue” and establishment of a multi-party system.<sup>463</sup>
443. After an initial conventional assault on October 1990, the Kagame-led RPA/F engaged in a planned strategy of “guerilla” warfare with the purpose of: (a) destabilizing the Habyarimana government; (b) making use of the Arusha negotiations and association with opposition political parties as a “cover” for RPA/F war preparations; and (c), having achieved military superiority as early as February 1993, seizing power by military force in a final assault initiated by the assassination of President Habyarimana.<sup>464</sup> It is *this* plan that touched off the long-predicted civilian killings, -- *not* any pre-existing plan or conspiracy on the part of the former Rwandan Government or Military.

## 2. THE BURUNDI-PRECEDENT

444. Also relevant to the *alternative* explanation for the events of April-July 1994, is the history of mass-violence that occurred in the areas surrounding Rwanda, and particularly the politically-motivated violence that occurred in Rwanda’s “sister-nation,” Burundi. On several occasions in the two decades before 1994, massive killings of “hutu” civilians by a “tutsi”-dominated military had established a precedent for mass-killings associated with challenges to political power that were known to all people living in Rwanda.
445. In addition to huge massacres of civilians in the 1970’s and in 1988, the assassination of the first elected “hutu” President Ndadaye of Burundi in October 1993; followed by massacres of tens of thousands of civilians by the Burundian “tutsi” army, which was publicly

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<sup>462</sup> See Defence Exhibit DNT199: Mohmoud Mamdani, *When Victims Become Killers*, p. 155-157 and Strizek testimony (12/05/05, p. 40-41)

<sup>463</sup> Testimony of Reyntjens (T. 22/09/04, p. 34-35)

<sup>464</sup> See testimony of Ruzibiza, Serge Desouter, Lugan Strizek, Colonel Luc Marchal and Witness ALL-42

identified as supporting the RPA/F; and, the resulting 350,000 refugees that streamed into Rwanda, created an atmosphere of fear and mistrust that made a negotiated power-sharing almost impossible.<sup>465</sup> The assassination of a second “hutu” President on April 6, 1994 only compounded the lesson that the “majority-hutu” population could not depend on the “minority-tutsi” to share power in a democratic process, according to both Prosecution and Defence witnesses.<sup>466</sup>

446. As noted by Judge Bruguiere:

Other relevant evidence that emerged during the enquiry shows that Paul Kagame deliberately opted for a *modus operandi* which, within the particularly tense context reigning both in Rwanda and Burundi between the Hutu and Tutsi communities, could not fail to trigger bloody reprisals towards the Tutsi community, thus offering him legitimate grounds to resume hostilities and to seize power with the support of international opinion.<sup>467</sup>

### 3. THE WAR IN RWANDA<sup>468</sup>

447. Within Rwanda, itself, the RPA/F campaign of “guerilla” warfare was successful, during 1992, in creating chaos to destabilize the Rwanda government. By mid-1992, the RPA/F had been able to secure a narrow segment of Rwandan territory along the Ugandan border on the eve of 1992 negotiated cease-fire agreement. Despite this agreement, it is now well-established that, up to and including April-July 1994, a steady stream of weaponry, troops and materiel flowed from Uganda into areas controlled by the RPA/F.<sup>469</sup>

448. During 1991, a new constitution which established a multi-party government structure and reduced the role of the President was adopted. Both of which were part of the justifications advanced by the RPA/F for its October 1990 invasion and continuing war of aggression. By June 1992, representatives of opposition parties met with the RPA/F in Brussels and issued a joint statement of support for the RPA/F.<sup>470</sup>

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<sup>465</sup> See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR 1993 Section.

<sup>466</sup> Dallaire, Jan. 2004; Reyntjens, September. 2004; Desouter, Helmut Strizek and Lugan. <sup>466</sup> See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. APRIL 1993 Section *et seq.*

<sup>467</sup> Bruguiere, p. 46 and references therein.

<sup>468</sup> See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. 1990-1994 Sections, *et seq.*

<sup>469</sup> Bruguière, pp. 19; Defence witnesses Ruzibiza/BRA-1/LX-1; Defence Exhibit DNT158, DNT159 and DNT265

<sup>470</sup> Defence Exhibit DB2 and DNS244. See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. Ex. DB71, September 1993 Section, *et seq.*

449. In January 1993, much like the scenario played out a year later,<sup>471</sup> the RPA/F asserted that the Habyarimana government was responsible for a “genocide” of “tutsi” civilians, to justify breaching a ceasefire agreement, with a major military offensive. In February 1993, the RPA/F offensive swept through the north-eastern Prefectures, displacing more than 1.2 million war-displaced refugees and de-populating some of the most productive land in Rwanda. With the assistance of French forces, the RPA/F advance was halted at the northern edge of Kigali. New cease-fire negotiations resulted in the RPA/F withdrawing to the area it had occupied before, with a larger “buffer-zone” separating the two military forces and an agreement to negotiate a power-sharing agreement: the Arusha Accords.
450. As is now well-known, during the entire Arusha negotiation process, the RPA/F continued its preparation for its final assault to seize power. During 1992-93, the RPA/F also carried out regular training of civilian-infiltrators among the “tutsi” population of Rwanda.<sup>472</sup> According to former RPA officers, some 300 tonnes of war materiel was brought into Rwanda even before the Arusha Accords were signed<sup>473</sup> in the summer of 1993. By late 1993, Gen. Dallaire’s Reconnaissance Report noted that the RPA/F had achieved a significant military advantage over the core of the Rwanda Government Forces [RGF] and that the “reliable” portion of the RGF numbered no more than 5,000 - 7,000 troops.<sup>474</sup>
451. Following the Feb. 1993 RPA/F offensive, splits in the opposition parties grew as the military threat of the RPA/F became more apparent to all. These disputes within the opposition parties were not, as has been alleged by Ms. DesForges, being “manipulated” by President Habyarimana. Rather opposition forces were being divided by the war along lines of “supporters of the RPA/F-invaders” and a “loyal opposition” which supported President Habyarimana.<sup>475</sup>

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<sup>471</sup> The charge of “genocide” was also made in 1993, but it is clear that, in retrospect, there may have been some violence or threats against those associated with the RPA/F invasion, but there is little suggestion by any source today that would classify these events as a “genocide.”

<sup>472</sup> Defence witnesses Ruzibiza/BRA-1/LX-1

<sup>473</sup> Defence witnesses Ruzibiza/BRA-1

<sup>474</sup> In testimony, Gen. Dallaire characterized the “new army” which grew enormously during the war as “rabble” who were ill-trained, ill-fed, ill-armed and too undisciplined to be relied on in a combat capacity. Testimony of Dallaire, 26 January 2004, p. 89-92. <sup>474</sup> See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. Ex. DB71, September 1993 Section, *et seq.*

<sup>475</sup> See CHRONOLOGICAL, ETC. 1993-94 Section *et seq.*

452. The months of late 1993 and early 1994 include many examples of acts of sabotage, assassinations carried out by the RPA/F for the purpose of destabilizing, and discrediting the Habyarimana government. These acts included the killing of opposition political leaders and “tutsi” civilians to blame on the Habyarimana government and to demonstrate that the government could no longer ensure security of the population and to create propaganda to discredit the Habyarimana government in the eyes of the international community.<sup>476</sup> This strategy went hand-in-hand with the military build-up for the “final assault,” which was the *only* “plan” or “conspiracy” that included the killing of civilians. It was at this time that U.S. Ambassador Flaten specifically warned Gen. Kagame and President Habyarimana that the party that resumed hostilities would be responsible for civilian casualties on the order of the recent massacres in Burundi.<sup>477</sup>
453. While elements of the RPA/F were committing acts of “terrorism” to destabilize and discredit the Habyarimana government in early 1994, its negotiators were actively engaged in blocking the implementation of the Arusha Accords and Kagame was already threatening war.<sup>478</sup> By April 1, 1994, not only had the representatives of all concerned governments agreed that the issues preventing implementation of the Arusha Accords, including the seating of the CDR had been resolved, but U.S. Ambassador David Rawson confirmed that it was the intransigence of the RPA/F in objecting to the seating of the CDR party that was preventing the implementation of the Arusha Accords.<sup>479</sup>

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<sup>476</sup> Testimony of Abdul Ruzibiza, 9 March 2006.

<sup>477</sup> Testimony of Flaten, 30 June 2005

<sup>478</sup> Defence Exhibits DNT 256, DNT30, DNT103, DNT105, DNT174, DNT243, DNT253, DNT254, DNT256 and DNT262

<sup>479</sup> Defence Exhibits DNT31, DNT32, DNT104, DNT121, DNT179. *See* CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. Jan-April 6 Sections, *et seq.*

<sup>479</sup> <sup>479</sup> *See* CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. 1993-94 Section *et seq.*

#### 4. GEN. KAGAME TRIGGERS THE PREDICTED CIVILIAN MASSACRES<sup>480</sup>

454. We now know that the final plans to assassinate President Habyarimana had been converted into specific orders from Paul Kagame on March 31, 1994, which were put into action on April 6, 1994. An assassination team of the RPA/F called “the network” launched Uganda-supplied Soviet missiles from Masaka hill at about 8:30 pm on April 6, 1994.<sup>481</sup> Not only was this revealed by witnesses before this Trial Chamber, but Judge Brugiere arrived at this conclusion based on the testimony that he heard.<sup>482</sup> Further, we now know that all RPA/F commanders had been brought to Mulindi in apparent preparation for the assault to seize power that Gen. Kagame ordered on the night of April 6, 1994, shortly after news of the successful attack had been received in Mulindi.<sup>483</sup>
455. The assassination certainly was an act of war, as well as a violation of the cease-fire, and the timing of the orders for RPA/F troops to mount the final assault on the night of April 6, 1994, -- and *not* the afternoon on April 7 gives lie to the assertion that the RPA/F resumption of war was launched in response to the killing of RPA/F supporters, or even “tutsti” civilians, as Gen. Dallaire had been informed by Gen. Kagame and as reported by Ms. DesForges.<sup>484</sup>
456. In fact, Gen. Kagame and the RPA/F resumed the war, *without* any provocation other than the implementation of the Arusha Accords, with the assassination of President Habyarimana. Perhaps even more importantly from the standpoint of fixing central responsibility for the massacres that the assassination of President Habyarimana touched off, these acts were undertaken with *full knowledge on the part of Gen. Kagame that resumption of the war would cause massive civilian casualties*, as U.S. Ambassador Flaten had warned some five months earlier. It is worth noting that Amb. Flaten’s warning did not even include the

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<sup>480</sup> See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. Jan-April 6 Sections, et seq. The Chamber is asked to recall that former U.S. Ambassador Flatten testified that he personally warned Kagame that, if HE started the war again, HE would be responsible for killing like those that had recently occurred in Burundi. Once Kagame resumed the war, the predicted killings followed apace. What was lacking was the military capability to stop them by the FAR, and the lack of will to do so, on the part of the RPF because they were winning the WAR.

<sup>481</sup> Id.

<sup>482</sup> BRUGIERE REPORT

<sup>483</sup> Id. ....also BRA-1 (T. 05/04/06, p. 64-67)

<sup>484</sup> Testimony of Colonel Marchal (T. 30/11/06, p. 27-28); Lugan (T. 15/11/06, p. 9); Ruzibiza (T. 09/03/06, p. 26-28, 38-39), ALL42 (T. 09/11/06, p. 21)

predictable reaction of the civilian population to the assassination of *three* “hutu” Presidents, -- by militaries identified with “tutsi power” in both Rwanda and Burundi.<sup>485</sup>

## 5. CONTINUING AND DEEPENING THE PREDICTED BLOODBATH

457. However, the responsibility of Gen. Kagame and the RPA/F for the massacres that the RPA assassination of Pres. Habyarimana touched off does not end with the inception of those killings. In fact, Gen. Kagame admitted to Gen. Dallaire on April 22, 1994 the predicted civilian massacres were an integral part of his war plan. Dallaire testified that, in response to Dallaire’s complaint that the RPA/F was not using its troops to save the predicted “tutsi” victims of the renewed combat, Gen. Kagame said that “There will be many sacrifices in this war. If the refugees have to be killed for the cause, they will be considered as having been part of the sacrifice” for his war plan.<sup>486</sup>
458. Judge Bruguiere noted that on numerous occasions, beginning on the night of April 6, 1994, the RPA/F and Gen. Kagame rejected cease-fire offers by the RGF.<sup>487</sup> Gen. Dallaire also noted in contemporary code cables that the RPA/F would not agree to a cease-fire while it was winning.<sup>488</sup> A similar point was made by the testimony of former RPA officer Joshua Ruzibiza, and a confidential witness, (BRA-1), [REDACTED] who recounted specific examples of Gen. Kagame ordering his troops *not* to intervene to save civilians and officers who were removed from their command for attempting to do so.<sup>489</sup> Judge Bruguiere found, and other witnesses also note that the RPA/F affirmatively blocked the intervention of an international force.<sup>490</sup>

<sup>485</sup> Note predicted mass casualties as a consequence of the assassination of both Presidents in the April 7 cable of Prudence Bushnell. See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. April 6-7 Sections, et seq.

<sup>486</sup> Testimony of Dallaire (T. 27/01/04, p. 87-88) and his book (Exhibit DNT33) on page 358 (English) or 451 (French); Testimony of Reyntjens (T. 21/09/04, p. 49-50). When commenting on the Kagame statement, Reyntjens confirmed that other RPF leaders made the same statement (T. 21/09/04, p. 49-50). During his testimony, Ruzibiza corroborated Reyntjens (T.09/03/06, p. 62)

<sup>487</sup> Bruguiere Report; Testimony of Defence witness Colonel Luc Marchal (T. 30/11/06, p. 25-26)

<sup>488</sup> Defence Exhibits DNT106, DNT111, DNT112, DNT113, DNT118, DNT1888 and DNT189

<sup>489</sup> Testimony of Ruzibiza (T. 09/03/06, p. 45) and Defence witness BRA-1 (T. 06/04/06, p. 68)

<sup>490</sup> Bruguiere, p 46; Testimony of Defence witnesses Colonel Dewez (T.24/06/05, p. 49); Desouter (T. 04/04/06, p. 19) and Colonel Luc Marchal (T. 30/11/06, p. 25-26)



459. The true impact of the refusal of the RPA/F to agree to a cease-fire after April 6, 1994 can only be appreciated by examining the options available to each side, given the military capability at their disposal. There is no serious dispute that the RGF had no more than one-half to one-third of the “combat forces” available to the RPA/F after the three-year build-up to the final assault, and perhaps even less. In addition to the analysis provided by Gen. Dallaire in his Reconnaissance Report in September 1993, by March 28, 1994 he reported that because of the depredations of war the Gendarmerie were unable handle ordinary law enforcement, and had to be completely rebuilt by UNAMIR.<sup>491</sup>
460. This imbalance meant that the RGF had no more reliable, well-trained troops than the 5,000 that Gen. Dallaire has famously testified would be needed to stop the massacres. However, it is now clear that when the RGF said it was impossible to meet the RPA/F demand to stop the massacres, -- while defending against a superior invading force at the same time, the RGF was telling the truth and the RPA/F *knew* that this demand could not be met.<sup>492</sup> By failing to agree to a cease-fire, the RPF ensured that the civilian killings would continue unabated.<sup>493</sup>
461. However, in addition to the *direct* responsibility of Gen. Kagame and the RPA/F for bringing the Rwanda civilian massacres about by assassinating Pres. Habyarimana and resuming the war, and for blocking the possibility of military intervention to stop the massacres once they began, Gen. Kagame and the RPA/F are also directly responsible for massacres committed in areas occupied by their forces, or where combat was occurring. As early as the night of April 6-7, squads were leaving CND to kill persons in the area around the CND particularly in Remera area according to Prosecution witness Prof. Reyntjens and Defence witnesses especially Colonel Luc Marchal.<sup>494</sup> But, these killings were “political killings” of elites and leaders.
462. However, it is now known that RPA/F massacred thousands in the stadium in Byumba shortly after seizing control of the city.<sup>495</sup> And, as the main force of the RPA/F swept

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<sup>491</sup> March 28 Code Cable., *See* CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. March Sections, et seq.

<sup>492</sup> Testimony of Defence Expert Colonel Duvivier (T. 06/12/06, p. 67)

<sup>493</sup> Bruguere, p. 46

<sup>494</sup> Reyntjens Testimony (T. 22/09/04, p. 30) his book Rwanda.Trois jours qui ont fait basculer l’histoire, p. 62 and Testimony of Defence witness Colonel Luc Marchal (T. 01/12/06, p. 1)

<sup>495</sup> Testimony of Defence witness BRA-1 on (T. 06/04/06, p. 64-65); Defence witness ALL-42 (T. 08/11/06, p. 41-43)

southward from Byumba/Mutara it reached the area around Kibungo and Rusomo in the southeast of Rwanda in about two weeks after April 6.

463. As early as May 17, 1994, UNHCR reports show that thousands of civilians were systematically being massacred by RPA/F troops in areas around Rusomo and in the eastern third of the country that had been controlled by the RPF since the third week in April.<sup>496</sup> The RPA/F massacres in the eastern part of the country were documented by Robert Gersony who reported that in a few weeks he had concluded that no fewer than 40,000 civilians had been killed by the RPA/F troops in a manner that could only have occurred as military operations.<sup>497</sup>
464. Although it cannot be denied that many Rwandans, both “hutu” and “tutsi” were killed by opponents of the RFA/F, it is submitted that these killings were *not* as a result of a “planned Genocide” or “conspiracy.” Rather, like killings that had occurred in Burundi in October 1993, resulting from violence following the assassination of the first “hutu” President, the killings in Rwanda began as a reaction to the assassination of the “father of the nation” and to the RPA/F war of invasion, as predicted by U.S. Amb. Flaten and many others.<sup>498</sup>
465. But, the *predicted* tragedy reached *unpredictable* proportions because the RPA/F military objectives required that the country descend into chaos, as part of its war plan, - and that massacres of the population were considered merely *collateral damage* by Gen. Kagame.<sup>499</sup> Both he and the RPA/RPF bear responsibility for their scope and extent, -- *not* a hypothetical conspiracy by the military officers of the army that was vanquished by Kagame and the RPA/F.
466. The so-called “conspiracy” is entirely based upon the Prosecutor’s interpretation of strictly circumstantial evidence. There was *no* direct evidence of a conspiracy whatsoever. The “story” of a “planned genocide” had been cobbled together by the Prosecutor from bits and

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<sup>496</sup> May 17 Code Cable. See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. May Section.

<sup>497</sup> Gersony Report (Exhibit DK-112) and related testimony by Defence witness Jean Marie Vianney Ndagijimana former RPG Foreign Minister. (T. 16/11/06, p. 50-58). See CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94 RWANDA WAR. September-October 1994 Sections, *et seq*

<sup>498</sup> The CIA had predicted in January 1994 that in case of resumption of hostilities as many as half a million persons might die. This information is found in the book of FIDH/Des Forges “Leave none to tell the story” on page 18.

<sup>499</sup> Cross examination testimony of Gen. Dallaire related to Code Cable of April 23, 1994 reporting his conversation with Kagame in Mulindi and report of same in his book, from which the “collateral damage” language is drawn.

pieces of the suppositions of Ms. DesForges, at the same time the Prosecutor was ignoring more coherent and credible evidence of RPF responsibility for the “ethnicization” of the struggle for power in Rwanda and the massacres that accompanied that struggle.

467. The Prosecution must prove every element of each charge *beyond all reasonable doubt*. In the event of proof being made by circumstantial evidence, the Prosecution’s theory of interpretation of that evidence *must* be the *only* conclusion that can be arrived at in order to secure a conviction. If another interpretation of the evidence is reasonably *possible* (even if a Trial Chamber were to consider it less *probable* than the Prosecution’s theory) then a reasonable doubt *has* been raised, and acquittal *must* result, -- otherwise any resultant conviction would have been based upon the standard of ‘a balance of probabilities’, and *not* that of ‘proof beyond all reasonable doubt’. In the present case, the Defence explanation has the virtue of not only being reasonably possible, but also of being based upon hard facts and direct evidence. It has the virtue of being the truth, and it is the truth which must be told.<sup>500</sup>

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<sup>500</sup> It is not unusual for the “victors” to tell the story of a war but the Tribunal has accomplished a feat that may never-before have been achieved in international jurisprudence, it has provided a chance for the vanquished to tell their story, with evidence. History will judge the meaning of this evidence, and the integrity of the Tribunal in following that evidence to its conclusion. Until the crimes of *both sides* in the Rwanda War receive the same scrutiny that only the vanquished have experienced so far, and until responsibility for the crimes committed in Rwanda is assigned accordingly, this Tribunal will not have justified its mandate. Victor’s justice is an old story. Justice for the vanquished is a story yet to be written.

6. **CHRONOLOGICAL LISTING OF PROSECUTION AND OF DEFENSE**  
**DOCUMENTARY EXHIBITS/TESTIMONY DESCRIBING THE**  
**ALTERNATIVE EXPLANATION OF EVENTS DURING THE 1990-94**  
**RWANDA WAR<sup>501</sup>:**

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
DNT297	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 02 OCTOBER 1990; SUBJECT: RWANDAN TUTSIS IMPLICATED IN HOSTILITIES	02/10/1990	19/01/2007		RPF responsible for killings that have been charged to the Defendants and the FAR.
DNT298	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 04 OCTOBER 1990; SUBJECT: EXILE INVASION OF RWANDA: CONTROLLING THE POLITICAL DAMAGE – SITREP 9	04/10/1990	19/01/2007		Destabilization campaign and effect of invasion of Rwanda from Uganda by RPF in 1990-94
DNT299	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 09 OCTOBER 1990; SUBJECT: FOREIGN MINISTER UPDATES DIPLOMATIC CORPS ON THE RWANDAN STATE OF EMERGENCY: SITREP 14	09/10/1990	19/01/2007		Destabilization campaign and effect of invasion of Rwanda from Uganda by RPF in 1990-94.
DNT226	TRIP REPORT KAGITUMBA - NYAGATARE - GABIRO BY U.S EMBASSY IN RWANDA DATED NOVEMBER 8, 1990	08/11/1990	18/09/2006	NTABA-KUZE	The Para Cdo Bn effectiveness on the Battlefield <sup>502</sup>
DNT300	US DOCUMENT; CONFIDENTIAL MEMORANDUM FROM RP AFR - LOIS CECSARINI TO THE RWANDA FILE; 14 NOVEMBER 1990; SUBJECT: CONVERSATION RE RECRUITMENT OF RWANDAN REFUGEES	14/11/1990	19/01/2007		Destabilization campaign and effect of invasion of Rwanda from Uganda by RPF in 1990-94.
DNT295	US DOCUMENT FROM THE	01/12/1990	19/01/2007		Cooperative attitude of the

<sup>501</sup> Please note that the documents and evidence include crimes committed by the RPF for which the FAR and former Rwandan Government are being held accountable at the ICTR. Many of the “widespread and systematic” crimes alleged to be committed by ICTR Defendants are, in fact, properly those of the dominant military actor in the 4 year WAR, the RPF.

<sup>502</sup> See Introduction and Ntabakuze version of events as he experienced them

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN KIGALI; 01 DECEMBER 1990; SUBJECT: PRESIDENTIAL LETTER TO PRESIDENT HABYARIMANA				Rwanda Government of President Habyarimana regarding the negotiated peace agreement to end hostilities after invasion by RPF from Uganda.
<b>1991</b>					
DNT301	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 06 FEBRUARY 1991; SUBJECT: HABYARIMANA ACCUSES UGANDA OF COMPLICITY	06/02/1991	19/01/2007		Destabilization campaign and effect of invasion of Rwanda from Uganda by RPF in 1990-94.
DNT302	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 05 APRIL 1991; SUBJECT: HABYARIMANA COMMENTS ON CEASE FIRE ACCORD	05/04/1991	19/01/2007		Destabilization campaign and effect of invasion of Rwanda from Uganda by RPF in 1990-94.
P13.01(b)	DEFINITION OF THE ENEMY DOCUMENT CREATED BY COMMISSION OF RWANDAN MILITARY				ENEMY defined as former rulers (extremist Tutsi) who want to seize power by force. Excludes political opponents of all ethnicities engaged in “peaceful and democratic change”.
<b>1992</b>					
DB2	PUBLIC ANNOUNCEMENT FOLLOWING MEETING IN BRUSSELS BETWEEN OPPOSITION PARTIES AND RPF: OPPOSITION PARTIES SUPPORT THE RPF	May 1992			Madame Agathe and Faustin Twagiramungu of the MDR, along with leaders of other political parties announce “common cause” with the RPA/F that has invaded Rwanda, and is seeking power by military means. Raising questions as to whether the opposition is a “loyal opposition,” or affiliated with an invading Army
DNT296	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN KIGALI; 17 JULY 1992; SUBJECT: PRESIDENTIAL LETTER FOR HABYARIMANA	17/07/1992	19/01/2007		Cooperative attitude of the Rwanda Government of President Habyarimana regarding the Arusha Accords.
DNT282	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO EMBASSIES IN DAR ES SALAAM, KIGALI, NAIROBI AND PARIS; 30 NOVEMBER 1992; SUBJECT: ARUSHA V: WHAT NOW	30/11/1992	19/01/2007		Pressure from RPF destabilizes Rwanda and creates divisions in opposition parties.
<b>1993</b>					
DNT232	ATTENDEES AT THE	31/01/1993	21/09/2006	ALOYS	Major Ntabakuze was

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	CONFERENCE ON THE ROLE OF THE N A DEMOCRACY HELD IN BUJUMBURA FROM JANUARY 31 TO 4 FEBRUARY 1993			NTABAKU ZE	supportive to democratization of the country <sup>503</sup>
DNT271	US DOCUMENT; FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC.); 16 FEBRUARY 1993; SUBJECT: AUTHORIZED DEPARTURE	16/02/1993	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT267 <sup>504</sup>	US DOCUMENT; FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON D.C.); 17 FEBRUARY 1993; SUBJECT: MINISTER OF DEFENSE ON WAR AND PEACE	17/02/1993	19/1/2007	92 BIS <i>et seq</i>	Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT268	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON D.C.); 17 FEBRUARY 1993; SUBJECT: UPDATE NUMBER 8: TRUCE HOLDING MORE OR LESS	17/02/1993	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT272	US DOCUMENT FROM DIA WASHINGTON TO DUACURINTEL; 18 FEBRUARY 1993; SUBJECT: RWANDA: FALTERING TRUCE	18/02/1993	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT269	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON D.C.); 19 FEBRUARY 1993; SUBJECT: UPDATE NUMBER 10: FIGHTING CONTINUES	19/02/1993	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT305	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL AFRICAN DIPLOMATIC POSTS; 20 FEBRUARY 1993; SUBJECT: AFRICA BUREAU FRIDAY REPORT	20/02/1993	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT306	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 25 MARCH 1993; SUBJECT: DEMOCRACY/GOVERNANCE AND A.I.D. BUDGET ALLOCATIONS	25/03/1993	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords

<sup>503</sup> See the Accused Ntabakuze about Allegation concerning Definition of the Enemy and discrimination as well as the opposition to Arusha Accords.

<sup>504</sup> DNT 276 – 366 all relate to the alternative explanation of the WAR in Rwanda in various ways, as indicated in the table.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
DNT292	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 26 MARCH 1993; SUBJECT: POLITICAL MISCELLANY	26/03/1993	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT303	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 30 MARCH 1993; SUBJECT: THE PRESIDENT MAY LEAVE MRND PRESIDENCY	30/03/1993	19/01/2007		President Habyariman cedes power in power-sharing agreement encouraged by France.
DNT307	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 12 APRIL 1993; SUBJECT: PRESIDENT, GOVERNMENT COMMIT TO RESPECT HUMAN RIGHTS	12/04/1993	19/01/2007		President Habyariman cedes power in power-sharing agreement backs human rights. Destabilization campaign by the RPF in 1993-94 and RPF military superiority established in Feb. 1993.
DNT308	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL AFRICAN DIPLOMATIC POSTS; 16 APRIL 1993; SUBJECT: PRESS GUIDANCE – APRIL 15, 1993	16/04/1993	19/01/2007		President Habyariman cedes power in power-sharing agreement backs human rights. Destabilization campaign by the RPF in 1993-94 and RPF military superiority established in Feb. 1993.
DNT293	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 25 JUNE 1993; SUBJECT: ARUSHA TALKS SUSPENDED	25/06/1993	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT304	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 19 JULY 1993; SUBJECT: TRANSITION GOVERNMENT EXTENDED – MDR SPLITS	19/07/1993	19/01/2007		Pressure from RPF military superiority splits opposition parties, NOT Habyarimana/MRND. RPF supporters no longer "loyal" opposition.
DNT283	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 26 JULY 1993; SUBJECT: THE MDR VS. THE MDR { <b>NOT RECEIVED FROM THE DEFENCE</b> }	26/07/1993	19/01/2007		Pressure from RPF destabilizes Rwanda and creates divisions in opposition parties.
DNT216	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "		10/03/2006	FRMR RPF/LT RUZIBIZA	Witness Ruzubiza testified to the same information mentioned in his book regarding the creation of 3 buried massive weapons stores of several hundred tons each, in preparation for "final offensive."
TESTIMONY: SEVERAL FRMR RPA/F	TESTIMONY REGARDING ESTABLISHMENT OF LARGE WEAPONS CACHES IN RPF				

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
OFFICERS	AREA				
DB71	UNAMIR RECON. REPORT OF GEN. DALLAIRE	09/1993			Reconnaissance Report describes conditions in Rwanda in Aug/Sept 1993. This includes: force imbalance favoring RPF; weapons/grenades throughout country, roadblocks, deserters/criminals using uniforms. RPF has ground/air missiles, not FAR (no need, only FAR had aircraft).
DNT294	LETTER FROM THE UNITED STATES DEPARTMENT OF STATE; MEMORANDUM FOR LEON FUERTH; 4 OCTOBER 1993; SUBJECT: REQUEST THAT VICE PRESIDENT GORE MEET WITH RWANDAN JUVÉNAL HABYARIMANA	04/10/1993	19/01/2007		Cooperative attitude of the Rwanda Government of President Habyarimana regarding the Arusha Accords.
DNT273	US DOCUMENT; ANALYSIS; 29 OCTOBER 1993; SUBJECT: BURUNDI: IMPLICATIONS OF THE COUP	29/10/1993	19/01/2007		Reasons based on regional instability for civilian killings rather than a planned genocide.
DNT158	16 NOVEMBER 1993 OUTGOING CODE CABLE FROM DALLAIRE TO ANNAN: WEEKLY SITREP NO.5	16/11/1993	22/11/2005	BOOH BOOH	Balance of military capabilities was in favor of RPF in 1993. RPF weapons caches. <sup>505</sup>
DNT159	17 NOVEMBER 1993 OUTGOING CODE CABLE FROM ANNAN TO DALLAIRE: WEAPONS CACHES	17/11/1993	22/11/2005	BOOH BOOH	RPF weapons caches <sup>506</sup>
DNT274	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN ADDIS ABABA; 18 NOVEMBER 1993; SUBJECT: CIVILIANS KILLED IN DMZ	18/11/1993	19/01/2007		Destabilization campaign by the RPF in 1993-94
DNT275	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 19 NOVEMBER 1993; SUBJECT: CIVILIANS KILLED IN DMZ	19/11/1993	19/01/2007		Destabilization campaign by the RPF in 1993-94
DNT216	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "		10/03/2006	FRMR RPF/LT RUZIBIZA	Witness Ruzubiza explained that RPF "Zero Network" was responsible for these killings as part of the destabilization campaign
DNT160	15 DECEMBER 1993 OUTGOING CODE CABLE FROM ANNAN TO BOOH BOOH:	15/12/1993	22/11/2005	BOOH BOOH	Explanation about the procedure for sending code cables within UN agencies <sup>507</sup>

<sup>505</sup> T. 22/11/05, p. 8-10.

<sup>506</sup> T. 22/11/05, p. 11-12.

<sup>507</sup> T. 22/11/05, p. 12.



EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
DNT161	29 DECEMBER 1993 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN/JONAH	29/12/1993	22/11/2005	BOOH BOOH	The cause of the blockage in the implementation of the Arusha Accord is the dissensions in opposition political parties, not President Habyariman or the MRND.
<b>1994</b>					
<b>JANUARY 1994</b>					
DNT237	01 JANUARY 1994; MIR-002: FROM BOOH BOOH TO ANNAN/JONAH: RECENT DEVELOPMENTS RELATING TO THE SETTING UP OF THE TRANSITIONAL INSTITUTIONS IN RWANDA	01/01/1994	25/05/2006	92 BIS	Obstacles to its implementation the Arusha Agreement: Mode of formation and the power struggle Between the President and the Prime Minister-Designate.
DNT238	03 JANUARY 1994; MIR-10: FROM BOOH BOOH TO ANNAN/JONAH: SUGGESTIONS FOR THE RESOLUTION OF THE IMPASSE IN THE SETTING UP OF THE TRANSITIONAL INSTITUTIONS IN RWANDA	03/01/1994	25/05/2006	92 BIS	Concerning the impasse to establish BBTG the heart of the Problem lies with the fictionalization of the PL and the MDR.
DNT162	3 JANUARY 1994 OUTGOING CABLE FROM BOOH BOOH TO ANNAN/JONAH: LATEST DEVELOPMENTS RELATING TO SETTING UP OF THE TRANSITIONAL INSTITUTIONS IN RWANDA	03/01/1994	22/11/2005	BOOH BOOH	The cause of the blockage in the implementation of the Arusha Accord is the dissensions in political parties.
DNT162	3 JANUARY 1994 OUTGOING CABLE FROM BOOH BOOH TO ANNAN/JONAH: LATEST DEVELOPMENTS RELATING TO SETTING UP OF THE TRANSITIONAL INSTITUTIONS IN RWANDA	03/01/1994	22/11/2005	BOOH BOOH	The cause of the blockage in the implementation of the Arusha Accord is the dissensions in political parties.
DNT163	4 JANUARY LETTER FROM SECTOR COMMANDER RPF MILOB SECTOR TO MILOB GH HQ: INCIDENCE REPORT AT MULINDI	04/01/1994	22/11/2005	BOOH BOOH	RPF adamant not to accept Togo in UNAMIR
DNT164	4 JANUARY 1994 OUTGOING CABLE FROM BOOH BOOH TO ANNAN: WEEKLY SITREP NO. 12, 27 DECEMBER 1993 - 3 JANUARY 1994	04/01/1994	22/11/2005	BOOH BOOH	President concern to move ahead with BBTG but the split in PL and MDR persists.
DNT163	4 JANUARY LETTER FROM SECTOR COMMANDER RPF MILOB SECTOR TO MILOB GH HQ: INCIDENCE REPORT AT MULINDI	04/01/1994	22/11/2005	BOOH BOOH	RPF adamant not to accept Togo in UNAMIR
DNT164	4 JANUARY 1994 OUTGOING CABLE FROM BOOH BOOH TO ANNAN: WEEKLY SITREP NO. 12, 27 DECEMBER 1993 - 3 JANUARY 1994	04/01/1994	22/11/2005	BOOH BOOH	President concern to move ahead with BBTG but the split in PL and MDR persists.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
DNT60	OUTGOING CODE CABLE OF 11 JANUARY 1994	11/01/1994		CLAEYS	Dallaire sends code cable early am Kigali time, telling DPKO that he will violate UNAMIR Chapter 6 mandate with military action against MRND, based on unknown informant, touted by major political opponent of Habyarimana, without checking any of his <i>bona fides</i> . Direct contact with Barile over his own name directly violates DPKO communications procedure.
DNT21	OUTGOING FASCIMILE FROM UNATIONS (BARILE) TO UNAMIR ON EVENING OF 10 JANUARY 1994 IN NEW YORK IN REPLY TO OUTGOING DALLAIRE FAX DATED JANUARY 11, KIGALI TIME.	10/1/1994	26/01/2004	DALLAIRE	Gen. Barile in New York receives Dallaire Cable on January 10 at 8:15 pm NY time, tells Dallaire “acknowledge receipt of your cable dated 11 Jan 1994, “content being studied”
DNT22/22A (CLEAR COPY)	OUTGOING CODE CABLE FROM UNATIONS TO UNAMIR ON LATE EVENING OF 10 JANUARY 1994 IN NEW YORK: NO. 74	10/1/1994	26/01/2004	DALLAIRE	RIZA responds for Annan informing Dallaire <i>not</i> to take action because of certain “inconsistencies” re: informant. Cable to SRSG Booh-Booh, according to DPKO procedures. NO COPY TO DALLAIRE.
DNT27	OUTGOING CODE CABLE UNAMIR TO UNATION, 11 JANUARY 1994. MIR79 RESPONDING TO NO. 74	11/1/94	26/01/2004	DALLAIRE	Booh Booh informs Annan “no action will be taken” Says Dallaire brief him, confirms MRND opponent Twagiramungu “vouches” for Jean Pierre. Dallaire prepared to use military force.
DNT23	OUTGOING CODE CABLE FROM UNATIONS TO UNAMIR ON MORNING OF 11 JANUARY 1994 IN NEW YORK: NUMBER 100	11/1/1994		DALLAIRE	RIZA for Annan instructs Booh-Booh/Dallaire to maintain Chapter 6 protocols, and to inform Habyarimana and Ambassadors of U.S., France, Belgium of reports of “weapons caches”—no mention of other matters, such as targeting Belgians, or Tutsi massacres.
DNT25	CODE CABLE FROM DALLAIRE TO BARIL (ADDRESSED TO ANNAN) SUBJECT: FURTHER INFORMATION FROM INFORMANT	12/01/1994	26/01/2004	DALLAIRE	Dallaire reports meeting with Habyarimana/MRND. 25 firearms dist. to Sector cmdrs only. JP transp in his own car. Took officer to MRND (Deme) 21:00 hrs. Saw 50 automatic rifles. MENTIONS ONLY WEAPONS...NO MENTION OF GENOCIDE WARNINGS, ETC.
DNT26	OUTGOING CODE CABLE FROM UNAMIR TO UNATIONS OF 13 JANUARY 1994: MIR 95	13/01/1994	26/01/2004	DALLAIRE	Report from SRSG Booh-Booh reporting meetings with Ambassadors and President Habyarimana, attended by Dallaire, in which ONLY concerns for” weapons caches”

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
					is discussed by Dallaire.
P107(1-11)	HANDWRITTEN AND TYPED REPORTS TO GEN. DALLAIRE (FROM CLAEYS AND DEME) REGARDING MEETINGS WITH "JEAN PIERRE" (ACTUALLY DISCLOSED BY THE DEFENCE IN CROSS-EXAMINATION OF DALLAIRE: JAN 13 MOST SIGNIFICANT: JEAN PIERRE SAYS WILL BRING WEAPONS TO BE "FOUND" BY UNAMIR	13/01/1994			Dallaire had kept these documents secret until revealed in court. Jan. 13, 1994 report says that informant want to know when UNAMIR will search MRND Headquarters, so he can bring weapons to be "found." Only reasonable implication is that JP intended to "set-up" MRND for UNAMIR search.
DNT165	17 JANUARY 1994 OUTGOING CABLE FRO BOOH BOOH TO ANNAN: VISIT OF US OFFICIALS	17/01/1994	22/11/2005	BOOH BOOH	-
DNT166	18 JANUARY 1994 OUTGOING CABLE FROM BOOH BOOH TO ANNAN: REPORT ON THE POLITICAL SITUATION IN RWANDA	18/01/1994	22/11/2005	BOOH BOOH	The impasse persists because of the split in MDR and PL. there is no Gvt per se from 29/12/93. The security situation is deteriorating
DNT167	21 JANUARY 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN: SECURITY ESTIMATE OF THE CURRENT AND FUTURE SITUATION AND POLITICAL/MILITARY RECOMMENDATIONS	21/01/1994	22/11/2005	BOOH BOOH	The persisting impasse is maintaining and reinforcing tension.
DNT28	REPORT ON THE INVESTIGATION OF 21 JANUARY ON SUSPECT CARGO OF AN AIRCRAFT WHICH LANDED AT KIGALI INTERNATIONAL AIRPORT	21/01/1994	27/01/2004	DALLAIR E	This shipment was eventually shown to be of weapons ordered before the Kigali Weapons Secur Area went into effect, and was not a violation of the Arusha Accords. It was also dwarfed by regular RPF arms shipments into Rwanda from Uganda in 1993-94.
DNT167	21 JANUARY 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN: SECURITY ESTIMATE OF THE CURRENT AND FUTURE SITUATION AND POLITICAL/MILITARY RECOMMENDATIONS	21/01/1994	22/11/2005	BOOH BOOH	The persisting impasse is maintaining and reinforcing tension.
DNT310	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN KIGALI; 21 JANUARY 1994; SUBJECT: OFFICIAL-INFORMAL	21/01/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94 and RPF military superiority established in Feb. 1993/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT355	OUTGOING FACSIMILE FROM DALLAIRE TO DCDS/HDHQ/OTTAWA; 25 JANUARY 1994: SITREP ON UNAMIR	25/01/1994	19/03/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT168	28 JANUARY 1994 OUTGOING	28/01/1994	22/11/2005	BOOH	Meeting between MRND and

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
	CODE CABLE BROM BOOH BOOH TO ANNAN/JONAH: MEETING BETWEEN MRND AND FPR ON 27 JANUARY 1994, UNDER THE UNITED NATIONS AUSPICES			BOOH	RPF initiated by MRND was in the framework of the implementation of the AA.
DNT239	28 JANUARY 1994; MIR-211: FROM BOOH BOOH TO ANNAN/JONAH/ ELIASSON: VISIT TO CAMP FOR INTERNALLY DISPLACED PERSONS AT NYACYONGA ON 26 JANUARY 1994.	28/01/1994	25/05/2006	92 BIS	Humanitarian situation in camp for internally Displaced persons and in camp of Burundian refugees appeared to be gathering Catastrophic proportions that need the implementation of the Arusha in order to have an appropriate local machinery to address the problems.
DNT356	CANADIAN DOCUMENT FROM DALLAIRE TO THE CANADIAN DEPUTY CHIEF OF THE DEFENCE STAFF; 28 JANUARY 1994; BRIEFING NOTE FOR DM/CDS 25 JAN 94	28/01/1994	19/03/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT169	31 JANUARY 1994 OUTGOING CODE CABLE FROM FC TO SRSG: SECURITY SITUATION 31 JANUARY 1994	31/01/1994	22/11/2005	BOOH BOOH	The impasse persists - Arms proliferation - increasing violence. No information about Extermination or genocide
DNT309	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN KIGALI; 31 JANUARY 1994; SUBJECT: FINAL (V-4) COUNTRY HUMAN RIGHTS REPORT	31/01/1994	19/01/2007		President Habyariman cedes power in power-sharing agreement backs human rights. Destabilization campaign by the RPF in 1993-94 and RPF military superiority established in Feb. 1993.
<b>FEB. 1994</b>					
DNT1	PRELIMINARY UNAMIR INVESTIGATION REPORT SURROUNDING THE MASSACRE IN THE RUHENGERI PREFECTURE ON THE NIGHT OF 17/18	02/02/1994	26/11/2002	Des Forges	The massacres in Ruhegeri and Mutura in November 1993 were committed by the RPF, including the massacre of Tutsi civilians, as part of the destabilization campaign of the RPF ,according to RPF Lt. Abdul Joshua Ruzibiza, who was part of the RPF "Zero Network"
DNT216	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "		10/03/2006	FRMR RPF/LT RUZIBIZA	Witness Ruzubiza explained that RPF "Zero Network" was responsible for these killings as part of the destabilization campaign
DNT357	CODE CABLE FRO COL. NTABAKUZE TO BRI. GEN. DALLAIRE UNAMIR 7 FEBRUARY 1994; SPECIAL REPORT	07/02/1994	19/03/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT240	11 FEBRUARY 1994; MIR-334: FROM BOOH BOOH TO ANNAN/JONAH: MEETING ON 10 FEBRUARY 1994 WITH	11/02/1994	25/05/2006	92 BIS	There was a fragile Consensus to put in place the transitional institutions no later than 14/02/94 notwithstanding

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	RWANDA’S POLITICAL ESTABLISHMENT				ongoing differences within the PL.
DNT171	14 FEBRUARY 1994 OUTGOING FACSIMILE FROM BOOH BOOH TO ANNAN/JONAH: CONTINUING POLITICAL IMPASSE IN RWANDA	14/02/1994	22/11/2005	BOOH BOOH	The SRSG and the Representative of the Facilitator considered the refusal by RPF to discuss the code of conduct initiated by the President of the Republic to be unrealistic and its intransigence did not help their facilitation.
DNT172	15 FEBRUARY 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN: RECOVERY OF ILLEGAL WEAPONS	15/02/1994	22/11/2005	BOOH BOOH	Recovery of illegal weapons. No information about Extermination or genocide
DNT173	16 FEBRUARY 1994 OUTGOING CODE CABLE FROM ANNAN TO BOOH BOOH/DALLAIRE: RECOVERY OF ILLEGAL WEAPONS	16/02/1994	22/11/2005	BOOH BOOH	UNAMIR proposals and suggestions to improve deteriorating security situation. No information about Extermination or genocide
DNT241	19 FEBRUARY 1994; MIR-384: FROM BOOH BOOH TO ANNAN/JONAH: ONGOING EFFORTS OF THE SRSG IN THE SETTING-UP OF THE TRANSITIONAL INSTITUTIONS IN RWANDA	19/02/1994	25/05/2006	92 BIS	President Habyarimana response positively to SG message about undue delay of installation of the transitional institutions. He assured that shared the concerns and agreed that the remaining institutions must be set up by 22/02/94
DNT358	UNAMIR INTER-OFFICE MEMORANDUM FROM FORCE COMMANDER TO SPECIAL REPRESENTATIVE TO THE SECRETARY GENERAL; 21 FEBRUARY 1994: THE MILITARY SITUATION AND ASSESSMENT OF RGF/RPF INTENTIONS AS OF 20 FEB 1994	21/02/1994	19/03/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT174	23 FEBRUARY 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN/JONAH: THE CURRENT SITUATION IN RWANDA	23/02/1994	22/11/2005	BOOH BOOH	RPF refusal to accept the proposed solution of PL and MDR problems.
DNT175	23 FEBRUARY 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN/JONAH: THE CURRENT SITUATION IN RWANDA	23/02/1994	22/11/2005	BOOH BOOH	President Habyarimana appeal on Radio Rwanda for tolerance, national harmony, against ethnic and regional polarization.
DNT276	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 23 FEBRUARY 1994; SUBJECT:	23/02/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
	INSECURITY ESCALATES; A KIGALI AND ELSEWHERE				
DNT216	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "		10/03/2006	FRMR RPF/LT RUZIBIZA	Description of campaign of assassination/destabilization mentioned in book and in sworn testimony of Ruzibiza and other former RPF witnesses.
DNT277	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 24 FEBRUARY 1994; SUBJECT: SEMBLANCE OF NORMALITY RETURNS TO KIGALI	24/02/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT254	US DOC FROM US SECRETARY OF STATE TO US EMBASSIES DATED 27/02/94	27/02/1994	09/11/06	ALL-42	RPF is responsible of the blockage of the implementation of the Arusha Agreement.
DNT176	28 FEBRUARY 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN/JONAH: EFFORTS TO BREAK THE IMPASSE ON INSTALLATION OF TRANSITIONAL INSTITUTIONS	28/02/1994	22/11/2005	BOOH BOOH	President Habyarimana efforts to break the impasse for the installation of BBTG.
DNT253	US DOC FROM US EMBASSY IN KIGALI TO THE US SECRETARY OF STATE DATED 28/02/94	28/02/1994	09/11/06	ALL-42	RPF strategy of destabilization of the government and the Rwandan society.
DNT278	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 28 FEBRUARY 1994; SUBJECT: CALM PREVAILS, NEW POLITICAL GAMBIT ON TABLE	28/02/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
<b>MARCH 1994</b>					
DNT265	CODE CABLE FORM ASRAR (UNOMUR) TO DALLAIRE DATED 01/03/94: NRA SUPPORT	01/03/1994	21/11/94	<b>Kanyarushoki</b>	NRA support to RPF
DNT103	UN CODE CABLE MIR-451 OF 1 MARCH 1994 FROM BOOH BOOH TO ANNAN/JONAH	01/03/1994	13/05/2005	STRIZEK	Mr. Booh-Booh says that <i>he is very pessimistic with regard to the attitude of the RPF, and that confirms that he has information to the effect that the RPF wants to resume war.</i> <sup>508</sup>
DNT284	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 01 MARCH 1994; SUBJECT: RPF	01/03/1994	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords

<sup>508</sup> T. 12/05/05, p. 53-54.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
	REJECTS PARTY AGREEMENT; KIGALI CALM BUT TENSE				
DNT311	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 01 MARCH 1994; SUBJECT: RPF REJECTS AGREEMENT; KIGALI CALM BUT TENSE	01/03/1994	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT359	CODE CABLE FROM BOOH-BOOH TO ANNAN/GOULDING; 2 MARCH 1994, MEETINGS WITH AMBASSADORS OF BELGIUM, FRANCE, GERMANY AND THE UNITED STATES ON 2 MARCH 1994	02/03/1994	19/03/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT281	US DOCUMENT FROM NAIROBI TO IDS; 03 MAY 1994; SUBJECT: RWANDA: POLITICAL SITUATION	03/03/1994	19/01/2007		RPF refusal to agree to ceasefire after resuming WAR in April 1994
DNT285	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 04 MARCH 1994; SUBJECT: RPF QUESTION PRESIDENT'S POLITICAL WILL	04/03/1994	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT312	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE US EMBASSY IN KAMPALA; 10 MARCH 1994; SUBJECT: IDLE THREATS OR REAL PREPARATIONS FOR CONFLICT	04/03/1994	19/01/2007		RPF preparation for WAR and responsibility of the RPF for blocking implementation of the Arusha Accords
DNT256	UN DOC FROM DALLAIRE (UNAMIR) TO ASRAR (UNOMUR) DATED 07/03/94	07/03/1994	09/11/06	ALL-42	RPF preparation of war on the eve of the assassination of Habyarimana.
DNT242	08 MARCH 1994; MIR 500: FROM DALLAIRE TO BARIL: OPERATIONAL DIRECTIVE FOR DETERRENT OPERATIONS	08/03/1994	25/05/2006	92 BIS	Continued deterioration of the security situation and an expectation of demonstrations and violence.
DNT243	08 MARCH 1994; MIR-501: FROM BOOH BOOH TO ANNAN/GOULDING: JOINT COMMUNIQUÉ	08/03/1994	25/05/2006	92 BIS	Meeting of presidents Habyarimana and Museveni and reports on the RPF opposition to the political compromise reached by the Head of State and 5 parties of the current government.
DNT313	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 14 MARCH 1994; SUBJECT: INCIDENTS, CONTINUE TO	14/03/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	DESTABILIZE SECURITY SITUATION				
DNT280	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 17 MARCH 1994; SUBJECT: SORWATHE SHUT DOWN UNLESS SECURITY GUARANTEED	17/03/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT31	EFFORTS TO INSTALL THE TRANSITIONAL INSTITUTIONS	19/03/1994	05/02/2004	BRENT BEARDSLEY	The RPF rejected the compromise that would install the Broad Based Government under the Arusha Accords – Tanzanian Foreign Minister view on 19/03/94
DNT177	21 MARCH 1994 OUTGOING CODE CABLE FROM ANNAN TO BOOH BOOH/DALLAIRE: OPERATIONAL DIRECTIVE NO.9	21/03/1994	22/11/2005	BOOH BOOH	UNAMIR support of the operation of arms recovery by Gendarmerie. No information about Extermination or genocide
DNT244	22 MARCH 1994; MIR-639: FROM BOOH BOOH TO ANNAN/GOULDING: LATEST POLITICAL DEVELOPMENTS	22/03/1994	25/05/2006	92 BIS	President readiness to endorse the list of ministers. The president's 21 March 1994 Communiqué de presse on the subject, signed by Enoch Ruhigira, Directeur de Cabinet, is appended.
DNT361	CODE CABLE FROM BOOH-BOOH TO ANNAN/GOULDING; 23 MARCH 194: REPORT TO THE SECURITY COUNCIL	23/03/1994	19/03/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT129	KIBAT, RAPPORT INFORMATEUR, UNAMIR-KIBATI: UNKIBAT-23 -	24/03/1994	23/06/2005	DEWEZ	Collaboration between the RPF and the Museveni government was not a secret. <sup>509</sup>
DNT314	US DOCUMENT FROM, THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 24 MARCH 1994; SUBJECT: DAS BUSHNELL AND AF/C DIRECTOR RENDER	24/03/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT262	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE; 25 MARCH 1994; SUBJECT: DAS BUSHNELL MEETS HABYARIMANA AND RPF	25/03/1994	17/11/06	Lugan	Impasse of Arusha Accords by RPF/RPA improperly attributed to the Rwandan Government
DNT178	25 MARCH 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN/GOULDING: EFFORTS TO INSTALL THE TRANSITIONAL INSTITUTIONS	25/03/1994	22/11/2005	BOOH BOOH	The attempt to install the institutions on 25/03/94 failed because of the absence of RPF at CND.

<sup>509</sup> T. 23/06/05, p. 36-37.



EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
DNT286	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 25 MARCH 1994; SUBJECT: DEMARCHE REQUEST ON CDR PARTICIPATION	25/03/1994	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT32	ANNEXE 1 TEXTE INTEGRAL	28/03/1994	05/02/2004	BRENT BEARDSLEY	Joint Communiqué by western diplomats in Kigali and UNAMIR on 28/03/94 denouncing the RPF responsibility in the impasse to install the institutions.
DNT104	UN CODE CABLE MIR 672 OF 28 MARCH 1994 FROM BOOH BOOD TO ANNAN/GOULDING	28/03/1994	13/05/2005	STRIZEK	<i>This document shows the will of the international community, to say that admitting the CDR into the government, as required by the Arusha Accords, cannot be the main problem; it should be accepted as part of the transitional national assembly.</i> <sup>510</sup>
DNT287	US DOCUMENT FROM THE US EMBASSY IN KIGALI TO THE SECRETARY OF STATE (WASHINGTON DC); 28 MARCH 1994; SUBJECT: CDR ISSUE PROVES INTRACTABLE	28/03/1994	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT128	UNAMIR CODE CABLE FROM DALLAIRE TO BARIL DATED 30 MARCH 1994	30/03/1994	23/06/2005	DEWEZ	The gendarmerie had problems with effectiveness <sup>511</sup>
DNT288	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN KIGALI; 31 MARCH 1994; SUBJECT: RENDER TELLS RPF TO TAKE "HIGH ROAD" ON CDR ISSUE	31/03/1994	19/01/2007		Responsibility of the RPF for blocking implementation of the Arusha Accords
<b>APRIL 1994</b>					
DNT121	U.S. STATE DEPARTMENT DOCUMENT - 1 APRIL, 1994. KIGALI01458 FROM AMEMBASSY KIGALI TO AMEMBASSY KAMPALA	01/04/1994	13/05/2005	STRIZEK	The Americans agree that the CDR issue should no longer be on the table. <sup>512</sup>
DNT216/Test; Frmr. RPF Officers	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "	01/04/1994	10/03/2006	FRMR RPF/LT RUZIBIZA	Kagame announces plan to assassinate Habyarimana, first projected date fails, re-scheduled for April 6, 1994
VARIOUS PROSECUTION AND DEFENCE WITNESSES:	TESTIMONY OF: DESFORGES, 17/09/2002, P. 98, LINES 15-25; FILIP REYNTJENS, 16/09/2004, AND CORROBORATED BY SEVERAL WITNESSES.	04/04/94			Madame Agathe meets with Senior FAR Officers from the South to the country and proposes a "coup" to depose President Habyarimana, which

<sup>510</sup> T. 12/05/05, p. 54.<sup>511</sup> T. 23/06/05, p. 33-34.<sup>512</sup> T. 12/05/05, p. 55-57.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF "WAR OF AGGRESSION" V. RWANDAN STATE
					becomes known among the political classes in Kigali.
DNT179	5 APRIL 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN/GOULDING: WEEKLY SITREP NB 25, 29 MARCH 1994 - 4 APRIL 1994	05/04/1994	22/11/2005	BOOH BOOH	The CDR right to be admitted the TNA was endorsed by western diplomats in their 28 March 94 communiqué – Its admission was the only remaining obstacle
TESTIMONY OF PROTECTED FORMER RPF WITNESSES	TESTIMONY	06/04/1994			All RPF military commanders already in Mulindi, ready to receive orders. Kagame gives Order for final assault within ½ hour of receiving report of successful shoot-down of Habyarimana.
DNT216/Test; Frmr. RPF Officers	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "	01/04/1994	10/03/2006	FRMR RPF/LT RUZIBIZA	Kagame announces plan to assassinate Habyarimana, first projected date fails, re-scheduled for April 6, 1994
DNT180	6 APRIL OUTGOING CODE CABLE FROM ANNAN TO BOOH BOOH/DALLAIRE	06/04/1994	22/11/2005	BOOH BOOH	The UN was promptly informed about the crash viewed at New York as tragic
DNT181	6 APRIL OUTGOING FACSIMILE FROM BOOH BOOH TO ANNAN: DAILY SITREP 050600B APR TO 060600B APR 1994	06/04/1994	22/11/2005	BOOH BOOH	Information from PM about Interahamwe planning to attack Tutsi political opponents in Kigali. No information about planning genocide
DNT215	POSITIONNEMENT DES UNITES DE COMBAT DES FAR PAR SECTEURS OPERATIONNELS (OPS) ET CELLES DE L'APR PAR ZONE DES OPERATIONS AU 6 AVRIL 1994	06/04/1994	09/03/2006	LT. JOSHUA RUZIBIZA	Force deployment of the FAR and RPA
DNT222	MAP OF RWANDA	09/04/2006	07/04/2006	LT. JOSHUA RUZIBIZA	
DNT29	MAP OF KIGALI	27/01/2004	27/01/2004	DALLAIRE	To show key areas such as Kanombe camp, Kanombe Airport, UNAMIR HQ, CND and contradictions with the Book. <sup>513</sup>
DNT217	SKETCH WITH ANNOTATIONS IN ARROWS	09/03/2006	09/03/2006	LT. JOSHUA RUZIBIZA	RPA strength <sup>514</sup> in April 1994.
DNT245	07 APRIL 1994; 990: FROM ANNAN TO SECRETARY GENERAL, GENEVA: RWANDA	07/04/1994	25/05/2006	92 BIS	Reactions to the death of the President, and the chaos that followed.
DNT246	07 APRIL 1994; 1012: FROM ANNAN TO SECRETARY GENERAL, GENEVA: RWANDA	07/04/1994	25/05/2006	92 BIS	Report on the death of the Interim Prime Minister. The RPF was Restrained by UNAMIR forces. The RPF denies responsibility for the

<sup>513</sup> T. 27/01/04, p. 49-57

<sup>514</sup> T. 09/03/06, p. 24-26.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
					crash.
DNT247	07 APRIL 1994; 1013: FROM ANNAN TO BOOH BOOH/DALLAIRE: SECURITY COUNCIL PRESIDENTIAL STATEMENT ON RWANDA	07/04/1994	25/05/2006	92 BIS	Security Council’s concern for the security and safety of UNAMIR personnel.
DNT248	07 APRIL 1994; 1054: FROM ANNAN TO BOOH BOOH: SITUATION IN RWANDA	07/04/1994	25/05/2006	92 BIS	This cable acknowledges the difficult situation being faced by UNAMIR in Rwanda, and, in particular, the confusion of reports and inconsistencies between the reports from the area.
DNT315	US DOCUMENT; 07 APRIL 1994; SUBJECT: RWANDA/BURUNDI: AIR CRASH	07/04/1994	19/01/2007		Assassination of two Hutu Presidents on April 6, 1994, following the assassination of another in Burundi in Oct. 1993...not a “plan for a genocide” is the reason for civilian killings “in both countries.”
DNT316	CANADIAN DOCUMENT FROM MAJ. BEARDSLY; 07 APRIL 1994; SUBJECT: OP LANCE UNAMIR (RWANDA).	07/04/1994	19/01/2007		Danger to peace caused by assassination of two Presidents on April 6, 1994.
DNT249	08 APRIL 1994; 1050: FROM ANNAN TO SECRETARY GENERAL, GENEVA: RWANDA	08/04/1994	25/05/2006	92 BIS	Cable reports on the current situation, including the landing of a French aircraft. It discusses as well, a Security Council briefing by Riza on developments including the FC’s clear indication that he did not need additional troops under the present Mandate and hoped for progress toward a cease-fire within 24 hours.
DNT250	08 APRIL 1994; MIR-724: FROM BOOH BOOH TO ANNAN/GOULDING/HANSON: SUPPLEMENTARY REPORT ON UNAMIR HUMANITARIAN ACTIVITIES	08/04/1994	25/05/2006	92 BIS	Reports on UNAMIR’s Humanitarian Activities and expresses concerns about media coverage and deliberately biased campaigns.
DNT137	PROCES VERBAL DE SAISIE DES ARMES	10/04/1994	28/06/2005	DK-32	The evidence of proliferation of arms in Rwanda due to the four years of War, not a plan for harming civilians.
DNT317	US DOCUMENT; 11 APRIL 1994; SUBJECT: RWANDA/BURUNDI: UPDATE	11/04/1994	19/01/2007		Danger to peace caused by assassination of two Presidents on April 6, 1994.
DNT341	US DOCUMENT FROM ARLENE RENDER TO MR. MOOSE; 11 APRIL 1994;	11/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	SUBJECT: POLITICAL STRATEGY FOR RWANDA.				resuming the WAR. No RPF ceasefire until in power.
DNT342	US DOCUMENT MEMORANDUM FROM DEPUTY ASSISTANT SECRETARY OF DEFENCE FOR MIDDLE EAST AFRICA TO SECRETARY OF DEFENCE FOR POLICY; 11 APRIL 1994; SUBJECT: TALKING POINTS ON RWANDA/BURUNDI	11/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT349	US DOCUMENT MEMORANDUM FROM POL – ROBERT T. GREY TO AMBASSADOR WALKER; 11 APRIL 1994; SUBJECT: SECURITY COUNCIL INFORMAL ON RWANDA	11/04/1994	19/01/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT251	12 APRIL 1994; MIR-747: FROM BOOH BOOH TO ANNAN: CIRCUMSTANCES OF DEATH OF TRANSITIONAL PM AGATHA UWILINGIYIMANA AND TEN BELGIAN SOLDIERS	12/04/1994	25/05/2006	92 BIS	Reports on the situation and the violent deaths of the Prime Minister and the Belgian soldiers.
DNT350	US DOCUMENT; 12 APRIL 1994; SUBJECT: RWANDA: UPDATE	12/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT363	UNAMIR INTER-OFFICE MEMORANDUM FROM MIO TO FC; 12 APRIL 1994: COMPLEMENTARY INFORMATION	12/04/1994	19/03/2007		Report from Deme to Dallaire re: military situation including infiltration by RPF of FAR areas and military superiority of RPF.
DNT364	FACSIMILE FROM BOOH-BOOH TO ANNAN; 12 APRIL 1994: DAILY SITREP 110600 APR TO 120600B APR 94	12/04/1994	19/03/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT 108	MIR 750 DALLAIRE TO ANNAN/KITTANI TRANSL.“CEASEFIRE PROPOSAL” BY FAR OFFICERS AND COMMENT ON A COUP NOT HAVING OCCURRED	13/04/1994	13/05/2005	STRIZEK	Dallaire Code Cable saying that there could have been a “coup” by the FAR, but there was none. Instead a “democratic government supported by the military” has been established.
DNT343	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL AFRICAN DIPLOMATIC POSTS; 13 APRIL 1994; SUBJECT: PRESS-GUIDANCE – APRIL, 12 1994	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
DNT318	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL DIPLOMATIC AND CONSULAR POSTS; 13 APRIL 1994; SUBJECT: TFRWOL: SITUATION REPORT AS OF 0400 EDT, 04/12/94	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR.
DNT319	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL DIPLOMATIC AND CONSULAR POSTS; 13 APRIL 1994; SUBJECT: TFRWOL: SITUATION REPORT NO. 36 AS OF 1300 EDT, 04/13/93	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR.
DNT320	US DOCUMENT, CENTRAL INTELLIGENCE AGENCY; 13 APRIL 1994; NATIONAL INTELLIGENCE DAILY	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR.
DNT321	US DOCUMENT; 13 APRIL 1994; SUBJECT: RWANDA: END GAME	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT322	CANADIAN DOCUMENT FROM NDOC OTTAWA TO MAJ BEARDSLY (UNAMIR); 13 APRIL 1994; SUBJECT: DOCS	13/04/1994	19/01/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT323	CANADIAN DOCUMENT FROM IDS TO GAF; 13 APRIL 1994; SUBJECT: PRÉSENCE D’AVIONS CANADIENS À NAIROBI.	13/04/1994	19/01/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT324	US DOCUMENT; FACSIMILE FROM LIEUTENANT-COLONEL CLARK TO JOE MOFFAT; 13 APRIL 1994; SUBJECT: RWANDA – HUMANITARIAN ASSISTANCE	13/04/1994	19/01/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT325	US DOCUMENT FROM INR – TOBY T. GATI TO C – MR. WIRTH AND USAID – MR. ATWOOD; 13 APRIL 1994; SUBJECT: HUMANITARIAN INTERVENTION IN RWANDA	13/04/1994	19/01/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT326	US DOCUMENT; 13 APRIL 1993; J3 OPS NOTE; SUBJECT: CURRENT CF ACTIVITIES AND OPERATIONS – 13 APRIL 1994	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT328	US DOCUMENT MIDDLE EAST/AFRICA DIVISION FROM LTC BARTOLAIN TI DEP DIR, PMA; 13 APRIL 1994; SUBJECT: RESULTS OF PKO	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	CORE GROUP MTNG 13 APR				
DNT344	US DOCUMENT MEMORANDUM FROM MR. LEN SHURTLEFF TO MR. MOOSE; 13 APRIL 1994; SUBJECT: MEETING WITH BELGIAN AMBASSADOR JUAN CASSIERS, THURSDAY, APRIL 14, 1994, IN YOUR OFFICE	13/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT345	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO US EMBASSY IN DAR ES SALAAM; 14 APRIL 1994; SUBJECT: DEMARCHE ON RECONVENING ARUSHA TALKS	14/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT346	US DOCUMENT FROM THE US EMBASSY IN KAMPALA TO THE SECRETARY OF STATE (WASHINGTON DC); 14 APRIL 1994; SUBJECT: TFRWOL: RPF LAUNCHES DIPLOMATIC OFFENSIVE	14/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT327	US DOCUMENT, CENTRAL INTELLIGENCE AGENCY; 14 APRIL 1994; NATIONAL INTELLIGENCE DAILY	14/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT329	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL DIPLOMATIC AND CONSULAR POSTS; 14 APRIL 1994; SUBJECT: TRW01: SITUATION REPORT NO. 40 AS OF 1130 EDT 4/14/94	14/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT330	US DOCUMENT; 14 APRIL 1994; SUBJECT: RWANDA: UPDATE	14/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT351	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL DIPLOMATIC AND CONSULAR POSTS; 14 APRIL 1994; SUBJECT: TFRWOL: SITUATION REPORT NO. 37 AS OF 1800 EDT, 04/13/94	14/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT290	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN DAR ES SALAAM; 14 APRIL 1994; SUBJECT: DEMARCHE ON RECONVENING ARUSHA	14/04/1994	19/01/2007		RPF refusal to agree to ceasefire after resuming WAR in April 1994.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	TALKS				
DNT183	15 APRIL 1994 INTEROFFICE MEMORANDUM FROM MIO (DEME) TO FSC (DALLAIRE): COMPLEMENTARY INFORMATION	15/04/1994	22/11/2005	BOOH BOOH	RPA taking advantage – 10 battalion of RPA already in Kigali Town.
DNT216/Test; Frmr. RPF Officers	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "	01/04/1994	10/03/2006	FRMR RPF/LT RUZIBIZA	In Book and testimony Ruzibiza confirms reports of MIO Deme of extensive “infiltration” of Rwanda institutions and territory. 1994
DNT270	US DOCUMENT FROM SECRETARY OF STATE (WASHINGTON DC) TO ALL DIPLOMATIC AND CONSULAR POSTS; 15 APRIL 1994; SUBJECT: TFRWOL: SITUATION REPORT NO. 45 AS OF 1300 EDT, 04/15/94	15/04/1994	19/01/2007		Danger to peace caused by assassination of two Presidents on April 6, 1994.
DNT331	CANADIAN DOCUMENT; CANADIAN MISSION TO THE UN (NEW YORK); 15 APRIL 1994; SUBJECT: UNAMIR-UN DPKO SITUATION CENTRE BRIEFING FOR TROOP CONTRIBUTORS	15/04/1994	19/01/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT332	US DOCUMENT FROM THE EXECUTIVE SECRETARIAT TO THE SECRETARY OF STATE; 15 APRIL 1994; SUBJECT: TFRWOL: SITUATION REPORT NO. 43 AS OF 0600 EDT, 04/15/94	15/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT333	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO ALL DIPLOMATIC AND CONSULAR POSTS; 15 APRIL 1994; SUBJECT: TFRWOL: SITUATION REPORT NO. 46 AS OF 1500 EDT, 04/15/94	15/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT334	US DOCUMENT FROM THE US EMBASSY IN BUJUMBURA TO THE SECRETARY OF STATE (WASHINGTON DC); 15 APRIL 1994; SUBJECT: NED FROM KIGALI AND AN ANALYSIS OF WHAT HAPPENED FOLLOWING THE PRESIDENT’S DEATH AND WHY	15/04/1994	19/01/2007		Killings result of assassination of Pres. Habyarimana and RPF resumption of war of invasion, not plan for a “genocide”
DNT335	CANADIAN DOCUMENT; FAX FROM LCDR J.Y. BASTIEN TO MS. VALERIE KEYS; 15 APRIL 1994; SUBJECT: RWANDA	15/04/1994	19/01/2007		Killings result of assassination of Pres. Habyarimana and RPF resumption of war of invasion, not plan for a “genocide”

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	SITREP AS OF 100 THIS MORNING				
DNT184	16 APRIL 1994 OUT GOING CODE CABLE FROM BOOH BOOH TO KITANI: CEASEFIRE RWANDA CONFLICT	16/04/1994	22/11/2005	BOOH BOOH	RGF response to RPF preconditions for ceasefire.
DNT352	US DOCUMENT; 16 APRIL 1994; RPF LISTS CONDITIONS FOR TALKS ON CEASE FIRE	16/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT336	US DOCUMENT; 17 APRIL 1994; SUBJECT: RWANDA/BURUNDI: UPDATE	17/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT185	18 APRIL 1994 OUTGOING FASCIMILE FROM BOOH BOOH TO ANNAN: SPECIAL SITREP 180800 TO 181900B APR 94	18/04/1994	22/11/2005	BOOH BOOH	Continuing fighting in Kigali. The Interim Gvt not having yet administrative control over the country
DNT113	UN CODE CABLE MIR-790 OF 19 APRIL 1994 FROM BOOH BOOH TO ANNAN/GOULDING	19/04/1994	13/05/2005	STRIZEK	RPF rejected a draft cease-fire proposal while RGF showed willingness to accept it. <sup>515</sup>
DNT291	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN BUJUMBURA; 20 APRIL 1994; SUBJECT: DEPARTMENT TELLS RPF TO STOP THE FIGHTING NOW	20/04/1994	19/01/2007		RPF refusal to agree to ceasefire after resuming WAR in April 1994.
DNT353	US DOCUMENT; CENTRAL INTELLIGENCE AGENCY; 20 APRIL 1994; NATIONAL INTELLIGENCE DAILY	20/04/1994	19/01/2007		Destabilization campaign by the RPF in 1993-94/ Responsibility of the RPF for blocking implementation of the Arusha Accords
DNT337	CANADIAN DOCUMENT FROM BEARDSLY; 20 APRIL 1994; DOC NO. 1739	20/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT362	SPECIAL REPORT OF THE SECRETARY-GENERAL ON THE UN ASSISTANCE MISSION FOR RWANDA; 20 APRIL 1994: EVENTS IN RWANDA	20/04/1994	19/03/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT186	21 APRIL 1994 OUTGOING CODE CABLE FROM BOOH BOOH TO ANNAN: URGENT REQUIREMENT TO REDUCE UNAMIR TO A RESIDUAL FORCE BY LAST NIGHT FRIDAY 22 APRIL 1994	21/04/1994	22/11/2005	BOOH BOOH	Necessity of UNAMIR presence to monitor the ceasefire under negotiation

<sup>515</sup> T. 12/05/05, p. 69-73



EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
DNT347	US DOCUMENT FROM WARD AND MOOSE TO THE DEPUTY SECRETARY; 21 APRIL 1994 ; SUBJECT: UN SECURITY COUNCIL ACTION ON RWANDA	21/04/1994	19/01/2007		Violence largely war related, UNAMIR is prevented from intervening, as the French did to stop the RPF offensive in February 1993.
DNT338	CANADIAN DOCUMENT FROM BEARDSLY; 21 APRIL 1994; DOC NO. 1445	21/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT339	CANADIAN DOCUMENT FROM BEARDSLY; 22 APRIL 1994; DOC NO. 1717	22/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT348	US DOCUMENT; STATEMENT BY THE PRESS SECRETARY FROM THE OFFICE OF THE PRESS SECRETARY; 22 APRIL 1994.	22/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT187	24 APRIL 1994 COUTGOING CODE CABLE FROM DALLAIRE TO ANNAN: CURRENT ASSESSMENT OF THE SITUATION IN RWANDA	24/04/1994	22/11/2005	BOOH BOOH	Dallaire meeting with Kagame at Mulindi and plan discussion. About the anticipated negotiations at Arusha, Pasteur Bizimungu told Dallaire that RPF would tell his story and leave.
DNT354	CANADIAN DOCUMENT; DRAFT; 24 APRIL 1994; SUBJECT: UNAMIR (RWANDA).	24/04/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT114	UN CODE CABLE 1336 OF 28 APRIL 1994 FROM ANNAN TO BOOH BOOH	28/04/1994	13/05/2005	STRIZEK	RPF call not to recognize the interim government. <sup>516</sup>
DNT115	UN CODE CABLE MIR-869 OF 30 APRIL 1994 FROM BOOH BOOH TO ANNAN	30/04/1994	13/05/2005	STRIZEK	RPF refusal to recognize and to negotiate with the interim government <sup>517</sup>
<b>MAY 1994</b>					
DNT340	US DOCUMENT FROM THE SECRETARY OF STATE (WASHINGTON DC) TO THE US EMBASSY IN BUJUMBURA; 02 MAY 1994; SUBJECT: OFFICIAL – INFORMAL	02/05/1994	19/01/2007		Violence related to WAR, not “planned genocide” RPF refuses to agree to a ceasefire after resuming the WAR. No RPF ceasefire until in power.
DNT116	UNAMIR FAX OF 4 MAY 1994 FROM BOOH BOOH TO DE SOUZA	04/05/1994	13/05/2005	STRIZEK	RPF refusal to negotiate with the interim Gvt saying that it is illegal. <sup>518</sup>
DNT188	4 MAY 1994 OUTGOING FAX FROM BOOH BOOH TO	04/05/1994	22/11/2005	BOOH BOOH	RPF refusal to negotiate ceasefire with the interim

<sup>516</sup> T. 12/05/05, p. 74.

<sup>517</sup> T. 12/05/05, p. 74.

<sup>518</sup> T. 12/05/05, p. 74-75.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	ANNAN/GOULDING: ARUSHA PEACE TALKS				Government.
DNT289	US DOCUMENT; 4 MAY 1994; SUBJECT: RWANDA: ANOTHER BAD DAY	04/05/1994	19/01/2007		RPF refusal to agree to ceasefire after resuming WAR in April 1994.
DNT189	6 MAY 1994 OUTGOING CODE CABLE FROM ANNAN TO BOOH BOOH: LETTER FROM RPF CHAIRMAN	06/05/1994	22/11/2005	BOOH BOOH	The intention behind the unfounded RPF accusation is to impede the UNAMIR efforts for the establishment of cease-fire
DNT190	6 MAY 1994 OUTGOING CODE CABLE FROM DALLAIRE TO ANNAN: RPF COMMENTS REGARDING SRSG IMPARTIALITY	06/05/1994	22/11/2005	BOOH BOOH	Dallaire’s reaction to RPF comments: On Annan instructions, Dallaire met with RPF leaders and told them that such criticism/comments, cannot assist the ongoing difficult negotiations. However Dallaire contradicted this position during his testimony before the Chamber. Indeed he accused SRSG of falling in Habyarimana’s trap along with the international community.
DNT191	8 MAY 1994 OUTGOING CODE CABLE FROM BOOH BOOH TOANNAN/GOULDING: YOUR CABLE 1497 DATED 6 MAY 1994	08/05/1994	22/11/2005	BOOH BOOH	Overview of UNAMIR efforts to help in implementing the Arusha Agreement.
DNT259	UNHCR; 17 <sup>TH</sup> MAY 1994; SUBJECT: SITREP #10 RWANDAN REFUGEES IN TANZANIA NEW ARRIVALS REPORT	17/05/1994	17/11/06	LUGAN	Crimes committed by the RPF wrongly ascribed to the Accused
DNT255	US DOC FROM US SECRETARY OF STATE TO THE EMBASSY IN KAMPALA DATED 20/05/94	20/05/1994	09/11/06	ALL-42	The implication of Uganda and NRA in the war of Uganda.
DNT192	23 MAY 1994 PRESS RELEASE FROM THE RWANDESE PATRIOTIC FRONT	23/05/1994	22/11/2005	BOOH BOOH	RPF refusal to cooperate with the UN in the framework of UNAMIR expanded mandate and request of the withdrawal of Booh Booh.
DNT117	UN CODE CABLE UNAMIR-1728 OF 25 MAY 1994, FROM ANNAN TO DALLAIRE	25/05/1994	13/05/2005	STRIZEK	M. Riza says that there is no question as to its legality of the interim Gvt.
DNT193	25 MAY 1994 LETTER FROM IQBAL RIZA TO RALPH ZACKLIN: RWANDA	25/05/1994	22/11/2005	BOOH BOOH	Riza considers that the interim Gvt was legal. Riza stresses the urgency of a cease-fire.
DNT194	25 MAY 1994 CABLE FROM ANNAN TO DALLAIRE: CLARIFICATIONS ON THE LEGAL ISSUES RAISED BY RPF.	25/05/1994	22/11/2005	BOOH BOOH	The Interim Gvt was legal as recognized by he UN in this document.
<b>JUNE 1994</b>					
DNT118	UN CODE CABLE MIR 1254 OF 30 JUNE 1994 FROM ANYIDOHO TO ANNAN	30/06/1994	13/05/2005	STRIZEK	As always, the RPF never respected that ceasefire signed at Tunis whereas the interim

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
					Gvt and the FAR were ready to implement it. <sup>519</sup>
<b>SEPT. 1994</b>					
DNT263 A-B-C	DPKO – SITUATION CENTRE, INFORMATION AND RESEARCH UNIT; 01/09/94: SPECIAL REPORT RWANDA	01/09/1994	17/11/06	LUGAN	Crimes committed by the RPF wrongly ascribed to the Accused
DNT261	HUMAN RIGHTS WATCH REPORT; SEPTEMBER 1994; THE AFTERMATH OF GENOCIDE IN RWANDA	../09/1994	17/11/06	LUGAN	Crimes committed by the RPF wrongly ascribed to the Accused
DNT264	US DOCUMENT FROM GEORGE E. MOOSE TO THE US SECRETARY OF STATE; 12/09/94; SUBJECT: NEW HUMAN RIGHTS ABUSES IN RWANDA	12/09/1994	17/11/06	Kanyarusho ki	Crimes committed by the RPF wrongly ascribed to the Accused
DNT257	US DOC FROM US SECRETARY OF STATE TO US MISSION TO UN DATED 22/09/94	22/09/1994	09/11/06	ALL-42	Massacres by the RPF and ethnic cleansing.
<b>OCT. 1994</b>					
DNT260	ANNEXES 1-4 TO MOTION FOR SUBPOENA REGARDING GERSONY DATED 1/08/06 (NOT INCLUDING DK-112 – CODE CABLE FROM KHAN TO ANNAN/ GOULDING: 14 <sup>TH</sup> OCTOBER 1994; SUBJECT: THE “GERSONY” REPORT REGARDIN RPF CRIMES IN RWANDA.	14/10/1994	17/11/06	LUGAN	Crimes committed by the RPF wrongly ascribed to the Accused
DNT258	AMNESTY INTERNATIONAL REPORT; 20 OCTOBER 1994; SUBJECT: RWANDA: REPORTS OF KILLINGS AND ABDUCTIONS BY THE RWANDESE PATRIOTIC ARMY, APRIL – AUGUST 1994	20/10/1994	17/11/06	LUGAN	Crimes committed by the RPF wrongly ascribed to the Accused
<b>1995</b>					
DNT252	27 MARCH 1995; NO 961: MASSACRES IN RWANDA APRIL TO JULY 1994.	27/03/1995	25/05/2006	92 BIS	Response to reports in the media that UNAMIR had been warned of an impending genocide in Rwanda. This document purports to list the only UNAMIR cables that mention ethnic tensions as being possibly related to incidents of Violence. The Dallaire cable of 11J anuary1 994 is notably absent from the list.
DNT195	20 NOVEMBER 1995 OUTGOING CODE CABLE FROM S. H. KHAN TO	20/11/1995	22/11/2005	BOOH BOOH	No reference to “possible genocide” found in UNAMIR code cables.

<sup>519</sup> T. 12/05/05, p. 75-76.

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
	KITTAN/GOULDING				
<b>ARTICLES</b>					
DNT221	ARTICLE WRITTEN BY FILIP REYNTJENS: THE CONSPIRACY OF SILENCE	02/09/1999	04/04/2006	SERGE ALPHONS JOHANNES DESOUTER	Idem
<b>BOOKS</b>					
DNT33A	BOOK “SHAKE HANDS WITH THE DEVIL” BY LT. GEN. DALLAIRE	05/02/2004	05/02/2004	BRENT BEARDSLEY	Contradictions between the Book and Dallaire testimony. Dallaire admitted that “a New Edition is necessary.” Admitted to establish contradictions with testimony, NOT as substantive evidence.
DNT119	BOOK: “WHEN VICTIMS BECOME KILLERS” BY MAHMOOD MAMDANI -	13/05/2005	13/05/2005	STRIZEK	RPF pretext for invasion of Rwanda in October 1990 (Democratization and Refugee Problem) <sup>520</sup> and “tutsi” character of RPF , encouragement and assistance from Uganda.
DNT216	THE BOOK WRITTEN BY JOSHUA RUZIBIZA "RWANDA L'HISTOIRE SECRETE "	09/03/2006	09/03/2006	JOSHUA RUZIBIZA	RPA responsibility in the tragedy The evidence is the witness' testimony, the book is only for illustration of point about which he testified.
<b>EXP./WITNESS REPORT</b>					
DNT220A/B	FRENCH/ENGLISH EXPERT REPORT PREPARED BY SERGE ALPHONS JOHANNES DESOUTER	04/04/2006	04/04/2006	SERGE ALPHONS JOHANNES DESOUTER	Alternative explanation of the events making clear that RPF the aggressor and responsible for destabilization and violence that led to mass killings following the assassination of the “father of the country” that the FAR lacked military power to stop during war.
<b>1997</b>					
DNT365	AFFIDAVIT OF MICHAEL ANDREW HOURIGAN WITH THREE ANNEXES	27/11/2006	19/03/2007		OTP Attorney and Queen’s Counsellor Hourigan had concluded in 1997, along with Amadou Deme, that Gen. Kagame was responsible for the assassination of Pres. Habyarimana and the resumption of th WAR
Proposed DNT Ex. 36609/07/2004	AFFIDAVIT OF AMADOU DEME. MILITARY INTELLIGENCE OFFICER FOR GEN. DALLAIRE. <sup>521</sup>	17/01/2007			Jean Pierre was not a reliable informant, and provided information similar to other street rumors. Weapons at

<sup>520</sup> T. 12/05/05, p. 39-41.

<sup>521</sup> It must be clearly noted that Amadou Deme’s sworn statement dated 17 January 2007 was the subject of a motion for admission under Rule 92bis, filed 22 January 2007 (with a corrigendum filed 23 February 2007), which motion, at the

EX. NO.	DOCUMENT TITLE	DATE	EXHIBIT DATE	WITNESS	CONTEXT WITHIN FOUR-YEAR RPF “WAR OF AGGRESSION” V. RWANDAN STATE
					MRND were not significant. No sign of a plan for a genocide before/after April 6, 1994. Developed evidence that RPF assassinated Pres. Habyarimana, reported to M. Hourigan, evidence used in Burguiere Report.

**PROSECUTION WITNESSES SUPPORTING THE ALTERNATIVE EXPLANATION OF THE 1990-94 RWANDAN WAR**

A <sup>522</sup>	TESTIMONY (CLOSED SESSION)	09/07/2004			Testimony of Prosecution witnesses A/BY support the multi-ethnic nature of defence against RPF invasion and makeup of formal Interahamwe Organization and legitimacy of defensive roadblock to protect against invasion and infiltration by strangers, RPF supporter, RPF troops in civilian dress.
BY <sup>523</sup>	TESTIMONY (CLOSED SESSION)	03/06/2004			Testimony of Prosecution witnesses A/BY support the multi-ethnic nature of defence against RPF invasion and makeup of formal Interahamwe Organization and legitimacy of defensive roadblock to protect against invasion and infiltration by strangers, RPF supporter, RPF troops in civilian dress
REYNTJENS	ARTICLE: “FROM GENOCIDE TO DICTATORSHIP”	Public Doc. Not ExhbtD			RPF government has instituted a repressive dictatorship based on former Ugandan military around Kagame that discriminates against French-speaking /indigenous tutsi, and virtually all hutu. Speaking out against regime is not tolerated.

time of this writing, had not yet been decided, but that, on 12 April 2007 was denied by the Chamber. Thus, Amadou Deme’s evidence is *not* part of the trial record, and no longer forms a part of the present argument.

While acknowledging that this evidence is no longer before the Chamber, we are leaving the references to it that are already there in our Brief. This is because the Chamber’s Decision not to accept this evidence may ultimately be a matter before the Appeals Chamber, inasmuch as we respectfully disagree with the Chamber’s reasoning in its Decision. It is furthermore submitted that there is a significant interrelationship between Amadou Deme’s now rejected evidence and that which is in the trial record, being sometimes of a confirmatory nature and sometimes of an infirmatory nature.

<sup>522</sup> T. 03/06/04, pp 78-82

<sup>523</sup> T. 07/04/2004, pp. 49-82