### Annexe 39 : Le blocage des institutions à la fin mars 1994

1.	Câble de Jacques-Roger Booh-Booh, Kıgalı, à Kofi Annan, New-York, sur les efforts en
	vue d'installer les institutions de transition en date du 19 mars 1994
2.	Câble de Jacques-Roger Booh-Booh, Kigali, à Kofi Annan, New-York, sur les efforts en
	vue d'installer les institutions de transition en date du 25 mars 199411
3.	Lettre des ministres du MRND et des ministres proches de la mouvance présidentielle à
	Agathe Uwilingiyimana en date du 28 mars 1994

#### Commentaire

Les câbles de Jacques-Roger Booh-Booh à Kofi Annan décrivent pour le premier les dernières avancées obtenues sur la composition du gouvernement de transition par le facilitateur tanzanien alors même que le FPR et Agathe Uwilingiyimana déposaient une liste de ministres ne prenant pas même en compte les ouvertures acceptées par Landoald Ndasingwa. Le second informait le Secrétariat général de l'ONU de l'échec de l'installation des institutions organisée le 25 mars au matin en raison du boycott du FPR et des Premiers ministres.

Ce blocage suscitait le désaveu général des milieux diplomatiques envers ce qu'ils qualifièrent de politique d'obstruction de la part du FPR. Les ministres de la mouvance présidentielle en profitaient pour envoyer un nouveau courrier de dénonciation au Premier ministre contestant l'absence de toute réunion du Conseil de gouvernement. Ils n'hésitaient plus alors à dénier ses prérogatives.

1. Câble de Jacques-Roger Booh-Booh, Kigali, à Kofi Annan, New-York, sur les efforts en vue d'installer les institutions de transition en date du 19 mars 1994

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	то:	ANNAN, UNATIONS, NEW YORK GOULDING, UNATIONS, NEW YORK
-	info:	KITTANI, UNATIONS, NEW YORK
	FROM:	BOOH-BOOH, UNAMIR, KIGALI
	DATE:	19 MARCH 1994
	NUMBER:	Mir-607-
	SUBJECT:	EFFORTS TO INSTALL THE TRANSITIONAL INSTITUTIONS
	NO OF PAGES:	CASE NO: ISIR-98-41-7.  EXHIBIT NO: DAY 31  DATE ADMITTED S. 2. 2004  TENDERED BY DESCRIPTION  NAME OF WITNESS: B. BERRES

- 1. As you are aware, the two signatories to the Arusha Peace Agreement recently accept the assistance of the Facilitator, H.E. President Mwinyi of Tanzania, to help break the impasse holding up the installation of the transitional institutions. President Mwinyi, consequently, sent his Foreign Minister to Rwanda on 11 March. The Minister left Rwanda yesterday, 18 March, after intensive consultations with the various political leaders as well as with members of the diplomatic corps in Kigali, the representative of the OAU Secretary-General and I. Prior to his departure, Minister Rwegasira made a statement, a copy of which is attached bereto.
- 2. As reflected in the Minister's attached statement, he also came to the conclusion following his consultations in Rwanda that the stumbling block to putting into place the transitional institutions evolves around the internal difficulties within the Parti Libéral (PL). While both factions within the Party have apparently agreed on a six-five formula for sharing the eleven seats assigned to them in the Transitional National Assembly (TNA), they still differ on the formula for the distribution of their assigned ministerial portfolios. Although the PL is allowed only three ministerial portfolios under the Peace Agreement, including the post of Minister of Justice, both factions of the Party are seeking two ministerial positions each, including the Justice Ministry. Hence the deadlock.



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- The Tanzanian Foreign Minister stressed, on behalf of the Facilitator, that the power struggle within the PL was unacceptable as it had no legal basis within the framework of the Peace Agreement. The composition of the Broad-Based Transitional Government was within the prerogative of the Prime Minister Designate as long as he respected the lists of ministers submitted during consultations with the political forces concerned. The Minister further stated that the rejection by the Rwandese Patriotic Front (RPF) of the compromise reached within the PL on the sharing of the seats for parliament was both "irrelevant and illegal going by the Peace Agreement". The Minister emphasized overall that in the Facilitator's view all political leaders should strictly adhere to the terms of the Peace Agreement, with each political force exercising its mandate in constituting the TNA and the Prime Minister Designate exercising his prerogative in picking his
- Following the Tanzanian Foreign Minister's departure, the Prime Minister Designate yesterday evening addressed the nation over Radio Rwanda in the course of which he announced the proposed composition of his government (please see list attached). This evening, the Prime Minister of the current coalition government also announced the names of the deputies for the TNA. The government announced by the Prime Minister Designate includes the twenty-one ministerial portfolios provided for under the Peace Agreement. The numerical distribution among the publical forces concerned is as follows:

MRND: 5 portfolios, RPF: 5 portfolios, MDR: 4 portfolios (including the post of Prime Minister), PSD: 3 portfolios, PL: 3 portfolios, PDC: 1 portfolio.

- It is not clear if the Prime Minister Designate:
  - a) informed President Habyarimana in advance of the announcement of the composition of the government;
  - b) has the agreement of the two factions within the PL on the lists of names of ministers. In this connection, it is to be recalled that the two factions within the PL had each been seeking two of the three ministries assigned to the Party, including the Ministry of Justice. It is not clear at this point to which faction of the PL the Prime Minister Designate's choice of Justice Minister belongs.
- In his radio address, the Prime Minister Designate indicated that consultations underway with a view to putting into place the transitional institutions should not go beyond 21 March. According to the Peace Agreement, the Prime Minister Designate shall, following his selection of candidates for the ministerial portfolios distributed among the various political forces, present them to the President of the Republic for appointment as well as to the TNA. Since the Prime Minister Designate has now announced the proposed composition of his government, it is to be expected therefore that, according to the Peace Agreement, he will submit the list of ministers to President Habyarimana. The President should normally perform the formality of appointing the ministers proposed by

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the Prime Minister Designate at the official installation ceremony of the BBTG. Similarly, the list of members of the TNA will be submitted to the President, who would preside over the first session of the TNA. Although the President should legally not interfere with the Prime Minister Designate's prerogative in selecting the members of his government or with the political forces' designation of their TNA members, this possibility cannot be ruled out completely. In that event, there could be a collision, especially if, as we now understand it, both the Prime Minister Designate and the RPF, as well as the current Prime Minister, appear determined to proceed with the installation of the BBTG and the TNA with or without the President.

- 7. Bearing that possibility in mind, we would have a number of concerns for which we would like your guidance, including in particular the following:
  - a) since the installation ceremonies would most likely take place at the CND complex where the RPF battalion for which we are providing security, is housed, what should UNAMIR's reaction be if there is a violent confrontation relating to the installation?
  - b) should the Government and RPF, the two signaturies to the Peace Agreement, decide to proceed with the installation ceremonies even if President Habyarimana objects, what should UNAMIR's position be if we are invited to attend and requested to provide security for participants at such ceremonies?
  - c) as you are aware, under the Peace Agreement, the President of the Republic shall preside over the first session of the transitional partiament unless he is unable to do so, in which case, the President of the constitutional court shall preside. It is not clear whether the President of the Republic's refusal would constitute an inability to preside within the framework of the Agreement. If not, would it be legal for the President of the constitutional court to preside in place of the President of the Republic?
- 8. Members of the international community in Kigali, including the diplomatic corps and representatives of international and intergovernmental organizations plan to meet on Monday, 21 March, to assess the situation and consider possible reactions to the latest developments. It may have been advisable for the Secretariat at headquarters to request the Ambassador of Rwanda at the UN-to-convey to the President Habyarimana our view that, in light of the latest political developments, there is a necessity for him to ensure the prompt and peaceful installation of the transitional institutions. Meanwhile, in our continuing consultations with the various political leaders, we are stressing the need for a peaceful and smooth installation ceremony. In this connection, I today appealed to President Habyarimana, through one of his close political associates, to meet with the Prime Minister Designate to ensure that the arrangements for the installation and the event itself proceed in a non-confrontational climate.
- As usual, we shall keep you informed of relevant developments and look forward to receiving your earliest possible reactions to our concerns above.
- 9. Regards.

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## LIST OF MINISTERS ANNOUNCED FOR THE BROAD-BASED TRANSITIONAL GOVERNMENT

 Mouvement Républicuin National pour la Démocratie et le Développement (MRND)

Augustin Bizimana Ferdinand Nahimana Ministry of Defence

Ministry of Higher Education, Scientific

Research and Culture

Prosper Mugiraneza André Ntagerura Ministry of Public Service

Ministry of Planning

Mrs. Pauline Nyiramasuhuko

Ministry of Family Affairs and Promotion of

the Status of Women

?. Front Patriotique Rwandais (FPR)

Pasteur Bizimungu

Ministry of Interior and Communal

Development

Mm. Kayumba Immanide Seth Setalasianya Jacques Bihozagara Ministry of Transport and Communications
Ministry of Youth and Associative Movement

Vice Prime Minister Ministry of Health]

3. Mouvement Démocratique Républicain (MDR)

Dismas Nsengiyaremye

Dr. Joseph Karemeva

Ministry of Foreign Affairs and Cooperation

Boniface Ngulinzira Mrs. Agathe Uwilingiyimana Ministry of Information

Ministry of Primary and Secondary Education

4. Parti Social Démocrate (PSD)

Augustin Iyamuremye

Ministry of Public Works and Energy

Frédéric Nzamurambiho Marc Rugenera Ministry of Agriculture Ministry of Finance

5. Parti Libéral (PL)

Justin Mugenzi

Ministry of Commerce, Industry and Cottage

Industry

Aloys Niyoyita

Ministry of Justice

Landoald Ndasingwa

Ministry of Labour and Social Affairs

6. Parti Démocrate Chrétien (PDC)

Nayinzira Jean-Népo

Ministry of Environment and Tourism

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# STATEMENT BY HON. JOSEPH C. RWEGASIRA, TANZANIAN FOREIGN MINISTER AND REPRESENTATIVE OF THE FACILITATOR ON 18.03.94 IN KIGALI AT THE END OF HIS VISIT TO RWANDA.

On 4th March, and delegation of the RPF came to see the Facilitator to say that there were problems in the Implementation of the Arusha Peace Agreement, and sought the intervention of the Facilitator to resolve and allow for the set up of the Transitional Institutions. Similarly on 8th March the President of the Republic of Rwanda also came to Dar es Salaam to see the Facilitator and said that they were facing problems and therefore implementation of the Peace agreement had stalled. He also sought the intervention of the Facilitator.

The Facilitator had heard from various other sources that indeed there were problems, but had refrained from any intervention because as we all know supervision of the implementation of the Peace Agreement was placed under the United Nations. However, upon request by the two signatories of the Peace Agreement, the Facilitator felt under moral responsibility and legitimacy to try and help. It is for this reason ,the Pacilitator saw the need to dispatch me to Kigali to see how we can jointly solve the problems and have the Institutions put into place.

I thought the best way to go about my assignment was to consult as largely as possible, first bilaterally or separately and if necessary collectively. In this context, since my arrival, I engaged in separate consultations. Inchave had very exhaustive consultations with all parties called upon to implement the Arusha Peace Agreement, even to the extent of consulting with what is now commonly known here as tendencies.

More specifically, I met the president of the Republic twice,

I met the current prime Minister twice,

I met the RPF Leadership at Mulindi, I met the Prime Minister Designate twice,

I met the leadership of other political forces including MRND,

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MDR, PSD, PDC and both "tendencies" of PL.

I also had occasion to meet some members of the international Community and the leadership of the Catholic and protestant Churches in Rwanda.

Let me point out that, the second round of consultations were basically held to see't agreement and consensus on the opportunity of holding a collective consultations of the above.

If I were to make a rundown of my report to the Facilitator at this juncture, I would say the above consultations were very useful, frank and sincere. I learnt many aspects the Facilitator was not aware of in so much detail. I received explanations and reasons for certain positions and even managed to get useful suggestions on how we should proceed.

I am extremely grateful to the President of the Republic Government leaders, political forces, the Special Representative of the United Nations fecretary General, the CAU Representative in Rwanda, members of the Diplomatic Corps without forgetting the entire people of Rwanda; for the unreserved support they have extended to me. It is out of these consultations and contributions that I thought a collective consultation of all political forces to enable me to complete my assignment was necessary. Unfortunately this latter part of consultation has not succeeded because three parties did not take part in the meeting for the purpose, namely MRND, Mugenzi tendency of the PL and the representative of the Presidency.

Now allow me to briefly, share with you how the current problem is perceived according to the above consultations. It is a shared opinion of all with whom I consulted that the only remaining stumbling block to the putting into place of the Transitional Institutions evolves on the difficulties within the PL party. Earlier there was a problem with the list of deputies but later on a compromise was reached to share the 11 deputies on a 6/5 formula between Mr. Ndasingwa and Mr. Mugenzi "Tendencies" respectively. During my consultations with the leadership of the two tendencies they both repeated to me that their agreement on this sharing formula still holds. It is true, however, that both Mugenzi and

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Ndasingwa demand two ministerial portfolios to go with the formula and both of them want of necessity the Justice portfolio. It is the strong opinion of the Facilitator that such linkage has no legal basis and, therefore, not acceptable. This is exactly what I told the leadership of the two tendencies. Moreover, according to the provisions of the Peace Agreement this amounts to encroachment on the prerogatives of the Prime Minister Designate.

Connected to this Problem, is RPF rejection of the sharing formula under the contention that it was arrived at under duress during the meeting of 27th February,1994. The RPF contends that they have moral authority to question compromise reached following alleged intimidation and coercion; especially when the compromise was reached at the meeting of 25th and 27th Pebruary whereat they did not take part, as opposed to the different compromise reached at the earlier meeting of 18th February in which they participated. The RPF also believes that the linkage with the cabinet has a background which must be considered.

It is the opinion of the Facilitator that not only that the linkage is irrelevant and illegal going by the Peace Agreement, but also finds the RPF contention not acceptable especially when the leadership of the PL party insist they have reached compromise amicably for the interest of their party, and early setting up of the Institutions despite earlier positions to the contrary.

Allow me also to emphasise that the opinion of the Pacilitator is based on the belief that all players should strictly adhere to the mandate prescribed to him/her by different articles of the Peace Agreement. Le. each political force exercise their mandate in constituting the National Assembly and the Prime Minister Designate exercise his prerogative in picking up his cabinet as long as he respects the lists given to him during consultation with the Political forces.

As I mentioned earlier the Pacilitator is aware of various mootings and consultations held at various levels to try and bring about a speedy installation of the Transitional Institutions. These meetings were held within the spirit of negotiating ?

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political compromise to the difficulties facing some political forces.

I wish to point out that noble and well-meaning as these meetings might have been, there is no doubt however that they took place outside the framework of the Arusha Peace Agreement. This also includes the consultations I am making now as representative of the Facilitator. May be we need to take stock and if we come to the conclusion that the spirit is not there or rather not sufficient, we may wish to come to ah end to this politicking and negotiations outside the Peace Agreement and therefore strictly adhere to the Arusha Peace Agreement which as we all know is now the Fundamental law of the Republic of Rwanda. Let us give Peace a chance by giving implementation of the Feace Agreement a chance.

Let me not tire you further as we are all conversant with the situation and problems facing implementation of the Arusna Peace Agreement.

THANK YOM ALL FOR LISTENING TO ME SO ATTENTIVELY.

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## 2. Câble de Jacques-Roger Booh-Booh, Kigali, à Kofi Annan, New-York, sur les efforts en vue d'installer les institutions de transition en date du 25 mars 1994

UNITED NATIONS

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ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE

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**OUTGOING CODE CABLE** 

IMMEDIATE

TO:

ANNAN, UNATIONS, NEW YORK GOULDING, UNATIONS, NEW YORK

INFO:

KITTANI, UNATIONS, NEW YORK

FROM:

BOOH-BOOH, UNAMIR, KIGALI

CASE NOTCOR

DATE:

25 MARCH 1994 EXHIBIT NO DECT

DATE ADMITTED 32-11-200

NO OF PAGES:

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TENDERED BY DEFENCE

SUBJECT:

EFFORTS TO INSTALL THE TRANSITIONAL INSTITUTIONS

- 1. Following a series of intensive consultations at various levels until late in the evening yesterday, including the first ever bilateral meeting between the RPF and one of its most strident political opponents, the CDR, a meeting brokered by UNAMIR and held at UNAMIR Headquarters, we received invitations last evening from the Foreign Ministry to attend the ceremonies for the installation of transitional institutions at 0830hrs this morning, 25 March. I immediately consulted thereafter with the Acting Force Commander, Brig. Gen. Anyidoho, and it was decided that UNAMIR should, at its level, take the necessary practical measures to facilitate a smooth and peaceful installation ceremony. Our forces were put on red alert, our civilian component moved from phase 1 to phase 2 security status, and a UNAMIR convoy was dispatched to Mulindi to escort senior RPF officials to Kigali for the installation ceremonies. Furthermore, an air observation post was put in operation to enhance security in Kigali.
- 2. This morning, I met at 0800hrs with other members of the diplomatic corps at the residence of the Dean of the Corps, the Apostolic Pro Nuncio, and from there we proceeded to the CND complex where the installation ceremonies were scheduled to take place. Upon our arrival at the CND, we learnt that the UNAMIR convoy that had been sent last night at the RPF's request to escort its leaders from Mulindi to Kigali for the ceremonies this morning was still in Mulindi and was not sure when the leaders would be ready to travel to Kigali. It then became apparent that there were still a number of problems to be resolved before the installation could take place.
- 3. President Habyarimana, who had also arrived at the CND to preside over the scheduled ceremonies, told me that the key issue holding up progress was the RPF's continuing opposition to the CDR's entry into the transitional parliament even though the CDR, which had earlier rejected the Arusha Peace Agreement, had subsequently accepted the accord and fulfilled the other conditions for participation in the transitional institutions provided for under the Peace Agreement. He emphasized that the outstanding issue relating to the representation in the TNA of the "Parti Démocrate Islamique" and that pertaining to the MDR could be set aside if the RPF was prepared to lift its objection to CDR's participation in the TNA.

- 4. At a meeting attended by Government and RPF officials at the CND building from 0900hrs to 1300hrs today, UNAMIR and other members of the Diplomatic Corps present urged the parties to try to break the impasse and put the institutions in place. The representative of the Facilitator and the Ambassadors of the observer states to the peace process (Belgium, France and United States) appealed strongly to the RPF to remove its objection to CDR's entry into the transitional parliament. The Ambassadors left the clear impression that they considered the RPF's attitude as obstructionist and also deplored the absence in Kigali of most of the members of the RPF's leadership, a situation which, in their view, often delayed the taking of decisions on important matters.
- 5. Consultations are continuing but it is difficult to say when the installation of the institutions will indeed take place. As the stalemate persists, I have requested the UNAMIR convoy that travelled to Mulindi last night to return immediately to Kigali with or without the RPF officials the convoy was to have escorted to Kigali for the installation ceremonies. In view of the continuing political uncertainty and the resulting climate of tension and anxiety, our forces are constantly rehearsing the detailed contigency plans that have been prepared to deal with any emergency security situations, bearing in mind our Rules of Engagement. The specific concern we raised in our earlier correspondence is based on our fears that attacks directed at the CND during this period of political controversy would probably be in the form of spontaneous or mob action rather than a carefully planned military operation.
- 6. Regards.

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3. Lettre des ministres du MRND et des ministres proches de la mouvance présidentielle à Agathe Uwilingiyimana en date du 28 mars 1994

	CASE NO: 1 CIR-98-44-1
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1	TENDERED BY PROJECTION NAME OF WITNESS OF 25 01 08 KO 376774

Kigali, le 28/03/1994

Madame le Premier Ministre KIGALI

Objet: Rôle du Gouvernement dans la mise en place des Institutions de Transition a Base Elargie.

Madame le Premier Ministre,

Nous avons l'honneur de nous référer à nos lettres des 14 et 21 janvier 1994 toutes deux relatives aux réunions du Conseil des Ministres pour vous demander encore une fois de convoquer le Conseil des Ministres afin qu'il puisse examiner les problèmes cruciaux de l'heure que connaît notre pays.

Comme cela ressort du communiqué issu des réunions des 25 et 27 Février 1994 entre le président de la République et les partis politiques qui forment le Gouvernement actuel, il a été entendu que:
"Aussi longtemps que le Gouvernement de Transition à Base Elargie n'aura pas été mis en place, le Gouvernement actuel doit continuer à fonctionner, notamment à travers les réunions des Ministres, pour s'attaquer aux défis auxquels le pays est confronté, spécialement les problèmes relatifs à la sécurité et à la question de mise en place des institutions de transition ".

En exécution du contenu de ce communiqué auquel vous avez apposé votre propre signature, vous avez convoqué la réunion du Conseil des Ministres le 29 Février 1994, réunion qui ne s'était pas tenue depuis deux mois.

Avec ce souffle nouveau issu de la réunion des partis politiques représentés au Gouvernement avec le Président de la République, l'on pouvoit espérer que le Conseil des Ministres allait enfin fonctionner normalement et laire face à ses responsabilités dans ces moments difficiles que vit notre pays.

Cet espoir semble, hélas, aujourd'hui déçu, car cela va faire bientôt un mois que le Conseil des Ministres ne s'est plus réuni.

Ce qui est frappant dans tout cela, c'est que vous continuez à faire des déclarations au nom du Gouvernement sans en avoir reçu mandat.

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Les dernières déclarations en date remontent aux 24 et 25 mars 1994 au sujet de la mise en place des institutions de transition à base élargie où, soidisant au nom du Gouvernement, vous avez pris une position non fondée sur le cas des députés des partis PDI, MDR et CDR.

En effet, vous avez adopté et'rendu publique une liste des députés à l'Assemblée Nationale de Transition qui exclut le député de la CDR alors que ce parti a rempli toutes les conditions exigées par l'Accord de paix d'ARUSHA, ce que vous aviez vous même reconnu.

En outre, votre liste ne reprend pas le député du MDR qui a eu gain de cause en justice avec le bénéfice de l'exécution provisoire alors que vous savez pertinemment que lorsque les juridictions ordonnent l'exécution provisoire, le jugement est exécuté nonobstant tout appel.

Enfin, ladite liste mentionne un député du PDI qui n'a pas été désigné par les organes habilités de ce parti.

Dans le même cadre, et après l'échec des cérémonies de prestation de serment des députés à l'Assemblée Nationale de Transition et des Ministres du Gouvernement de Transition à Base Elargie, le 25 Mars 1994, vous avez rencontré le FPR pour tenter de trouver une solution à ce blocage au nom du Gouvernement sans concertation préalable avec le Conseil des Ministres.

Les soussignés insistent encore une fois pour que le Conseil des Ministres se réunisse sans plus tarder en vue de dégager la position de la partie gouvernementale face à ce nouveau blocage à la mise en place des institutions de transition à base élargie.

Ce n'est qu'en associant le Conseil des Ministres à la prise des décisions sur des matières aussi complexes et délicates qu'une solution acceptable à communiquer au FPR peut être trouvée à travers le concensus devant caractériser les délibérations d'un Gouvernement digne de ce nom.

Veuillez agréer, Madame le Premier Ministre, l'expression de notre haute considération.

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K0376776 Le Ministre de l'Intérieur et du Développement Communal, MUNYAZESA Faustin Le Ministre du Plan, Le Ministre du Commerce, de l'Industrie et de l'Artisanat, Le Ministre de l'Enseignement. Supérieur, de la Recherche Scienti<u>fique et</u> de la Culture, MBANGURA Daniel MUGENZI Justin Le Ministre de la Santé, Dr Casimir BIZIMUNGU LeMinistre e la Fonction Publique MUGIRANTE Prosper ( en mission ) Le Ministre de l'Environnement et Le Ministre de la Famille et de la Promotion Féminine, NYIRAMASUHUKO Pauline du Tourisme, RUHUMULIZA Gaspard Spice PMWMW. 200 Le Ministre de, la Jeunesse et du Monvement Associatif, NZABOWIMAND CALVIXTE Le Ministre de la Justice NTAMABYALIRO Agnès Le Ministre/des Transports et Communications, NTAGERURA/André Défense, Le Ministre de BIZIMANA Augustin Copie pour information à:
- Son Excellence Monsieur le Président de la République KIGALI MIGALI

- Madame, Monsieur le Ministre(Tous)

- Présidents des Partis Politiques

MRND, MDR, PSD, PL et PDC

- Chefs des Missions Diplomatiques

et Consulaires accrédités à Kigali