

(b)(3):10 USC 424

(b)(3):10 USC 424; (b)(3):50 USC 3024(i)

## ENVELOPE

(b)(3):10 USC 424

## HEADER

R 261422Z NOV 01

FM DIA WASHINGTON DC

INFO RUEADWD/OCSA WASHINGTON DC

(b)(3):50 USC 3024(i)

RUCJACC/USCINCENT MACDILL AFB FL

(b)(3):50 USC 3024(i)

RUEALGX/SAFE

R 261218Z NOV 01

(b)(3):10 USC 424

TO RUEKJCS/DIA WASHINGTON DC

(b)(3):10 USC 424; (b)(3):50 USC 3024(i)

RUEHC/SECSTATE WASHDC

RUEAIIA/CIA WASHDC

RUETIAA/NSA WASHDC

RUFGAID/USCINCEUR

VAIHINGEN GE

(b)(3):10 USC 424; (b)(3):50 USC 3024(i)

RUCQVAB/USCINCSOC

MACDILL AFB FL

RUMICEA/USCINCENT

MACDILL AFB FL

(b)(3):10 USC 424; (b)(3):50 USC 3024(i)

BT

(b)(3):10 USC 424

(b)(3):10 USC 424

## CONTROLS

~~CONFIDENTIAL~~ SECTION 01 OF 07~~CONFIDENTIAL~~

(b)(3):10 USC 424

SERIAL: [REDACTED]

/\*\*\*\*\* THIS IS A COMBINED MESSAGE \*\*\*\*\*/

## BODY

COUNTRY: (U) TANZANIA (TZ); BURUNDI (BY); RWANDA (RW);  
DROC (CG); UGANDA (UG).

(b)(3):10 USC 424

SUBJ: [REDACTED] THE FLAGRANT VIOLATIONS OF THE  
PEACE AND RECONCILIATION AGREEMENT FOR BURUNDI (U)  
WARNING: (U) THIS IS AN INFORMATION REPORT, NOT FINALLY  
EVALUATED INTELLIGENCE. REPORT CLASSIFIED~~CONFIDENTIAL~~-----  
DEPARTMENT OF DEFENSE  
-----

DOI: (U) 20011100.

(b)(3):10 USC 424

[REDACTED]  
[REDACTED]  
SUMMARY: (C) PROPAGANDA FROM CNDD CONCERNING VIOLATIONS  
OF THE ARUSHA ACCORD WHICH WAS DISTRIBUTED DURING THE G-7  
CONFERENCE. [REDACTED]

(b)(1); Sec. 1.4(c)

(b)(3):10 USC 424; (b)(3):50  
USC 3024(i)ADDRESSED TO A S.E. YOWERI KAGUTA ((MUSEVENI)), A S.E.  
BENJAMIN WILLIAM ((MKAPA)), A S.E. NELSON ((MANDELA)), A  
S.E. BERHANU ((DINKA)) - WITH COPIES TO S.E. DANIEL T. ARAP  
((MOI)), S.E. PAUL ((KAGAME)), S.E. JOSEPH ((KABILA)), S.E.  
FREDERICK J.T. ((CHILUBA)), S.E. KOFI ((ANNAN)), S.E. ESSI  
((AMARA)), S.E. LOUIS MICHEL, S.E. COLLIN ((POWELL)), M.  
ALDO ((AJELLO)), M. ((WOLPE)), MMES ET M. LES PRESIDENTS  
DES COMMISSIONS, M. LES CHEFS DES DELEGATIONS BURUNDAISES.2. (U) ENCLOSURE TWO IS AN EIGHT-PAGE, LETTER-SIZED  
DOCUMENT WRITTEN IN ENGLISH. THE DOCUMENT IS TITLED  
"FLAGRANT VIOLATIONS OF THE PEACE AND RECONCILIATION  
AGREEMENT FOR BURUNDI" - BEGIN QUOTE -

-- "I. INTRODUCTION -

-- 1. IN THIS MEMORANDUM, THE NATIONAL COUNCIL FOR THE  
DEFENSE OF DEMOCRACY CNDD, SIGNATORY PARTY OF THE PEACE AND  
RECONCILIATION AGREEMENT FOR BURUNDI, ESTABLISHES A NON-  
EXHAUSTIVE LIST OF THE MOST IMPORTANT FLAGRANT VIOLATIONS  
OF THAT FUNDAMENTAL AND SUPREME TEXT IN BURUNDI. IT LISTS  
THE DIFFERENT PROVISION OF THE AGREEMENT, WHICH HAVE BEEN  
VIOLATED, DETERMINES THE NATURE OF THE VIOLATIONS AND  
CLEARLY ESTABLISHES THE RESPONSIBILITIES.

(b)(3):10 USC 424

(b)(3);10 USC 424

-- 2. THE PRESENT MEMORANDUM COVERS THE INTERIM PERIOD. FOR THE PURPOSES OF THIS MEMORANDUM, THE INTERIM PERIOD BEGINS ON 28TH AUGUST 2000, THE SIGNING DATE AND ENDS ON 1ST NOVEMBER 2001, THE DATE WHEN THE TRANSITION STARTS.

-- 3. FOR THE CNDD, AN EVALUATION OF THE INTERIM PERIOD IS VERY IMPORTANT IN ORDER TO SEE WHAT MEASURES CAN BE TAKEN TO IMPROVE THE MONITORING OF THE PEACE PROCESS. SO, THE ORGANIZATION BRINGS THE LISTED VIOLATIONS TO THE ATTENTION OF THE IMPLEMENTATION MONITORING COMMITTEE (IMC) AND THE MEDIATOR. ON THE SAME OCCASION, IT REMINDS AND TO CALL ON THOSE INSTANCES ON THEIR RESPONSIBILITY IN THE MONITORING FOR A JUST AND EQUITABLE IMPLEMENTATION OF THE AGREEMENT.

-- II. NATURE OF THE VIOLATIONS OF THE AGREEMENT AND THE RESPONSIBILITIES -

-- 1. NATURE OF VIOLATION - SERIOUS MODIFICATIONS OF THE AGREEMENT BY FRODEBU AND THE GOVERNMENT DURING THE NIGHT OF 27 TO 28 AUGUST 2000.

-- MODIFIED ARTICLES - ART 1, ART 32.

-- RESPONSIBILITIES - MEDIATION GOVERNMENT, FRODEBU.

-- 2. NATURE OF THE VIOLATION - NON-ADOPTION BY THE SIGNATORY PARTIES OF A TIMETABLE FOR THE IMPLEMENTATION OF THE AGREEMENT AND THE DESIGNATION OF THE PRESIDENT AND VICE-PRESIDENT OF THE TRANSITION IN FLAGRANT VIOLATION OF RELEVANT PROVISIONS OF THE AGREEMENT.

-- BREACHES ON - ART 1, POINT 2, A

-- RESPONSIBILITIES - MEDIATION

-- 3. NATURE OF THE VIOLATION - COUP D'ETAT AGAINST THE AGREEMENT. THE ADOPTION OF A SO-CALLED CONSTITUTION OF TRANSITION BY ONE OF THE SIGNATORY PARTIES - THE NATIONAL ASSEMBLY - AGAINST THE TRANSITIONAL ARRANGEMENT LAID DOWN IN THE AGREEMENT CONSECRATES A REAL COUP D'ETAT AGAINST THE AGREEMENT.

-- AS A MATTER OF FACT, ARTICLE 1 POINT 2, B OF THE PREAMBLE PROVIDES THAT ANY PROVISION OF THE AGREEMENT OR THE PROTOCOLS MAY BE AMENDED PROVIDED FOR IN ARTICLE 21 OF PROTOCOL II, OR PENDING THE ESTABLISHMENT OF THE TRANSITIONAL NATIONAL ASSEMBLY, WITH THE CONSENT OF NINETEENTHS OF THE PARTIES. BEING ONE OF THE NINETEEN SIGNATORY PARTIES, THE PRESENT NATIONAL ASSEMBLY HAS NO COMPETENCE TO MODIFY ALONE THE PROVISION OF THE AGREEMENT. THE PROVISIONS OF ARTICLE 22 POINT 2 PARAGRAPHS 1, B AND C SETS CLEARLY AND UNEQUIVOCALLY THE LIMITS OF THE COMPETENCE OF THAT INSTITUTION.

-- IT STIPULATES THAT -

-- BY ITS SIGNATURE, THE NATIONAL ASSEMBLY AGREES, WITHIN FOUR WEEKS TO -

-- ADOPT THE PRESENT PROTOCOL AS THE SUPREME LAW WITHOUT ANY AMENDMENTS TO THE SUBSTANCE OF THE AGREEMENT.

-- REPEAL THE PROVISIONS OF ANY PREVIOUS LEGISLATION WHICH PREVENT FREE POLITICAL ACTIVITY, OR WHICH WOULD HINDER THE

(b)(3);10 USC 424

IMPLEMENTATION OF THE PRESENT PROTOCOL.

-- PENDING THE INSTALLATION OF A TRANSITIONAL GOVERNMENT ADOPT SUCH LEGISLATION AS NECESSARY FOR THE GRANTING OF TEMPORARY IMMUNITY AGAINST PROSECUTION FOR POLITICALLY MOTIVATED CRIMES COMMITTED PRIOR TO THE SIGNATURE OF THE AGREEMENT.

-- THEREFORE, THE AGREEMENT BEING THE SUPREME LAW OF THE COUNTRY TODAY, IT BECOMES IPSO FACTO THE ONLY FUNDAMENTAL LAW WHICH, COUPLED WITH THE CONSTITUTION OF 13 MARCH 1992, MUST GOVERN THE TRANSITIONAL INSTITUTIONS IN ACCORDANCE WITH ARTICLE 15 POINT 2 OF THE AGREEMENT.

-- THE CONSTITUTIONAL PROVISIONS GOVERNING THE POWERS, DUTIES AND FUNCTIONING OF THE TRANSITIONAL EXECUTIVE, THE TRANSITIONAL LEGISLATURE AND THE JUDICIARY, AS WELL AS THE RIGHTS AND DUTIES OF CITIZENS AND OF POLITICAL PARTIES AND MOVEMENTS, SHALL BE AS SET FORTH HEREUNDER AND, WHERE THIS TEXT IS SILENT, IN THE CONSTITUTION OF THE REPUBLIC OF BURUNDI OF 13 MARCH 1992. WHEN THERE IS ANY CONFLICT BETWEEN THAT CONSTITUTION AND THE AGREEMENT, THE PROVISIONS OF THE AGREEMENT SHALL BE APPROPRIATELY ADOPTED AND PROMULGATED WITHIN BURUNDI WITHIN FOUR WEEKS OF SIGNATURE.

-- BREACHES ON - ART 1, POINT 2, B

-- RESPONSIBILITIES - GOVERNMENT, NATIONAL ASSEMBLY, FRODEBU.

-- PROTOCOL I-

-- 4. NATURE OF VIOLATION - SERIOUS MODIFICATIONS OF THE AGREEMENT BY THE GOVERNMENT AND FRODEBU DURING THE NIGHT OF 27 TO 28 AUGUST 2000.

-- BREACHES ON ART 6, ART 8.

-- RESPONSIBILITIES - MEDIATION, GOVERNMENT, FRODEBU.

-- PROTOCOL II -

-- 5. NATURE OF THE VIOLATION - SERIOUS MODIFICATIONS OF THE AGREEMENT BY GOVERNMENT AND FRODEBU DURING THE NIGHT OF 27 TO 28 AUGUST 2000.

-- BREACHES ON ART 6, 7, 9, 11, 15, 17, 18 21.

-- RESPONSIBILITIES; MEDIATION, GOVERNMENT, FRODEBU

-- 6. NATURE OF VIOLATION - MODIFICATION OF THE DURATION OF THE TRANSITIONAL PERIOD.

-- ARTICLE 13 POINT 2 PROVIDES FOR AN UNDIVIDED 30 MONTHS TRANSITION AND NOT 36 MONTHS.

-- THE IMC DOES NOT PLAY ITS ROLE OF MECHANISM RESPONSIBLE FOR THE GUARANTEE OF THE RESPECT OF THE AGREEMENT IN ACCORDANCE WITH ARTICLE 13 POINT 1.

-- BREACHES ON ARTICLE 13 (1) AND 13 (2)

-- RESPONSIBILITIES - MEDIATION, IMC

-- 7. NATURE OF VIOLATION - ADOPTION OF A TRANSITIONAL CONSTITUTION.

-- THE MODIFICATION OF THE TRANSITIONAL ARRANGEMENTS BY VOTING AND PROMULGATING A SO-CALLED TRANSITIONAL CONSTITUTION IS A VIOLATION OF THE SUPREME LAW OF THE COUNTRY, WHICH IS THE AGREEMENT.

(b)(3):10 USC 424

- BREACHES ON ART 21.
- RESPONSIBILITIES - NATIONAL ASSEMBLY, GOVERNMENT, FRODEBU.
- 8. NATURE OF THE VIOLATION - NON-ABROGATION OF TESTS INCOMPATIBLE WITH THE AGREEMENT.
- THE NATIONAL ASSEMBLY VIOLATES THE PROVISION OF PROTOCOL II FOR NOT HAVING REPEALED THE PROVISIONS OF ANY LEGISLATION WHICH PREVENT FREE POLITICAL ACTIVITY OR WHICH WOULD HINDER THE IMPLEMENTATION OF THE PROTOCOL II BEFORE THE ESTABLISHMENT OF TRANSITIONAL INSTITUTIONS.
- BREACHES ON ART 22, POINT 2, B
- RESPONSIBILITIES - NATIONAL ASSEMBLY
- 9. NATURE OF VIOLATION - NON-ADOPTION OF LAW ON TEMPORARY IMMUNITY.
- THAT NATIONAL ASSEMBLY VIOLATES THAT PROVISION FOR NOT HAVING VOTED A LAW ON TEMPORARY IMMUNITY AGAINST PROSECUTION FOR POLITICALLY MOTIVATED CRIMES COMMITTED PRIOR TO THE SIGNATURE OF THE AGREEMENT. THIS SHOULD HAVE BEEN DONE BEFORE THE ESTABLISHMENT OF TRANSITIONAL INSTITUTIONS.
- BREACHES ON ART 22, POINT 2, C
- RESPONSIBILITIES - NATIONAL ASSEMBLY
- 10. NATURE OF VIOLATION - FORMATION OF THE GOVERNMENT
- THE PRESIDENT AND THE VICE-PRESIDENT DESIGNATED BY THE MEDIATION VIOLATE THAT PROVISION FOR NOT HAVING SUBMITTED TO THE IMC A LIST IDENTIFYING THE MEMBERS OF THE CABINET BEFORE ITS NOMINATION, THE IMC FOR NOT HAVING DENOUNCED SUCH AN ACT CONTRARY TO THE PROVISIONS OF THE AGREEMENT, BECOMING IN THIS WAY ACCOMPLICE OF THAT VIOLATION.
- BREACHES ON ART 22, POINT 4.
- RESPONSIBILITIES - THE PRESIDENT, THE VICE PRESIDENT AND THE IMC.
- 11. NATURE OF THE VIOLATION - FAILURE OF THE IMC.
- ACCORDING TO THE PROVISION OF ART 22, POINT 5, THE IMC ALONE SHALL DETERMINE THE DATE ON WHICH THE TRANSITIONAL NATIONAL ASSEMBLY AND GOVERNMENT SHALL BE INSTALLED.
- THE IMC DECIDES WHETHER THE CONDITIONS REQUIRED FOR THE INSTALLATION OF A TRANSITIONAL GOVERNMENT HAVE BEEN MET.
- THE IMC HAS NEVER INFORMED THE SIGNATORY PARTIES NEITHER OF THE DATE OF THE ESTABLISHMENT OF THE TRANSITIONAL INSTITUTION, NOR THE REQUIRED CONDITIONS FOR THE INSTALLATION OF THOSE INSTITUTIONS AND THE MEDIATION HAS ON SEVERAL OCCASIONS SUBSTITUTED FOR THE IMC.
- BREACHES ON ART 22, POINT 5,
- RESPONSIBILITIES - MEDIATION, IMC.
- 12. NATURE OF THE VIOLATION - FAILURE OF THE GOVERNMENT.
- THE GOVERNMENT HAS NOT COOPERATED WITH CERTAIN SIGNATORY PARTIES FOR ONE THING IT HAS DENIED THEIR MEMBERS TRAVEL DOCUMENTS.
- BREACHES ON ART 22, POINT 6, A.

(b)(3):10 USC 424

(b)(3):10 USC 424

-- RESPONSIBILITIES - GOVERNMENT

-- 13. NATURE OF VIOLATION - FAILURE OF THE GOVERNMENT.

-- THE OUTGOING GOVERNMENT HAS NEVER COMPILED AN INVENTORY OF THE ASSETS OWNED BY THE STATE EXCEEDING THE VALUE OF 200 USD AT THE DISPOSAL OF EACH MINISTRY. THE GOVERNMENT SHOULD HAVE LODGED A COPY OF THE INVENTORY WITH THE IMC AS PROVIDED IN THE AGREEMENT.

-- BREACHES ON - ART 22, POINT 6, B.

-- RESPONSIBILITIES - GOVERNMENT

-- 14. NATURE OF THE VIOLATION - EMBARGO ON CHAPTER III OF PROTOCOL III.

-- THE GOVERNMENT MAINTAINS ITS EMBARGO ON THE CHAPTER III, AND HAS REFUSED TO ADDRESS AN EXPRESS DEMAND TO THE UN SECURITY COUNCIL FOR THE DEPLOYMENT OF OBSERVERS AND MEMBERS OF FORCES OR SECURITY PERSONNEL.

-- BREACHES ON ART 22, POINT D.

-- RESPONSIBILITIES - GOVERNMENT, MEDIATION

-- 15. NATURE OF VIOLATION - NO CONSULTATION IN THE FORMATION OF THE GOVERNMENT.

-- THE PRESIDENT AND THE VICE PRESIDENT DESIGNATED BY THE MEDIATION HAVE VIOLATED THE PROVISION OF THAT ARTICLE BECAUSE THEY HAVE NAMED THE TRANSITIONAL EXECUTIVE WITHOUT PRIOR CONSULTATIONS WITH ALL THE HEADS OF THE PARTIES PARTICIPATING IN THE TRANSITIONAL NATIONAL ASSEMBLY. AT LEAST THE CNDD WAS NOT CONSULTED.

-- BREACHES ON ART 5, POINT 14

-- RESPONSIBILITIES - THE PRESIDENT AND THE VICE-PRESIDENT.

-- PROTOCOL III

-- 16. NATURE OF THE VIOLATION - SERIOUS MODIFICATIONS OF THE AGREEMENT MADE BY THE GOVERNMENT AND FRODEBU DURING THE NIGHT OF 27 TO 28 AUGUST 2000.

-- BREACHES ON ART 3, 5, 8, 14 AND THE ENTIRE CHAPTER III PUT UNDER EMBARGO.

-- PROTOCOL IV

-- 17. COMPOSITION OF THE NATIONAL COMMISSION FOR THE REHABILITATION OF SINISTRES - CNRS.

-- THE GOVERNMENT HAS VIOLATED THAT ARTICLE BY ESTABLISHING OR KEEPING A COMMISSION FOR THE REPATRIATION OF REFUGEES WHICH DOES NOT INCLUDE REPRESENTATIVE OF THE SIGNATORY PARTIES AS PROVIDED IN THE AGREEMENT.

-- BREACHES ON ART 3, A.

-- RESPONSIBILITIES - GOVERNMENT, IMC.

-- 18. NATURE OF VIOLATION - NO REPRESENTATION OF REFUGEES.

-- THE REPRESENTATIVE OF REFUGEES HAVE NOT BEEN ASSOCIATED IN THE TRIPARTITE COMMISSION - HCR, GOVERNMENT, TANZANIA.

-- BREACHES ON ART 3, C.

-- RESPONSIBILITIES - IMC, GOVERNMENT, UNO - HCR.

-- 19. THE CNRS WAS NOT ASSOCIATED IN THE PREPARATION OF AN EMERGENCY PLAN TO BE PRESENTED AT THE DONOR CONFERENCE

(b)(3):10 USC 424

(b)(3):10 USC 424

IN PARIS.

- BREACHES ON ART 17, A.
- RESPONSIBILITIES - MEDIATION GOVERNMENT.
- PROTOCOL V
- 20. NATURE OF VIOLATION - NO RESPECT OF THE TIMETABLE FOR THE IMPLEMENTATION OF THE AGREEMENT.
- THE IMC DID NOT ENSURE THE RESPECT OF THE TIMETABLE FOR THE IMPLEMENTATION OF THE AGREEMENT.
- BREACHES ON ART 3, POINT 1, B.
- RESPONSIBILITIES - MEDIATION, IMC.
- 21. THE DESIGNATION OF A MEMBER OF THE IMC, REPRESENTING THE G7 AND THE DESIGNATION OF MEMBERS REPRESENT THE G7 IN THE EXECUTIVE COUNCIL OF THE IMC VIOLATES THE DECISION TO EMEND THE AGREEMENT ON THE COMPOSITION OF THOSE 2 ORGANS AS WELL AS THE MODE OF DECISION MAKING PROVIDED BY THE AGREEMENT IN ITS ARTICLE 1 OF THE INTRODUCTORY PART AND BY THE GENERAL RULES OF NEGOTIATIONS.
- BREACHES ON ART 3, POINT 2.
- RESPONSIBILITIES - IMC
- 22. THE GOVERNMENT HAS NOT YET ADDRESSED TO THE UNO A DEMAND OF AN INTERNATIONAL PEACE KEEPING FORCE.
- BREACHES ON ART 8.
- RESPONSIBILITIES - GOVERNMENT.
- 23. BESIDES THE MEDIATOR, THE DONORS CONFERENCE SHOULD HAVE BEEN ORGANIZED BY THE TRANSITIONAL GOVERNMENT AND THE IMC AND NOT THE OUTGOING GOVERNMENT-SIGNATORY OF THE AGREEMENT.
- BREACHES ON ART 9.
- RESPONSIBILITIES - MEDIATION.
- 24. SERIOUS MODIFICATION OF THE AGREEMENT MADE BY THE GOVERNMENT AND FRODEBU DURING THE NIGHT OF 27 TO 28 AUGUST 2000.
- BREACHES ON ART 3, POINT 2.
- RESPONSIBILITIES - GOVERNMENT MEDIATION. FRODEBU.
- CONCLUSION -
- IN VIEW OF THE ABOVE LISTED VIOLATIONS OF THE AGREEMENT AND AT THE RISK THAT THIS FUNDAMENTAL TEXT MIGHT LOOSE ITS SUBSTANCE AND THEREFORE ITS POLITICAL AND SOCIAL IDEAL WHICH IT INCARNATES FOR THE PEOPLE OF BURUNDI, THE CNDD -
- NOTE THE URGENCY OF CONVENING AND HOLDING, WITHOUT DELAY, A GENERAL ASSEMBLY OF SIGNATORIES IN COMPLIANCE WITH ARTICLE 1, POINT 2, A AND B OF THE INTRODUCTORY PART IN ORDER TO FIND A SOLUTION TO ALL UNRESOLVED QUESTIONS BEFORE THE SIGNATURE OF THE AGREEMENT, NOTABLE THE QUESTIONS RELATED TO THE SECURITY FOR ALL, THE TIMETABLE OF THE TRANSITION, THE EVENTUAL INTEGRATION OF THE PROPOSALS OF THE HEADS OF STATE OF THE REGION, THE QUESTIONS OF RESERVATIONS, ETC.
- FINDS THESE VIOLATIONS SERIOUS, UNACCEPTABLE AND UNJUSTIFIABLE.

(b)(3):10 USC 424

(b)(3);10 USC 424

-- HAS DECIDED TO ENTER INTO THE TRANSITIONAL GOVERNMENT  
WITH THE INTENTION OF STOPPING THESE VIOLATIONS AND

(b)(1); (b)(3);10 USC  
424; Sec. 1.4(c)

(b)(3);10 USC 424

(b)(3);10 USC 424