

CASE No: ICTR-98-44-T
EXHIBIT No: D K 78
DATE ADMITTED: 13/05/2008
TENDERED BY: DEFENCE

0159

NAME OF WITNESS: NKAZABERA LIGORIO
(DWK-7)

K0221517

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NAME OF WITNESS: Mr. NKOLE

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Side A

Kantano HABIMANA

... bringing together twenty and more, fighting, how can all the other political parties agree? In other countries which have a democratic tradition, because we are in the process of finding our feet in the whole democratic experience, even becoming bogged down... someone who cannot become reconciled with his own political party cannot, even more see, reconcile other political parties. His government therefore is stillborn; it cannot happen [laughter]. Let's listen to some music.

You know the problems that are linked to our distress. You know that justice no longer exists that we have reached a dead-end. Even though some workers complain that they no longer receive their salaries but [laughter] jobs are scarce. There are very few jobs and some do not even have any to give them. Basically, all these problems are due to the Broad Based Transitional Government which has not been put into place. People are blaming one another but no one is as targeted as his Excellency the President of the Republic. He is blamed for everything that goes wrong, when in fact nothing is going right, hey! This reminds me of an incident that happened once when the President was being asked to go to Arusha. NGURINZIRA was saying that he was in his bed at the Mount Meru Hotel, and that he could not come to Kigali to brief him on the situation. On the contrary, he answered: "Just come and sign, do not disturb my sleep!"

Ha! The documents, which he was supposed to sign on that day - as you know- were brought to Kinyira and people worked on them day and night for a whole week. They went without sleep as they tried as best as they could to improve them hey! They tried to improve the, but as quickly as they could [laughter]... But in the meantime I have just remembered something. I have just remembered something, hey ha... last night I asked myself: oh God! They are planning to have brigades of police dogs; do you know anyone in the country who has started to breed these dogs... police dogs? Are they going to buy those starving dogs that you see in Nyamirambo that are always getting run over at night

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and turn them into police dogs through training. I think that they need to buy dogs and to start training them right away [laughter] because they say there will be brigades of police dogs and policemen ... dog-trainers and so on and so forth. I wonder now who is in charge of this project.

I have just found out that the *Inkotanyi* officers will start to receive their salaries this month. I hope that once they receive those beautiful bank notes with gorillas on them they will stop wreaking havoc throughout the country and will start to make projects, build houses and who knows what. Maybe they will buy taxis and find ways to support their families, ha... For now, they are in the process of preparing lists and at the end of the month they will be paid, including those who are at the CND, ha! Even those six hundred will receive their salaries as they have just spent some time working. We hope that this will allow them to mellow out and to understand that they have obligations towards this country because they receive money from the public coffers, and therefore that they should not cause problems with its borders.

Earlier, I was saying that Gaspard GAHIGI met yesterday with Froduald KARAMIRA. Some people say: "The current state of affairs in our country is the President's fault." We have our unfortunate rival, RTLM's rival, and we ask them: "Tell us, tell us that president HABYARIMANA is an unreasonable rebel so that Rwandans will withdraw their support. Tell us that he has committed a horrible crime that he has given a speech on the radio that does not emanate from the Government. [He laughs]. Has he even received a message from the Government? What can we say about Agathe UWIRINGIYIMANA who claims to "represent the Government"? Should he ask for Agathe UWIRINGIYIMANA's permission, as she is now the Government? That is also unfortunate. One should respect other people's wives, that is the rule, however it is also an offence if you do not respect someone's husband! [He laughs].

Let us now listen to what Froduald KARAMIRA has to say about the Faustin TWAGIRMAUNGU business, [he is also known] as alias Rukokoma, alias the Intrepid, alias the Chairman of the MDR. Let us listen to Gaspard GAHIGI's interview of

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Froduald KARAMIRA. Make a habit of listening to better understand because RTLm's motto, which is yours, is [to listen] so to better understand.

Gaspard GAHIGI, reporter and Editor in chief of RTLm

I am here with Froduald KARAMIRA. I would like to ask him what the "Power" faction of the MDR, to use a hot term, plans on doing now that the institutions that the president had hoped for have not been put into place so that we can get out of this dead-end situation. Froduald KARAMIRA, you have the floor.

Froduald KARAMIRA, MDR

... First of all I would like to thank you for giving me the opportunity to speak. Yes... I wish to mention that... the MDR "POWER" Does not exist as such. There is only one MDR who has "power" that is how you have to understand it. Yes... We have heard that the President has asked to receive the lists today. By this we understand that it's not so much that the new Government should be established today but rather that this is a deadline to present a list of candidates so that he can establish a proper program.

As had been asked, the political bureau of our party met on an urgent basis, only 29 candidates were available because four were abroad and the three from Gikongoro were unable to attend because they were too far. We had 29 participants, which in any case is well above the quorum required. We presented the lists. We sent the candidates, for your information, I can give you the names of the candidates, MDR parliamentary representatives, who were chosen by the political bureau. I can give the names to RTLm listeners because we are a party of the people, a party that respects transparency. André RWAJEKARE for Kigali rural, Jean Marie Vianney NKEZABERA for Kigali-ville Cyrille RUVUGAMA for Gitarama, Athanase SEBUCOCERO for Butare, Vincent RUHAMANYA for Gikongoro, Augustin FASHINGABO for Cyangugu, Léonard HITIMANA for Kibuye, Sylvestre KAMALI for Gisenyi, Jerome BICAMUMPAKA for

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Ruhengeri, Gregoire KAYINAMURA for Byumba and Sylvestre MATUNGURU for Kibung.

As far as we are concerned, we have finished our work and I hope the same applies for the other parties. The only left to do now is to wait for tomorrow. I believe that it would be appropriate that the deputies' names be published and that a date be set for the swearing in ceremony. Those who will not participate, those who will be absent and those who will not have given a list of candidates will be able to file a complaint with the Courts, as the President has said, and as is stipulated by article 28 of the law dealing with the creation of political parties. That is why I believe that today is the deadline to give to the president the list of parliamentary candidates so that the issue can be resolved. As for TWAGIRAMUNGU, as we have been saying, he has failed. He should have met with the leaders of the political parties. He knows he has problems with the MDR party. Up until now we have still not met with him. We also believe that the president should establish the National Assembly because it is a distinct organ from the government. As for us, we should become mobilised to resolve the TWAGIRAMUNGU issue. But how? We have spared him so that he could set up the Government for the well being of the people. TWAGIRAMUNGU has shown that he is not a member of the MDR but rather of the FPR. TWAGIRAMUNGU has been expelled from the party and he remains so to this day. Incapable of accomplishing the tasks that have been given to him, unable to choose Cabinet Ministers from the various parties, he has chosen to base himself on the RPF. Our solution to this problem, the solution advocated by the MDR is to propose another candidate; the Arusha Accords should therefore be reviewed. A new candidate must be presented and then set up the Government as the post belongs to our party and not to an individual.

... If we return to the issue of the setting up of the Broad Base Transitional National Assembly, we cannot remain silent about the problem that happened last time. The list that you have mentioned existed, but later there was a second list. You say that the deadline was today, after which the President should invite the candidates for the National Assembly to be sworn in. The problem is as follows. Last time lists were also

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present. Two different lists were presented. Last time the president had set a date for the swearing in ceremony, but Prime Minister Agathe UWIRINGIYIMANA had set another one. What had been done this time to avoid that problem from reoccurring? Let me remind you of the problems we faced last time: next to the list supplied by the president, PRIME MINISTER AGATHE UWIRIGIYIMANA gave another list. The latter had moreover received the approval of Joseph KAVARUGANDA the President of the Constitutional Court. So as you can see there is on one hand the problem with the lists and on the other setting the date for the swearing-in ceremony. Who will set the date for the swearing-in ceremony? If the President chooses one date then Prime Minister Agathe UWIRINGIYIMANA can set another. What proves that these two issues have been resolved?

... It is true that the lists have been handed in but the lists are different. We are also amongst those who have asked that the lists be presented. As far as we are concerned, neither the President's list neither KAVARUGANDA's comply with our party's statutes. We have questioned the assertion that the lists should be presented by the parties' legal representatives. We have explained that within our party, even if the notarised statutes had been respected, TWAGIRMAUNGU could not have presented the list, as he was not the party Chairman. According to Article 65 of said statutes, the six members of the Executive committee and the Chairmen of the committees represent the party. Said statutes also stipulate that while awaiting for first party convention to be held, these organs will represent the Executive committee which is made up of six people, said committee will then represent the party. According to the statutes, TWAGIRAMUNGU cannot propose candidates. Moreover, according to the statutes adopted during the first party convention where we were elected, the only powers TWAGIRMAUNGU has, as the so-called legal representative he always insists on, are those granted by the Executive committee. If I am not mistaken those are the provisions of Article 55 of said statute.

According to the statutes, the party is represented by the Executive Committee both in Rwanda and abroad. Moreover, TWAGIRAMUNGU is not empowered to make the decision dealing with the proposed parliamentary candidates. Article 61 of our statutes

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stipulate that the party Chairman cannot take a decision without the authorisation of the political bureau regardless of the urgency of said decision. This means that even if TWAGIRAMUNGU had not been expelled from the party, if he had been a regular member, the legal recognised representative or the party chairman, he could not have taken the decision to present the list of deputy candidates without having received the authorisation from the political bureau in accordance with said Article 61. In fact, he does not even have that prerogative as it belongs to the executive committee which is still in place.

So, as far as we are concerned, the political bureau has met and adopted a list of representatives to be candidates. The Executive committee forwarded to the proper authorities after it had been signed by the Political Bureau so that no one could say that the list did not emanate from the Political Bureau. That is why we affirm that we have followed the President's request, when he stated: "The party representatives must present lists of candidates in accordance with the statutes that govern their parties." I believe that it is the same for the other parties. I believe they must give the party's candidates in accordance with the statutes that govern their parties. If the request is to be fulfilled.... We have already complied. And I believe the others have done so as well. In any case this can easily be verified and that is why it has been said that if someone does not agree with the list that has been issued by the party organs then they must file a claim with said organs or file a claim with the court. I believe that in reality things are clear... the party is not a single person. The party is an organ; the party is made of its members.

Thank you Froduald KARAMIRA. You say that things are clear, but in this country those who do not respect the law most often claim that they are complying with them. You are aware of the existence of the two lists. You are aware of the presentation of the lists of representatives. You are well aware of the debate regarding the formation of a Government composed of cabinet ministers from various parties. Those who pretend to comply with it break the law. That is why we must wait for what follows, but spoils everything in this country is that people break the law by a false interpretation while

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pretending to comply. We are thus going to wait for what will follow. Thank you Mr. KARAMIRA.

[a little bit of music]

Kantano HABIMANA

... It is almost 9 o'clock. It is ten minutes to nine in our studios. People are still talking about politics. There is one point that Frodouald KARAMIRA mentioned repeatedly: "In any case, if TWAGIRAMUNGU is incapable of setting up a government..." Ha! ... "We must appeal to the mediator without waiting any further and consider removing TWAGIRAMUNGU's name from the Arusha Peace Accords. The MDR could then be asked to present another candidate." That is a scenario that Faustin TWAGIRAMUNGU could not imagine, that he would not have thought of. On the contrary he continues to view the situation lightly although this is a serious problem. He forgets that even allies can withdraw their support if they feel impatient. To continue to count on the *Inkotanyi*... hoping that he would be placed on the sidelines, the *Inkotanyi* would resume their fighting... Thus the *Inkotanyi* could have their own program, different from TWAGIRAMUNGU's. I believe the situation is quite serious.

Then... information will follow... people forget quickly. Some people have a short memory. Some people have already forgotten that Justin MUGENZI, Chairman of the PL party, was almost killed by enemies on the night of the 19th. One Martin NDABAZI wrote a document on this attack. The title of the document is: "The truth about the unsuccessful attack against Justin MUGENZI on the night of 19 January 1994." Martin NDABAZI says that during the night of 19 January, the Chairman of the *Parti libéral* Justin MUGENZI escaped death. The killer that was meant to shoot him fired several bullets in his direction but was unable to hit his target of his vehicle. There is a proverb that says: "whoever has been a victim of a wrong will undoubtedly be suspicious of the person who perpetrated it." We know those who would benefit from the death of MUGENZI. They are Ladoald NDASINGWA, Faustin TWAGIRMAUNGU and the