UNAMIR

SECTOR 3B AND 4B, BUTARE

FORCE COMMANDER'S DIRECTIVES

30 AUG 1994 – 7 AUG 1995

[1 CONFIDENTIAL]

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UNITED NATIONS
ASSISTANCE MISSION IN RWANDA

UNAMIR-MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

File: 5000. 1 (Plans)

To: See Distribution

From: FC

Date: 7 Aug 95

Subject: **SECTOR COMMANDERS**

References:

A. FRAGO 18 to OPORDER 20 dated 29 Jun 95

B. Annex A to UNAMIR SOPs Part 2 dated 24 Jul 95

1. Effective 3 Aug 95 the new UNAMIR sectors were adopted as per Reference A.

2. The five sectors are now commanded by the Commanding Officers of the four independent companies and the one battalion. All references to subsectors by MILOB GP HQ are for internal administration only. All sector MILOBs are under direct command and control of the formed troop Commanding Officer.

3. The command and control structure of UNAMIR may be referred to at Reference B.

Distribution List

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MILOBS SECTOR 4B HQ-BUTARE

FOR ALL MILOBS TO READ AND SIGN.

DATE---22 May 95---

01. LT COL ABUBAKAR I. ---
02. LT COL SALIA K. ---
03. MAJ. YAMUKUENDA T. ---
04. MAJ. BARRABINO G. ---
05. MAJ. DRAME M. ---
06. MAJ. MAHAMA 1. ---
07. MAJ. ZEMANEK B. ---
08. MAJ. ADEKAGUN L. ---
09. MAJ. KAMPILA M. ---
10. MAJ. ATIQ Z. ---
11. MAJ. ALAM S. ---
12. MAJ. GANGOUE M. ---
13. MAJ. NGONYA-MOKE A. ---
14. MAJ. RAHMAN M. ---
15. CAPT ARKORFUL K.K. ---
16. CAPT BABILAH S. ---
17. CAPT CAMARA S.F. ---
18. CAPT CAMARA S.I. ---
19. CAPT DEMBELE N. ---
20. CAPT GASSER M. ---
21. CAPT ZULU M. ---
22. CAPT ANDERSON T.N. ---
23. CAPT YUSUF S. ---
24. CAPT GIL R. ---
25. CAPT NELSON M. ---
26. CAPT DLAMINI T. ---

others

27. CAPT BIDALA S.C. ---

SECTOR 4B MILOBS Ops (FC Direct file)

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ASSISTANCE MISSION IN RW[redacted] MISSION POUR [redacted]ISTANCE AU RWAN[redacted]

UNAMIR - MINUAR

File No 5000.45 (PLANS)

To: Distribution List

From: A/DCOS OPS

Date: 17 May 95

Subject: [redacted]

Reference: A. 5000.45 (PLANS) dated 8 May 95 (enclosed)

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1. The Force Commander's directive on the legal jurisdiction applicable to UNAMIR and Rwandan authorities has been revised in order to clarify UNAMIR's legal jurisdiction with respect to witnesses, members of the Rwandan Patriotic Army, Rwandan nationals, NGOs and visitors.

2. Reference A outlines the changes made to the previous version of the directive.

3. You are requested to disseminate this document to all personnel.

Enclosures: 2

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UNITED NATIONS NATIONS UNIES
ASSISTANCE MISSION IN RWANDA MISSION POUR L'ASSISTANCE AU RWANDA
UNAMIR - MINUAR

File No 5000.45 (PLANS)

To: FC Approved/~~Not Approved~~ 16.5.95

From: G3 PLANS

Through: DCOS OPS Recommended/ ~~Not Recommended~~ 8.5.95

COS Recommended/ ~~Not Recommended~~ 08/5

DFC Recommended/ ~~Not Recommended~~ 09 May 95

Date: [redacted] May 95

Subject: [redacted] JURISDICTION [redacted] AND RWANDAN AUTHORITIES

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1. This Directive has been revised in order to clarify UNAMIR's legal jurisdiction with respect to witnesses, members of the Rwandan Patriotic Army (RPA), Rwandan nationals, NGOs and visitors.

2. <u>Overview of the proposed changes</u>: A paragraph concerning witnesses has been added (para 9). Protection is to be extended to witnesses if their circumstances fall within the mandate and/or it is considered that a moral obligation exists. A new section has been added that deals directly with Rwandan Patriotic Army (RPA) soldiers (paras 9, 10 and 11). Protection is not to be extended to RPA soldiers. UNAMIR is authorised to liaise with appropriate authorities should the person seeking protection request UNAMIR assistance. The person is to treated as a detainee and be allowed to leave the premises at any time. In Annex C the blanket authority for UNAMIR personnel to automatically use force should Rwandan authorities attempt to use force to take custody of personnel of NGOs or visitors has been removed.

3. It is requested that you accept the revised Directive and provide your approval.

UNITED NATIONS NATIONS UNIES

ASSISTANCE [redacted] IN R[redacted] [redacted] UR L'ASSISTANCE AU RWANDA [redacted]

UNAMIR - MINUAR

File No 2000-1 (FC)

16 May 1995

Distribution List

[redacted] LEGAL JURISDICTION [redacted] RWANDAN AUTHORITIES

References: A. UNAMIR SOPs, Part 3, Section 17, Rules of Engagement dated 17 March 1995.
B. FC Directive on Conduct, Dress and Weapon Carriage Policy dated 26 April 1995.

INTRODUCTION

1. This updated Directive is effective on receipt and cancels the earlier version which was issued on 31 January 1995. It has the support of the SRSG's office, ICRC and UNHRFOR.

GENERAL

2. In the conduct of their duties, UNAMIR personnel may be required to hand over individuals to the Government of Rwanda. This hand over may occur as a result of Rwandan authorities seeking legal jurisdiction over foreign or Rwandan nationals.

DEFINITIONS

3. The following definitions shall apply to this Directive:

a. "Appropriate authority", at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.

b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as part of UNAMIR.

c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 7d and 7e below.

d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.

e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.

f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or in civilian clothes for official functions (see Reference B).

g. "UNHRFOR" is the United Nations Human Rights Field Operations in Rwanda.

h. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises.

AIM

4. The aim of this Directive is to outline the procedures for handing over individuals or groups of people to the Rwandan authorities.

FOREIGN NATIONALS AND RWANDAN JURISDICTION

5. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:

a. SRSG, Force Commander and the Police Commissioner of CIVPOL;

b. UN civilian officials assigned to the civilian component to serve with UNAMIR;

c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");

d. military personnel of national contingents who are part of UNAMIR;

e. personnel of UN specialised agencies;

f. personnel of NGOs; and

g. visitors.

6. The legal status of these categories of personnel and the hand over procedures for them are detailed at Annexes A and C respectively.

RWANDAN NATIONALS AND RWANDAN JURISDICTION

7. Rwandan authorities may seek jurisdiction over the following categories of Rwandan nationals:

a. Locally recruited personnel who are working for the UN.

b. Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces.

c. Rwandans who seek UNAMIR protection because they are, or they believe that they are, at risk.

d. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or a hostile intent (as defined in Reference A) against:

(1) Ones's self and the personnel in one's unit,

(2) other UNAMIR military or civilian personnel,

(3) non-UNAMIR humanitarian aid personnel,

(4) displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces,

(5) other UN-authorized military or civilian personnel; and

e. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A).

8. The legal status and hand over for Rwandan nationals is at Annexes A and D respectively.

9. Witnesses. Rwandan nationals who request the protection of UNAMIR because they have witnessed and/or have been the subject of serious physical abuse may be provided with such protection if their circumstances fall within the mandate and/or it is considered that a moral obligation exists for the provision of such assistance. The decision to offer such assistance will only be provided by the express authorization of UNAMIR HQ. A request for such assistance should be made as soon as possible after the initial request is made.

10. Any person in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

MEMBERS OF THE RWANDAN PATRIOTIC ARMY (RPA)

11. It is not within the mandate of UNAMIR to provide protection to members of the RPA. Should a member of the RPA seek protection the member is to be advised that protection will not be given.

12. Should the person seeking protection request the assistance of UNAMIR to liaise with the appropriate RPA authority for his handover, he should be informed that UNAMIR is unable to provide protection and HQ UNAMIR is to be informed in order to coordinate all actions. HQ UNAMIR will ensure that the appropriate local and UNAMIR RPA Liaison officer are informed.

13. The person seeking protection is not to be treated as a detainee and as such may have leave UNAMIR property at any time.

G.C. Tousignant
Major-General
Force Commander

Annexes:

Annex A - Foreign Nationals and Rwandan Jurisdiction
Annex B - Rwandan Nationals and Rwandan Jurisdiction
Annex C - Procedures for Handing Over Foreign Nationals
Annex D - Procedures for Handing Over Rwandan Nationals
Annex E - Prosecutors Offices in Rwanda
Annex F - ICRC Representatives In Rwanda
Annex G - Hand Over Proforma

DISTRIBUTION LIST (Page 5)

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ANNEX A TO
2000-1 (FC)
DATED 18 MAY 95

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	SRSG, FC, Police Comm of CIVPOL	. Accorded diplomatic immunity and privilege under International Law.	. Not to be handed over to Rwandan authorities under any circumstance.
2.	UN Civilian officials assigned to the Civilian Component to serve with UNAMIR	. Immune from legal process for all acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the SRSG.
3.	UNMO, CIVPOL and Consultants	. Immune from legal process for all acts performed by them in their official capacity. . Immune from personal arrest or detention and seizure of their personal baggage	. Only to be handed over with the concurrence of the FC and/or the SRSG.
4.	Military Pers of National Contingents who are a part of UNAMIR	. Immunity from legal process in respect of acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the FC and the Contingent Commander.
5.	Personnel of UN Specialist Agencies	. Immunity from legal process in respect of acts performed by them [illegible] capacity.	. Only to be handed over with the concurrence of the head of the Agency.
6.	Personnel of NGOs	. No immunity unless they have entered in to a bilateral arrangement with the Rwandan Government.	. To be handed over on demand of proper legal authority with the concurrence of the head of the NGO.
7.	Visitors	. No immunity from legal process in respect of acts performed by them in their official capacity.	. To be handled over on demand of proper legal authority.

ANNEX B TO
2000-1 (FC)
DATED 16 MAY 95

RWANDAN NATIONAL AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	Locally recruited personnel	. Immune from legal process in respect of all acts performed by them in their official capacity. Note: This protection does not extend to acts committed before their employment with the UN.	. Only to be handed over with the concurrence of the SRSG.
2.	Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR	. Under Protection as stated in ROE in Reference A.	. Only to be handed over at an office of the prosecutor.
3.	Rwandan National seeking protection because at risk	. Under the protection as stated in ROE in Reference A.	. Only to be handed over on the concurrence of the FC and the person seeking protection (unless the person refuses to leave UN premises) at an office of the prosecutor.
4.	Rwandan National detained by UNAMIR authorities	. Treat humanely.	. Only to be handed over at an office of the prosecutor.

ANNEX C TO
2000-1 (FC)
DATED 16 MAY 9[illegible]

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

CIVILIAN ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR

1. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR, and the International Committee of the Red Cross (ICRC) and UNHRFOR must be notified. HQ UNAMIR is to dispatch Military Police (MP).

2. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

3. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.

4. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

5. A report detailing the following is to submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person was accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the handover and if not, why not.

UNMOs, CIVPOL AND EXPERTS ON MISSION

6. As soon as Rwandan authority seeks legal jurisdiction over an UNMO, CIVPOL or an Expert on Mission, the FC or his representative, the SRSG or his representative and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site. The Rwandan authority is to be reminded that these members are, under Rwandan and International law, immune from arrest, detention or the seizure of their baggage.

7. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of an UNMO, CIVPOL or an Expert on Mission unless the FC and/or the SRSG has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

8. If the Rwandan authority(s) uses force to attempt to take custody of the UNMO, CIVPOL or Expert on Mission, UNAMIR troops are authorised to use force in accordance with Reference A.

9. If authority is given for the hand over, the UNMO, CIVPOL or Expert on Mission must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the handover. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made

10. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers G3 Ops, and the Force Provost Marshal :

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

MILITARY PERSONNEL OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR

11. A soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating states in respect of any criminal offenses which may have been committed by them in Rwanda.

12. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of another UNAMIR soldier unless the FC and the appropriate contingent commander have given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

13. If the Rwandan authority(s) uses force to attempt to take custody of the UNAMIR soldier, UNAMIR troops are authorised to use force in accordance with Reference A.

14. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

15. A report detailing the following is to be submitted to UNAMIR HQ, attention J1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PERSONNEL OF UN SPECIALISED AGENCIES

16. As soon as a Rwandan authority seeks legal jurisdiction over a member of a UN specialised agency, the SRSG or his representative, the appropriate head of agency and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

17. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of a UN specialised agency unless the SRSG and the appropriate head of the agency have given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

18. If the Rwandan authority(s) uses force to attempt to take custody of a member of a UN specialised agency, UNAMIR troops are authorised to use force in accordance with Reference A.

19. If authority is given for the handover, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

20. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall and the UN agency concerned:

a. name of person handed over and the agency they work for,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PERSONNEL OF NGOS

21. As soon as a Rwandan authority seeks legal jurisdiction over a member of an NGO, HQ UNAMIR, the appropriate head of the NGO agency and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

22. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of an NGO unless the appropriate head of the NGO has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

23. If authority is given for the handover, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

24. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over and the NGO they work for,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

VISITORS

25. As soon as a Rwandan authority seeks legal jurisdiction over a visitor, HQ UNAMIR, UNHRFOR and the ICRC should be notified. HQ UNAMIR is to dispatch MP to the site.

26. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a visitor providing the proper legal authority is identified as having legal authority (ie Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

27. If possible the person should be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The pro forma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

28. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over and their affiliation or nationality,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

ANNEX D TO
2000-1 (FC)
DATED 16 MAY 95

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

LOCALLY RECRUITED PERSONNEL

1. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. UNHRFOR is to be notified immediately.

2. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

3. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.

4. UNHRFOR is to be permitted to speak to the locally recruited person.

5. If authority is given for the hand over, the person must be taken to the appropriate Prosector's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours with out UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

6. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

REFUGEES, DISPLACED PERSONS AND CIVILIANS IN SITES OR AMONG POPULATIONS UNDER THE PROTECTION OF UNAMIR.

7. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

8. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR unless the FC has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

9. If the Rwandan authority(s) uses force to attempt to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

10. UNHRFOR is to be permitted to speak to the refugee, displaced persons, and/or civilian.

11. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours without UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

12. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

RWANDANS SEEKING PROTECTION OF UNAMIR

13. Any Rwandan Civilian who seeks protection of UNAMIR troops is to afforded that protection. UNAMIR HQ is to be notified immediately to the circumstances surrounding the protection. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s). UNHRFOR is also to be notified immediately.

14. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of the Rwandan seeking protection unless the FC has given permission for this to occur.

15. If the Rwandan authority(s) use force to attempt to take custody of the Rwandan, UNAMIR troops are authorised to use force in accordance with Reference A.

16. The Rwandan who has sought protection should be notified as soon as possible that he can only be protected by UNAMIR on a temporary basis No UNAMIR member should undertake to protect the person indefinitely. UNAMIR may give protection for 24 hours. This period may only be extended with the permission of UNAMIR HQ. It must be explained to the Rwandan authority(s) that one condition of affording protection is that he is handed over to the nearest Office of the Prosecutor. The national is to be informed that he should explain his case to the Prosecutor.

17. UNHRFOR is to be permitted to speak to the individual seeking protection.

18. If the person decides to be handed over to the nearest Office of the Prosecutor (details of these offices are at Annex E). the ICRC are to be notified as far in advance as possible and, if possible, are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours without UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

19. If the person seeking protection does not want to be handed over to the Office of the Prosecutor, UNAMIR is to allow the individual to leave the site that he has sought protection in. If the person refuses to leave he should be told that UNAMIR has no option but to take him to the Office of the Prosecutor.

20. If there is a Rwandan authority(s) seeking custody of the national, that authority should be notified that the person will be handed over as soon as possible to the nearest Office of the Prosecutor.

21. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of the person seeking protection,

b. location where the person sought protection,

c. crime person accused of,

d. name of the UNAMIR person who provided the protection,

e. circumstance/reason why person sought protection,

f. date, time and place the person seeking protection was handed to the Office of the Prosecutor, and

g. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

PERSONS DETAINED BY UNAMIR TROOPS /

22. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principals of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s).

23. The detainee(s) is to be told the reason for his detention.

24. They are to be identified and their personal details recorded. The reason for the detention is also to be recorded.

25. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. A detainee is to be kept in custody for no more than 24 hours unless they have the permission of UNAMIR HQ. Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees.

26. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).

27. The ICRC (if possible) and the UNHRFOR are to be notified and present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

28. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised office for the processing and handing over of detainees in Rwanda.

29. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

a. name of the detainee,

b. location where the person was detained,

c. crime person accused of,

d. name of the UNAMIR person who detained the detainee,

e. date, time and place the detainee was handed to the Office of the Prosecutor, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

ANNEX E TO
2000-1 (FC)
DATED 16 MAY 95

PROSECUTOR OFFICES IN RWANDA

TOWN	PROSECUTOR'S NAME	ADDRESS
KIBUNGO	MUSHUMBA, Jean Baptiste	
KIGALI	NSANZUWERA, Sylere	
RWANAGANA	GATAMBIYE, Cyprien	
KIBUYE	TUYISENGE, Celestin	
GITARAMA	KAYIBANDA, Simon	
NYANZA	HARELIMANA, Callixte	
BUTARE	HAVUGIYAREMYE, Aloys	
GIKONGORO	NYANDWI, Viateur	
CYANGUGU	HARERIMANA, Charles	
GISENYI	UWIYINGOMA, David	
RUHENGERI	MUSUHUKE, François	
BYUMBA		

NOTE: It is the duty of all Sector Commanders to know exactly where the above offices are located.

ANNEX F TO
2000-1 (FC)
DATED 16 MAY 95

ICRC REPRESENTATIVES IN RWANDA

TOWN	ICRC REPRESENTATIVE	ADDRESS
KIBUNGO	Francois SENECHAUB	
KIGALI	Laurent FELLAY	
RWANAGANA	Francois SENECHAUB	
KIBUYE	Cristophe LOSEY	
GITARAMA	Laurent FELLAY	
NYANZA	Fereydoun AALAU	
BUTARE	Aalame FEREYDOUN	
GIKONGOR	Franz RUSCHENSTEIN	
CYANGUGU	Iris WITTNER	
GISENYI	Johanna GROBASH	
RUHENGERI	Johanna GROBASH	
BYUMBA	Hugo GISLER	

NOTE: It is the duty of all Sector Commanders to know exactly where the above offices are located.

ANNEX G TO
2000-1 (FC)
DATED 16 MAY 95

HAND OVER PROFORMA

I, _____(1), A MILITARY MEMBER OF
UNAMIR/MINUAR HAVE HANDED OVER_____(2)
TO THE OFFICE OF THE PROSECUTOR OF _____(3)
AT _____(4)

SIGNED THIS DAY _____ OF _____ 199___

UNAMIR	**OFFICE OF THE PROSECUTOR**

(1) Insert here the name of the UNAMIR person conducting the hand over.

(2) Insert here the name of the person being handed over.

(3) Insert here the name of the Prosecutor's Office.

(4) Insert here the time of hand over.

ops (FC Directives file)

UNITED NATIONS NATIONS UNIES
ASSISTANCE MISSION IN RWANDA MISSION POUR L'ASSISTANCE AU RWANDA
UNAMIR - MINUAR

File No 5000.45 (PLANS)

To: Distribution List

From: A/DCOS OPS

Date: 22 May 95

Subject: FC's DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES

Reference: A. 5000.45 (PLANS) dated 17 May 95

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1. Page 2 to Reference A outlines the changes made to the previous version of the directive.

2. Page 2, paragraph 2, seventh sentence should read, "*The person is not to be treated as a detainee and be allowed to leave the premises at any time*". No changes are required to the text of the Directive.

3. Please amend your copy to reflect this change.

DISTRIBUTION LIST:

Action:

Lists B, D
HRLO/UNHRFO
CISS
CCPO
STO
CSO
MCC
CITMM
BMES
CCO

Information:

Lists A and E

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TO : SEE DISTRIBUTION FILE NO : MILOB/ADM/6401.13

FROM : MILOBS GP HQ DATE : [redacted]

SUBJECT : STANDING OPERATING PROCEDURES ON REPORTING, INVESTIGATION, AND BOARD OF INQUIRY

1. Attached is a copy/ copies of the Administrative Instruction 005/95/ REV.1 being the Standing Operating Procedures on reporting, investigations and Boards of Inquiry as amended.

2. Administrative Instruction 005/95/REV.1 supersede Administrative Instruction 005/94. The revised version adds the new paragraph 2, and makes a number of typographical corrections regarding references to the Field Adminstration Manual.

3. Please ensure that all MILOBS read this procedures.

KHONDAKER SAIFUZZAMAN

MILOBS SECTOR 4B / BUTARE

!!! FOR ALL MILOBS FOR KNOWLEDGE AND ACTION !!!

Date: 01 /04 /95

01. LtCol I. ABUBAKAR (Sec Cmdr):
02. LtCol K. SALIA (Dep Sec Cmdr):
03. SqnLdr B. ANTWI (Ops Offr):
04. Capt R. GIL (Pers/Log/Hum):
05. Maj L. ADEKAGUN:
06. Maj G. BARRABINO:
07. Maj M. DRAME:
08. Maj I. MAHAMA:
09. Maj T. YAMUKUENDA:
10. Maj B. ZEMANEK:
11. Capt K. K. ARKORFUL:
12. Capt S. F. CAMARA:
13. Capt S. I. CAMARA:
14. Capt N. DEMBELE:
15. Capt M. GASSER:
16. Capt M. ZULU:
17. Capt S BASILA
18. Capt S YUSUF

File where to be kept: Ops / Log / Pers / Others CMO Direct

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II. INVESTIGATIONS

4. Upon receiving a report of any incident referred to in paragraphs 1, 6 and 7 herein, the Force Provost Marshall (FPM)/CMPO or CCSO at mission headquarters shall immediately carry out a complete investigation in order to obtain and record all factual evidence before it becomes obliterated. Commanding officers or civilian section chiefs, as appropriate, shall ensure that the scene of any serious accident/incident within their area of responsibility is protected until the arrival of the appropriate authorities and that objects that might be useful as evidence are not disturbed.

5. In all cases the investigating officers must, to the extent possible, commence investigations promptly and complete them before the individuals involved and any witnesses leave the mission area due to rotation or repatriation. Priority shall be given to reports on incidents/accidents involving death, serious injury, or major property damage or loss. Completed investigation reports shall have the following documents attached:

(a) Statements from all personnel involved and witnesses to the accident/incident, as well as English translations of the same;

(b) Medical reports on all injured parties (and, in the case of a fatality, the death certificate and any autopsy report);

(c) Results of any tests taken to determine whether the U.N. driver was physically impaired at the time of the accident/incident;

(d) Damage/Discrepancy reports on all damaged vehicles;

(e) Technical inspection reports on any U.N. or contingent-owned weapons involved in the accident/incident; and

(f) Sketches, maps and photographs relating to the accident/incident.

6. In accordance with the Field Administration Manual, the following, and similar others, are considered serious incidents/accidents:

(a) those in which a member of a mission dies or is seriously injured as a result of an incident, suspected misconduct on his/her part, or wilful act(s) or gross negligence on the part of another member of the mission or any other person;

(b) those in which serious injury or death is caused to a third party in a case involving a mission member;

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(c) those in which a third party incurs serious loss or damage in an incident involving a member of the mission;

(d) cases involving major property loss or damage to UNAMIR and contingent-owned property, including that resulting from suspected negligence, unsatisfactory control or accounting procedures, fire, explosion or similar occurrence other than in the course of operational activities, or that occurring in any other circumstances where responsibility for the loss or damage is unclear;

(e) members from different contingents are involved;

(f) the Head of Mission/SRSG considers the incident serious enough to warrant investigation by a Board of Inquiry.

7. Incidents/accidents in which

(a) a civilian or military member of the mission suffers minor injuries;

(b) a third party suffers minor injuries or incurs damage or loss to property involving civilian or military members of the mission;

(c) there is minor loss or damage to UNAMIR or contingent-owned property.

shall constitute minor incidents/accidents within the meaning of sub-paragraph 1.2 of paragraph 1.0 of Part IV of Chapter 16 of the Field Administration Manual.

8. In view of the need to avoid wasting MP/CivPol/CCSO resources investigating minor accidents and petty thefts of vehicle mirrors, wipers, etc., driver accident/theft reports (DARs), after scrutiny by the Chief Transport Officer (CTO), shall suffice. However, such reports shall be distributed as if they were MP/CivPol/CCSO reports, and shall be the basis for the issuance by the Military Police of Final Traffic Accident Reports containing: a copy of the Damage Discrepancy Report; a Minor Theft Report; a copy of the Driver's Accident Report; and a memorandum from the Military Police. The Military, Civilian Police, and Civilian components shall prepare Summary Disposal Reports only for those cases in which the amount of damage or loss is $1500 or less. And since all cases in which the amount of damage or loss is $400 or less are dealt with by summary disposal irrespective of liability, such cases shall therefore be sent by the Legal Officer directly to the Local Property Survey Board for its action subject to a record of such cases being kept by the Boards of Inquiry Unit.

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III. BOARDS OF INQUIRY

9. The DOA/CAO shall initiate board of inquiry action immediately upon receipt of an investigation report, in all cases whether involving members of formed military units, non-formed military units, Civilian Police, or civilian members of the Mission.

10. All serious incidents/accidents referred to in paragraphs 1, 6 and 7 above involving civilian staff, members of the Civilian Police (Civpol), members of formed and non-formed military units, shall be investigated by Headquarters Boards of Inquiry constituted in accordance with the knowledge and expertise required by each case. The appointed chairpersons for such boards shall be senior civilian/military officials. Therefore the requirement for Contingent Boards of Inquiry within the meaning of paragraph 1.0, sub-paragraph 1.1 (serious cases) of Part IV of Chapter 16 of the Field Administration Manual is hereby waived.

11. Headquarters Boards of Inquiry referred to in paragraph 10 shall be convened by the SRSG in all cases referred to in paragraph 6 above.

12. Boards of Inquiry (Standing or not) shall be convened upon the order of the DOA/CAO in all cases referred to in paragraph 7 above, and shall be constituted in accordance with the particular knowledge and expertise required for each case.

IV. CONVENING ORDERS FOR BOARDS OF INQUIRY, AND THE COMPOSITION OF THE MEMBERSHIP THEREOF

13. A Board of Inquiry shall commence upon the Convening Order of the Head of the Mission (or his delegate) who also appoints three responsible individuals from among the mission staff as members of the board, and specifies the board's terms of reference. The following model convening orders for the different boards of inquiry are provided in Annexes A, B, C and D hereto:

(a) Model Convening Order for a Headquarters Board of Inquiry in respect of serious accidents/incidents;

(b) Model Convening Order for a Standing Headquarters Board of Inquiry in respect of serious accidents/incidents; and

(c) Model Convening Order for a Board of Inquiry in respect of paragraph 6 cases.

(d) Model Convening Order for a Standing Board of Inquiry in respect of paragraph 6 cases.

14. The DOA/CAO and the Chief Finance Officer (CFO) are considered permanent members of all Constituted Boards of Inquiry and may attend meetings as they desire and consider necessary. They are to be given notice of all meetings. The Chief Civilian Personnel Officer (CCPO) shall appoint a civilian secretary to each such board.

15. Any appointed member who is unable to serve due to unforeseen circumstances must immediately inform the DOA/CAO/CMPO as appropriate. In view of the requirements in paragraphs 3 and 4 hereto for speedy investigations in order to guard against the destruction of evidence and the departure of witnesses from the mission area before investigations are concluded, the chairpersons, members and advisers of a Board of Inquiry shall not proceed on other missions or on leave until the Board's report has been completed and submitted.

16. Once a Board has been convened the chairperson, upon receipt of the convening order, shall immediately contact the Legal Officer/the DOA/CAO who shall provide an initial briefing. The Legal Officer/the DOA/CAO shall review the final draft of the report prior to its submission to the Head of Mission for consideration and comment. The chairperson shall regularly advise the Legal Officer/the DOA/CAO of the Board's progress and submit the final draft report for his/her review one week prior to the designated deadline.

17. United Nations staff members may be ordered to appear and testify as witnesses before a Board of Inquiry, as may members of national military or civilian contingents. Any other persons, including local citizens and local police or military officers, may be requested to make statements before a Board or answer its questions but are under no obligation to do so.

18. Witnesses shall be questioned individually by the Board and in the absence of other witnesses, so that information received from one may be compared with that received from others. If necessary, witnesses who have provided information may be questioned again by the Board to clarify any ambiguities in their statements and to indicate to what extent, if any, they have knowledge of relevant facts not mentioned in their initial statements.

19. If a witness refuses to make a statement to the Board, the Board shall record that fact, and shall be obliged to explain any omissions in questioning identified witnesses.

20. If feasible and deemed useful, the chairperson and members of the Board shall visit the scene of the accident/incident and note any important observations that could have a bearing on the determination of the case.

21. A Board of Inquiry does not consider questions of compensation or legal liability.

22. Administrative procedures for a headquarters Board of Inquiry are set out in Annex G to this instruction.

V. FINDINGS OF A HEADQUARTERS BOARD OF INQUIRY

23. A Board shall reach its findings only after it has considered all the evidence, and such findings shall be based on and supported by the evidence contained in the report. If there is conflicting evidence as to a matter on which a finding is required, the Board shall, if it prefers one version, explain the preference.

24. A Board shall make at least the following findings relating to the incident under investigation:

a. Findings required concerning death or injury (cases other than motor vehicle accidents)

i. full name of deceased or injured person;

ii. time, date and place death or injury occurred;

iii. cause of death or injury;

iv. whether any person was responsible for the death or injury;

v. if so, identification of person(s) responsible;

vi. whether any court action (prosecution or law suit) has been initiated;

vii. whether deceased or injured person was on United Nations duty at the time of the incident;

viii. whether and when hospitalized, if appropriate;

ix. identification of Military Police (MP) who investigated the incident (attach copy of the MP report);

x. whether any United Nations regulations, rules, orders or instructions were contravened

b. <u>Findings required concerning motor vehicle accidents</u>

i. time, date and place of accident;

ii. identification of vehicle(s) involved;

iii. identification of persons involved (drivers, passengers and pedestrians

iv. identification of person(s) injured;

v. weather, lighting and road conditions;

vi. cause of the accident;

vii. identification of person(s) responsible;

viii. identification of damage to vehicles and other property

ix. identification of MP who investigated (attach copy of the MP report);

x. actual or estimated cost of repairs to vehicle(s) involved

xi. names and addresses of insurers of vehicle(s) involved, if any;

xii. whether or not the United Nations driver was on duty at the time of the accident (if applicable);

xiii. if possible to ascertain if the driver was sober.

c. Findings required concerning damage to or loss of equipment

i. time and date that damage or loss was discovered;

ii. to whom, by whom, and when the loss was reported;

iii. who was responsible for custody of the equipment;

iv. the value of missing article(s) or cost of repairing equipment;

v. name and address of insurer, if any;

vi. whether theft is suspected and whether security authorities were notified (if so, identify security officer).

VI. THE REPORT AND RECOMMENDATIONS OF A HEADQUARTERS BOARD OF INQUIRY

25. The format for the report of a Headquarters Board of Inquiry is shown in Annex F.

26. The recommendations of a Board shall deal with any action that in the opinion of the Board should be taken by United Nations authorities, for example action to avoid the recurrence of an incident, such as specific additional safety precautions, or legislative or administrative action such as amending regulations, rules or instructions.

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27. The chairperson shall submit a typed draft report, together with all necessary documents and attachments, for review by the Legal Officer for the DOA/CAO.

28. After review the report shall be finalized. The Legal Officer shall prepare for the DOA/CAO, in consultation with the chairperson of the Board, a memorandum to the Head of Mission presenting the Board's report and any comments thereon.

VII. REVIEW OF REPORT BY HEAD OF MISSION AND CLOSURE OF FILE

29. The Head of Mission shall review the report in consultation with the appropriate technical personnel on his staff (e,g. Legal Officer, Medical Officer). When transmitting the report to United Nations Headquarters (Office for Special Political Affairs and the FOD) he/she shall indicate whether he/she has accepted the recommendations of the Board and what measures have been taken to implement them, along with his/her own comments on them and, if necessary, on the report in general.

30. Any recommendations submitted for the Head of Mission's decision, together with his/her comments thereon, shall be communicated to the DOA/CAO who shall request appropriate action from the staff concerned in the DOA/CAO's Office or from the Commanding Officer concerned.

31. The Board of Inquiry file shall be closed after the Head of Mission has forwarded copies of the Board's report to United Nations Headquarters. However, the file and all relevant documentation shall be retained in the mission archives indefinitely.

VIII. REPORTS OF NON-HEADQUARTERS BOARDS OF INQUIRY (WHETHER STANDING OR NOT)

32. Reports of ordinary boards of inquiry in respect of matter referred to in paragraph 6 of these SOPs shall conform in all respects, in terms of findings and the presentation thereof, to those for Headquarters Boards of Inquiry. However, the recommendations of ordinary boards of inquiry shall be dealt with by the DOA/CAO who shall take the necessary action, which may require referring the matter to the Local Property Survey Board, the Claims Unit, or the Chief Civilian Personnel Officer. The DOA/CAO may then close the file.

IX. SUMMARY DISPOSAL OF REPORTS ON INCIDENTS WITHOUT CONVENING A BOARD OF INQUIRY

33. Pursuant to the provisions of paragraph 8, summary disposal actions shall be taken in cases in which (1) there is no death or serious injury; (2) the loss or damage to U.N. or contingent-owned property implicated is not more than US$1500, and the item involved is not an "attractive item" (e.g. camera, computer, calculator, facsimile machine, television, video cassette player,

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telephone, etc.); (3) there is no indication of gross negligence or fraud on the part of any U.N. personnel; and (4) no serious disciplinary action can be foreseen. Summary disposals shall be dealt with by the Formed Unit Commander (in cases involving military personnel of formed units), the Force Commander (in cases involving military personnel not part of a formed unit) or the Commissioner of Police (in cases involving CIVPOL monitors) in conjunction with the DOA/CAO.

(a) Incidents not involving death or injury, and in which loss is not more than $1500

(i) Incidents not involving death or injury and in which the loss suffered by the UNAMIR or members thereof is not more than US $1500 per occurrence, and where no serious disciplinary action can be foreseen, may be dealt with by the DOA/CAO where civilian staff are involved, and by the DOA/CAO in conjunction with the contingent commander where military personnel are concerned, without convening a Board of Inquiry.

(ii) The incidents referred to in paragraph 33 above shall nevertheless be properly documented, with identification of the individuals and any items of property involved; detailed findings and recommendations regarding responsibility for the loss and disposition of the property in question; and an indication of any resulting disciplinary and/or corrective action. The report shall be forwarded in triplicate to the CMPO in cases involving only military personnel and no financial loss to the United Nations; and to the DOA/CAO in cases involving civilian personnel and no financial loss to the United Nations.

(b) Driver's Accident/Theft Reports as Basis for Summary Disposal Action

(i) In cases in which drivers of U.N. vehicles report accidents resulting in minor damage, or report petty theft, whereby the nature of the incident attracts no disciplinary action, the Military, Civilian Police, and Civilian components shall prepare Summary Disposal Reports if the amount of damage or loss is $400 or below. And since cases in which the amount of damage or loss is $400 or below are dealt with by summary disposal irrespective of liability, such cases shall be sent by the Legal Officer directly to the Property Survey Board for its action subject to a record of the same being kept by the Boards of Inquiry Unit.

(ii) Investigating agencies shall not dispose of any files relating to summary disposals until a proper release has been given by the office of the DOA/CAO.

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34. The format for summary disposal actions with respect to accidents/incidents referred to in paragraph 33 (a) and (b) above is provided in Annex E of these SOPs.

X. CONVENING ORDERS FOR BOARDS OF INQUIRY

35. Models for Convening Orders for the four types of boards applicable under these SOPs are given in Annexes A, B, C and D.

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ANNEX A

MODEL CONVENING ORDER FOR A HEADQUARTERS BOARD OF INQUIRY
IN RESPECT OF SERIOUS ACCIDENTS/INCIDENTS

(Name of Mission)

DATE: ....

TO: see Distribution

FROM: SRSG

SUBJECT: CONVENING ORDER: HEADQUARTERS BOARD OF INQUIRY NO.....UNAMIR

1. In accordance with established procedures, Headquarters Board of Inquiry No..... is hereby convened to investigate and report on an incident/accident which occurred on ...(date) at...(location).

2. The Board is to submit the final report and 6 copies by:

.....

3. Composition:

(a) Chairperson
(b) Member
(c) Member
(d) Member/Secretary

4. The Chairperson shall advise the Legal Officer/DOA/CAO of the Board's progress and shall submit a draft report, with annexes to him/her for advice on substance and form, one week prior to the designated deadline.

5. After receiving the comments of the DOA/CAO/Legal Officer, the Chairperson shall have the report prepared in its final form. It will be signed by all members and submitted to the Legal Officer for transmission to the DOA/CAO for consideration and comment. The DOA/CAO in turn will submit it to the SRSG with a copy to the Force Commander (in cases involving military personnel).

6. The terms of reference are attached.

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ANNEX B

MODEL CONVENING ORDER FOR A STANDING HEADQUARTERS BOARD OF INQUIRY IN RESPECT OF SERIOUS ACCIDENTS/INCIDENTS

(Name of Mission)

DATE: ....

TO: see Distribution

FROM: SRSG

SUBJECT: CONVENING ORDER: STANDING HEADQUARTERS BOARD OF INQUIRY NO.....UNAMIR

1. In accordance with UNAMIR Standing Operating Procedures (SOPs) (forwarded under Administrative Instruction No._____ dated ____ September 1994, Standing Headquarters Board of Inquiry No.____ is hereby convened to investigate and report on a number of accidents/incidents involving UNAMIR personnel and resulting in serious injury and/or major property damage.

2. The initial group of cases to be submitted to the Standing Board is as follows (with reference to the last name of the UNAMIR driver/member involved and the date of the accident/incident):

Case No. ____: _____
Case No. ____: _____
Case No. ____: _____
Case No. ____: _____

Additional cases may be submitted to the Board for investigation and reporting pursuant to a directive issued by the SRSG.

3. The Chairperson shall keep the Legal Officer informed of the Board's progress and shall submit the Board's reports in conformity with paragraph 21 of these SOPs and paragraph 5 of Annex A or C hereto to the Legal Officer in accordance with the following schedule:

(Cases and dates when to be submitted)

4. Composition: Chairperson:
Member:
Member:
Secretary:

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ANNEX C

MODEL CONVENING ORDER FOR BOARD OF INQUIRY
IN RESPECT OF MINOR ACCIDENTS/INCIDENTS

(Name of Mission)

DATE: ....

TO: see Distribution

FROM: SRSG

SUBJECT: CONVENING ORDER: BOARD OF INQUIRY NO.....UNAMIR

1. In accordance with established procedures, Board of Inquiry No..... is hereby convened to investigate and report on an incident/accident which occurred on ...(date) at...(location).

2. The Board is to submit the final report and 4 copies by:

.....

3. Composition:

a. Chairperson

b. Member

c. Member

d. Member/Secretary

4. The Chairperson must advise the Legal Officer of the Board's progress and shall submit a draft report, with annexes to him/her for advice on substance and form, one week prior to the designated deadline.

5. After receiving the comments of the Legal Officer/CAO, the Chairperson shall have the report prepared in its final form. It will be signed by all members and submitted to the DOA/CAO for consideration and comment. The DOA/CAO in turn will submit it to the SRSG with a copy to the Force Commander (in cases involving military personnel).

6. The terms of reference are attached.

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ANNEX D

MODEL CONVENING ORDER FOR A STANDING BOARD OF INQUIRY IN RESPECT OF MINOR ACCIDENTS/INCIDENTS

(Name of Mission)

DATE: ....

TO: see Distribution

FROM: SRSG

SUBJECT: CONVENING ORDER: STANDING BOARD OF INQUIRY NO.....UNAMIR

1. In accordance with UNAMIR Standing Operating Procedures (SOPs) (forwarded under Administrative Instruction No._____ dated ____ September 1994, Standing Board of Inquiry No.____ is hereby convened to investigate and report on a number of accidents/incidents involving UNAMIR personnel and resulting in minor injury and/or minor property damage.

2. The initial group of cases to be submitted to the Standing Board is as follows (with reference to the last name of the UNAMIR driver/member involved and the date of the accident/incident):

3. The Chairperson shall keep the Legal Officer informed of the Board's progress and shall submit the Board's reports in conformity with paragraph 21 of these SOPs and paragraph 5 of Annex A or C hereto to the Legal Officer in accordance with the following schedule:

Case No. ____: _____
Case No. ____: _____
Case No. ____: _____
Case No. ____: _____

Additional cases may be submitted to the Board for investigation and reporting pursuant to a directive issued by the SRSG.

(Cases and dates when to be submitted)

4. Composition: Chairperson:
Member:
Member:
Secretary:

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Annex E

SUMMARY DISPOSAL OF INCIDENTS WITHOUT CONVENING A BOARD OF INQUIRY

1. REFERENCE.....
.....
.....
.....
.....

2 Since the incident is within the conditions specified in appropriate United Nations Regulations, I recommend that no Board of Inquiry should be held.

3. The following is a description of how the accident/incident occurred:
.....
.....
.....
.....
.....

4. The accident/incident was immediately reported to.....
and.....
.....
.....

5. There were no injuries/There were minor injuries to civilian or military personnel.

6. There was no damage/There was minor damage to mission vehicle No:..... (See damage/discrepancy report at annex.....)

7. There was no damage to any civilian vehicle or property/There was minor damage to a civilian vehicle or property in the value .....

8. I recommend that the cost.....(state the amount if known) be written off against .....
.....
.....
.....
.....

9. UNAMIR Military Police/Civilian Security Investigation Report is attached as Annex....

SIGNATURE.....RANK.....
(military only)

NAME.....

DATE.....

Annex E

10. I agree with the above report.

SIGNATURE.....RANK.....
(military only)

NAME.....

APPOINTMENT/TITLE.....

DATE.....

18/21

Annex F

FORMAT FOR HEADQUARTERS BOARD OF INQUIRY REPORT

A Headquarters Board of Inquiry report should be structured along the following lines:

a. Constitution: cite the convening order; the time, date and place of the incident; and the period during which the Board conducted its proceedings;

b. Description of the incident: present the objective facts of the incident obtained from the available evidence, with full reference to the sources used, including details of duty being performed at the time;

c. Deliberations: present the main issues to be addressed when assessing the incident and reaching substantiated conclusions;

d. Findings and conclusions: address the issues raised by presenting the Board's findings and conclusions based on the available evidence and relevant mission headquarters/unit orders, directives, regulations or SOPs.

e. Recommendations: recommend any remedial or preventive measure to avoid a similar incident;

f. Signatures: affix the signatures of the chairperson and members of the Board.

g. Annexes: attach as annexes

i. convening order;

ii. UNAMIR MP/Civilian security report, with original photographs;

iii. list of persons present at or involved in the incident, giving name, rank, unit and ID number for UNAMIR personnel and distinguishing them from other persons, whose full names, occupation and address must be listed;

iv. statements and reports of witnesses;

v. any additional relevant documents or statements, including all medical reports and technical inspection reports (e.g. weapon inspection reports, vehicle inspection reports);

vi. any maps or sketches of the scene of the incident;

vii. any claims, local police reports (if any), pending proceedings or actual decisions of local courts;

viii. detail description of property destroyed or damaged, attaching any available damage/discrepancy reports;

ix. relevant copies of mission headquarters/unit orders directives, regulations, SOPs, etc.

Annex G

ADMINISTRATIVE PROCEDURES FOR A HEADQUARTERS BOARD OF INQUIRY

1. Boards of Inquiry are within the authority of the Head of Mission. Unless otherwise directed by the Head of Mission, the Legal Officer shall guide and administer Boards on behalf of the Head of Mission, and shall act through and with the approval of the DOA/CAO.

2. The Legal Officer's/the CAO's secretary shall maintain a record of Boards noting the number of each, the incident being investigated, the date of the incident, the personnel involved, the contingent involved, the date on which the Board's deliberations commenced and the date the report is sent to United Nations Headquarters.

3. There is only one file for reports of Boards of Inquiry, which shall be kept in the office of the Head of Mission.

4. Because the CMPO is aware of tasking and rotation dates of military personnel, he/she may be asked by the Head of Mission or his/her delegate to assign military members to Boards of Inquiry, but this is the limit of his/her role in such a Board.

5. Issue of convening order

The Legal Officer's/the CAO's secretary shall type out one form, mark it with the Board of Inquiry number and:

- send it to the Head of Mission (or his/her delegate) for appointment of the chairperson and members and for signature;

- photocopy it and send one copy each to the Board chairperson, members and secretary;

- provide photocopies to the DOA/CAO, the CMPO, FPM and the Claims Officer;

- file the original, with note of issue and distribution, in the Head of Mission's file.

6. Completion of findings

The Board's secretary types the draft report and submits it with all annexes to the Legal Officer for review by the DOA/CAO;

The Legal Officer returns it to chairperson for final typing (with three copies) by the Board secretary and for signature by the chairperson and members. All photocopies must be legible;

21/27

Annex G

The Chairperson returns report to Legal Officer for onward transmission to the DOA/CAO for submission to the Head of Mission.

7. Closure of the file

Distribution may be otherwise as directed by the Head of Mission but normally it is as follows:

- cover letter from the Head of Mission plus 2 copies of the report each to the Director, FOD, and the Office for Special Political Affairs (OSPA);
- original and one copy to the Head of Mission's file;
- secretary to make a note of distribution and the dates of such distribution on the Head of Mission's file copies of letters to FOD and OSPA.

Definitions

3. The following definitions apply to this Directive:

a. "weapons" unless otherwise ordered, is defined as a firearm, grenade, spear and sword. An item such as a machete, or an axe is only to be considered a weapon if it is used in an aggressive manner against an individual.

b. "temporary detention" is defined as the period it takes for the crowd to disperse or for the individual to be removed from the vicinity so that he can no longer interfere with the mission.

c. "joint operations" is defined as an operation where the RPA and UNAMIR troops are acting together.

Power to Search DPs

4. UNAMIR has the power to search detainees who have sought protection with UNAMIR troops or are getting on trucks provided by the NGOs. It can be reasonably argued that this power derives from the fact that UNAMIR is providing security and protection to DPs and therefore soldiers must be allowed to search individuals and their possessions. If a DP refuses to be searched they are to be denied protection or access to the truck.

5. The power to search detainees is limited to searching them for the purpose of the mission. Thus UNAMIR does not have the power to search tents or DPs who may be going about their normal business in the camp unless otherwise ordered for a specific operation by UNAMIR HQ or Sector Commanders in Accordance with Reference A.

Power to Disarm DPs

6. Reference B, Annex A, paragraphs 1 and 2 stipulate that for ROE States Green and Yellow UNAMIR troops do not have the power to disarm paramilitary and civilian personnel. This Directive however does not prohibit disarming paramilitary and civilians in Rwanda where there is a need to do so for security and protection reasons. It may be argued that if a DP is under UNAMIR's care, UNAMIR has the right to disarm the person to ensure its own and other DPs protection and security.

7. If a weapon is found on a DP, that person is to be asked to surrender the weapon before boarding the truck. Failure to surrender the weapon will mean that the DP cannot board the truck. Weapons may be removed by force from DPs only if UNAMIR soldiers believe that the DP is exhibiting a hostile intent or hostile act (as defined in Reference B).

to their communes. The justification for doing this is that the mission is to facilitate DPs returning to their communes and the agitators should not be allowed to interfere in this process.

9. In these circumstances, minimum force in accordance with the ROE may be used and a DP may be detained temporarily. Temporarily is defined as that period it takes for the crowd to disperse or for the individual to be removed from the vicinity so that he can no longer interfere with the mission

Handing Over DPs

10. DPs are to be handed over in accordance with Reference C. That Directive states, amongst other things, that Rwandan citizens are to be handed to the Office of the Prosecutor only. DPs are not to be handed to the RPA or any other local authority.

Protecting DPs

11. As stated in Resolution 925, it is UNAMIR's mandate to protect displaced persons and Rwandan citizens at risk. This means that where UNAMIR troops witness a hostile act or intent against a Rwandan citizen (including DPs) they are to take the necessary steps to ensure that they provide the person with protection (see Reference B).

Joint Operations with the RPA

12. All UNAMIR troops are reminded that they remain, for command and control purposes, under command of UNAMIR. Consequently, they are not to act on the orders of the RPA, unless such orders are for their own safety. It is for the UNAMIR soldier to determine whether an order issued by the RPA is for his safety or, the safety of someone he has been ordered to protect under the ROE.

13. UNAMIR troops are also reminded that they are to comply with ROE 5 for States Green and Yellow which prohibits intervention between warring factions (see Reference B). Thus, if two groups of armed people are fighting, UNAMIR troops cannot intervene.

14. Joint patrolling by UNAMIR troops and the RPA are not to occur. Commanders should take reasonable steps to avoid presenting the perception that UNAMIR is acting jointly with the RPA.

OP Retour

15. In addition to the above orders, UNAMIR troops are to adopt the following directives for OP Retour:

a. Joint searches of DPs getting on to NGO trucks may be conducted by UNAMIR and the RPA. However, the principles outlined in paragraphs 12 and 13 above must be adhered to. UNAMIR soldiers are also reminded that in accordance with the ROE if they witness the RPA assaulting a DP they make take reasonable steps to stop the assault.

b. The RPA are travelling in some vehicles which are under UNAMIR protection. If these trucks are attacked, UNAMIR troops are to use minimum force to protect the occupants under their care in accordance with Reference B, notwithstanding the fact that the RPA may also be in the same vehicle.

G. C. Tousignant
Major-General
Force Commander

DISTRIBUTION LIST

Action

Lists B, C and D
HRL/UNHRFO
CSS
CCPO
STO
CSO
MCC
CTO
BMES
CCO

Information

Lists A and D

[redacted]

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

10/12/94

To: All Contingents **File Reference:** 1000.7(DFC)/G/6

From: Brig Gen HK Anyidoho
DFC/COS/CMO

Date: [redacted]

Subject: [redacted]

1. All ranks of UNAMIR Forces are reminded that payment of compliment to superiors and the return of such compliments on the part of the superiors to their juniors, is a fundamental requirement of the military. As such, all ranks are to take note and accord their colleagues this basic respect irrespective of their nationality.

2. Accept for the information and compliance of all under command.

TAC HQ

FM: UNAMIR HQ//DFC//

File Reference:
1000.1(DFC)G/10

10/12 gv

TO: Sector 1 Comd
Sector 2 Comd
Sector 3 Comd
Sector 4A Comd
Sector 4B Comd
Sector 4C Comd
Sector 5 Comd
CO Ausmed
CO Cancon
CO Ethiobatt
CO Frafbatt
CO Ghanbatt
CO Indbatt
CO Malawicoy
CO Malicoy
CO Nibatt
CO Tunbatt
CO Zambatt
Dist List A, B

Date: [redacted]

THE FOLLOWING [redacted] HAS BEEN RECEIVED [redacted] ND IS TO BE ENFORCED BY ALL UNAMIR PERSONNEL

Subject: [redacted]

The Government is grateful for the assistance the International Community is extending to the people of Rwanda in an effort to save livelihoods.

There are however, reports of immediate concern regarding well wishers who distribute biscuits, sweets, petty cash directly to children on streets. This is not the best way to rehabilitate children.

What might be a good-will gesture is turning into an unfortunate national problem. Many children are increasingly attracted to streets and are now beginning to beg and hang around International Community presence hoping to get some handouts.

The Government is appealling to all concerned to kindly stop this act immediately. In the best interest of children, any assistance to children should be channelled through relevant institutions or organisations.

Among the priorities and preoccupation of the Government is to address children needs/protection.

We hope that the International Community will work with the Government in this endeavour. Providing preventative measures to stop children from becoming street parasites would be one step in the right direction.

TAC HQ

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION IN RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

10/12

To: Lists A, B and D

From: Force PM/SO2 G1 Discipline

Info: SRSG, FC and DFC, CAO and CTO

Date: [redacted]

File: [redacted] FPM/2[redacted]

Subject: [redacted]

1. Although the final MP report on the accident in which MCpl Edouard Baouna Kaourbene has not yet been produced, initial enquiries have revealed that his death was caused when the small troop carrying vehicle in which he was a rear seat passenger became uncontrollable on a wet and very slippery stretch of unmetalled road. Fearing that the vehicle was about to roll over, he jumped and ran from it but was then hit by the truck's spare wheel as it bounced from the rear passenger compartment (in which it had been lying loose) when the vehicle came to rest on a ledge 4 feet below the road surface from which it had slipped. MCpl Kaourbene's neck was broken and he died instantly - although his vehicle was barely damaged and could be driven back to its base with the other passengers who suffered only minor injuries.

2. It seems appropriate to remember MCpl Kaourbene by stressing to others that the correct stowage and lashing of loads can save lives. Please remind all drivers and vehicle commanders of the extreme danger that can be caused by allowing heavy objects such as spare wheels, tool boxes, jacks and the like - apart from the loads that their tasks require them to convey - loose in the rear of their vehicles.

3. Rwandese road and traffic conditions are unpredictable; please do your utmost to ensure that we do not suffer a repetition of this tragic incident. Although it did not have a bearing on this particular case, drivers and their passengers are also strongly recommended to wear seat belts when they are fitted unless operational conditions dictate otherwise.

M CUTHBERT-BROWN
Maj
Force PM/SO2 G1 Dis

TEAM BUTARE CANCON GITARAMA

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

07 / 12 gv f

info civpol

To: ALL CONTINGENTS

File Reference: 1000.8(DFC)/A/1

From: DFC/CMO/COS

Date: [redacted]

Subject: [redacted]

1. I have observed that whilst officers and men of some of the contingents stick to the old tradition of a smart turn-out, in the military, others leave their hair unkempt and beards unshaven; and to some extent their uniforms are left unwashed for unacceptedly long periods making individuals look dishevelled or neglected.

2. Whilst I agree that the administration has not yet made any money available for haircut and laundry, I am informed that some detergents have been supplied to all contingents. I wish to see all ranks in UNAMIR smartly turned-out at all times. Meanwhile, I am in contact with the Administration and Management to take care of the issue of haircut and laundry facilities.

HK ANYIDOHO
Brig Gen
DFC/CMO/COS

cc: SRSG
FC
CAO

[redacted]

Distribution List

[redacted]

References:
A. Force Routine Order No 12 - Commander's Policy on Alcohol
B. Status of Mission Agreement
C. UNAMIR Driving Regulations
D. UNAMIR Standard Operating Procedures

GENERAL.

1. This document states the current UNAMIR policy on conduct, dress and the carriage of personal weapons. It will be updated from time to time, and must be read in conjunction with current ROE.

2. All members of UNAMIR are required to be aware of this policy. Contingent/Unit Commanders/Branch Heads are to ensure that their personnel are fully briefed on the contents of this document, are kept current on any reviews which might take place, and that personnel rotating into Rwanda are briefed on arrival. It should be noted that this Directive sets a minimum standard. As such, it is intended to augment, not replace Nationally imposed contingent regulations. Any reduction in standards to conform with this Directive is not required.

CONDUCT

3. Image. All personnel in Rwanda represent their units, their countries and the UN. Considerable effort must be expended to ensure that the best possible image is conveyed to the local population and civilian agencies with which they may come in contact. Personnel are particularly reminded that they should:

a. Adhere to all local laws which have been enacted by the legitimate government.

b. Deal courteously and politely with those with whom they come in contact.

c. Avoid any source of conflict in which a dispute might develop

d. If employing Rwandan personnel, provide fair and honest terms of service.

4. Behaviour. UNAMIR personnel should be aware that their behaviour can affect the success of the UN mission. Many hours of patient work can be eroded by one thoughtless act; the efforts of many can be undone by the poor behaviour of a few. All personnel should be reminded to act maturely and professionally at all times, whether in or out of uniform. This should particularly apply to:

a. Driving. UNAMIR personnel must drive carefully and use the road with courtesy. They are to adhere to Reference C.

b. Alcohol. Personnel are reminded that their behaviour must not be impaired by alcohol. All personnel must be briefed on UNAMIR alcohol policy, which is outlined below and whose tenets are:

(1). No drinking and driving.

(2). No driving for eight hours after consuming alcohol.

(3). No drinking in unit messes when in the possession of ammunition/weapons (depending on unit policy, patrons of unit messes may be required to secure weapons or ammunition).

(4). No drinking in other areas when in the possession of weapons.

(5). No drinking to excess.

5. Other Countries. The conduct of UNAMIR personnel in Other Countries, such as Burundi, Kenya, Tanzania, Uganda and Zaire, must be impeccable. UNAMIR personnel represent the Mission abroad in Africa and only the highest standards will be accepted. UNAMIR has no special legal relationship with Other Countries in the region. Any alleged offence committed by UNAMIR personnel abroad will be dealt with under the civil law of that country and may lead to prosecution by the civil authority. Individuals from UNAMIR who find themselves in such a position should contact their national consulate, embassy or High Commission immediately. They should also contact the UN representative in that country. It is anticipated that Memoranda of Understanding (MOU) can be signed with the governments of Other Countries in the region, to cover the contingency of legal proceedings being conducted against UNAMIR individuals. DCOS (Ops) is to ensure that appropriate MOU are drafted in consultation with Other Countries' governments.

DRESS & BEARING

6. Deportment. All personnel are to ensure that their deportment meets the highest possible standards. A smart, well-groomed alert appearance and a helpful and positive demeanour are essential elements of this.

7. National Uniform. National uniform is to worn in accordance with Part 8, Section 6, of Reference D.

8. UN Accoutrements. UN accoutrements are to be worn in accordance with part 8, Section 6, of Reference D.

9. Ballistic Helmet/Body Armour. When ballistic helmets and body armour are ordered to be worn, UN blue covers are also to be worn.

10. Webbing. Policy on the wearing of webbing, or its equivalent, and rucksacks it to be ordered by Commanding Officers/Contingent Commanders. Personnel are to wear and carry personal equipment sufficient to fulfil their mission.

11. Wearing of Uniform on Duty. All UNAMIR personnel are on operations and are considered to be on duty at all times in Rwanda. Under the Status of Mission Agreement (SOMA), Reference B, UNAMIR personnel who are not wearing uniform carry minimal authority and may not be fully protected under the terms of the Agreement. For the purposes of participating in organised sport or PT, the sporting clothing authorised by Contingent/Unit Commanders/Branch Heads is deemed to be uniform. UNAMIR military personnel are only permitted to wear civilian clothes in the following circumstances:

a. Within the confines of a unit or mess location which is guarded by armed guard(s); and

b. At the discretion of Contingent/Unit Commanders/Branch Heads.

12. Other Countries. Under certain circumstances, UNAMIR personnel are on duty in Other Countries. When on duty, UNAMIR personnel are to wear uniform in accordance with Paragraphs 6 and 7 above.

CARRIAGE OF WEAPONS

13. MILOBS. Under Article VI of the UN Convention, defined in Reference B, MILOBS are described as "experts". They do not carry weapons and further policy, described below, on the Carriage of Weapons, does not apply to them.

14. Principle. As UNAMIR military personnel are on duty at all times, and as they are entitled to carry weapons for their own protection, or the protection of those whom they have a duty to protect, the principle to be applied is that UNAMIR military personnel will carry weapons when so issued. Current ROE further dictate the readiness of UNAMIR personnel. This policy does not apply to medical and religious personnel. The protection of those personnel will be as directed by the Contingent/Unit Commanders.

15. Exceptions. The occasions on which military UNAMIR personnel are prohibited from carrying weapons are as follows:

a. When consuming alcohol; and

b. When leaving Rwanda.

16. Consumption of Alcohol & Carriage of Weapons. UNAMIR personnel are not to consume alcohol when carrying weapons. Alcohol may only be consumed in the following circumstances:

a. In a unit location or mess which is guarded by armed guard(s); or

b. At the discretion of Contingent/Unit Commanders/Branch Heads.

17. Carriage of Weapons. UNAMIR personnel are not permitted to carry weapons abroad. Personnel who are going abroad must be afforded Personal Protection, consistent with the provisions of paragraphs 16 and 17 above, to their point of departure, and on return to Rwanda, from their point of return. Should it become necessary to authorise the carriage of weapons to Other Countries, HQ UNAMIR will issue appropriate instructions. Personnel departing Rwanda on duty, CTO or leave will ensure the security of their personal weapon through their respective Contingent/Unit Commander.

18. Personal Protection. Contingent/Unit Commanders/Branch Heads are to ensure that adequate protection is provided for themselves and their subordinates during social and recreational activities.

19. Level of Personal Protection. Contingent/Unit Commanders/Branch Heads are to determine the level of personal protection afforded. The minimum alert/readiness requirements are detailed at Annex A to UNAMIR Rules of Engagement. Additional requirements are detailed at Annex A.

20. Restrictions. The establishment **Kigali Night** is out of bounds to all UNAMIR personnel. Contingent/Unit/Sector Commanders who identify other local establishments which constitute a similar security risk may recommend to the FC the imposition of a commensurate restriction.

GC TOUSIGNANT
MGen
FC

Distribution:

External:

Action:

List D

Internal:

Action:

List A
List B

ANNEX A TO
UNAMIR RO
DATED 7 NOV 94

ROE STATE	RESPONSE
GREEN	All movement between 2300 hrs and 0600 hrs to be restricted to essential duty or, when specifically authorized by Contingent/Unit Commanders/Branch Heads. Personnel on essential duties are to be armed and in uniform. Continuous (radio) communications with Sector Net Control Station is to be maintained. PT and sporting activities outside unit perimeter to be restricted to daylight hours.
YELLOW	All movement between 1800 hrs and 0600 hrs to be restricted to essential duty. All UNAMIR military personnel are to be continuously armed and in uniform. Alcohol consumption is permitted in unit messes only. PT and sporting activities restricted to unit perimeter.
RED	All movement is restricted to essential duty only. All UNAMIR military personnel are to be continuously armed and in uniform. Alcohol consumption is prohibited. PT and sporting activities restricted to unit perimeter.

[redacted]

2000-1

Distribution List

[redacted]

References:

A. ~~Section 9: Op Directive No 2 Rules of Engagement~~

B FC Directive for the Handling of Detainees dated 28 Sep 94

C. FC Directive on Conduct, Dress and Weapon Carriage Policy to be issued

1 General In the conduct of their duties, UNAMIR personnel may be required to hand over individuals to the Government of Rwanda. This hand over may occur as a result of Rwandan authorities seeking legal jurisdiction over foreign or Rwandan nationals

2 Definitions.

a. "appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC

b "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as apart of UNAMIR

c "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 5 c or 5 d below

e "Hand over" is the formal procedure detailed in Annexes C and D

d "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody

e "Military personnel of national contingents" includes military staff at UNAMIR HQ

f "Official capacity" for UNAMIR troops is any time soldiers or [illegible] exception [illegible] clothing [illegible]

g. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises.

3. Aim. The aim of this Directive is to outline the procedures for handing over individuals or groups of people to the Rwandan authorities.

4. Foreign Nationals and Rwandan Jurisdiction. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:

a. SRSG, Force Commander and the Police Commissioner of CIVPOL;

b. ~~UN civilian officials assigned to the civilian component to serve with UNAMIR;~~

c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");

d. military personnel of national contingents who are a part of UNAMIR;

e. personnel of UN specialised agencies;

f. personnel of NGOs; and

g. visitors.

The legal status of these categories of personnel and the hand over procedures for them are detailed at Annexes A and C respectively.

5. Rwandan Nationals and Rwandan Jurisdiction. Rwandan authorities may seek jurisdiction over the following categories of Rwandan nationals:

a. Locally recruited personnel who are working for the UN.

b. Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces. This category includes any person who seeks protection in a UNAMIR installation because they fear for their safety.

c. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or a hostile intent (as defined in Reference A) against:

(1) One's self and the personnel in one's unit.

(2) other UNAMIR military or civilian personnel.

(3) non-UNAMIR humanitarian aid personnel,

(4) displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces,

(5) other UN-authorized military or civilian personnel; and

d. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A paragraphs 3.b and 8).

The legal status and hand over procedures for Rwandan nationals is at Annexes B and D respectively.

6. Any persons in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict

7. Reference B is now cancelled. Annexes E and F will be issued when details are known.

G. C Tousignant
Major-General
Force Commander

Annexes

Annex A - Foreign Nationals and Rwandan Jurisdiction

Annex B - Rwandan Nationals and Rwandan Jurisdiction

Annex C - Procedures for Handing Over Foreign Nationals

Annex D - Procedures for Handing Over Rwandan Nationals

Annex E - Prosecutors Offices in Rwanda

Annex F - ICRC Representatives in Rwanda

Annex G - Hand Over Proforma

ANNEX A TO LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES DATED 3 Nov 1994

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
SRSG, FC, POLICE COMM OF CIV POL	ACCORDED DIPLOMATIC IMMUNITY AND PRIVILEGE UNDER INTERNATIONAL LAW	NOT TO BE HANDED OVER TO RWANDAN AUTHORITIES UNDER ANY CIRCUMSTANCES
UN CIVILIAN OFFICIALS ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR	IMMUNE FROM LEGAL PROCESS FOR ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE SRSG
UNMO, CIVPOL AND CONSULTANTS	* IMMUNE FROM LEGAL PROCESS FOR ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY * IMMUNE FROM PERSONAL ARREST OR DETENTION AND SEIZURE OF THEIR PERSONNEL BY GAGI	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND/OR THE SRSG
MILITARY PERS OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR	IMMUNITY FROM LEGAL PROCESS IN RESPECT OF ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND THE CONTINGENT COMMANDER
PERSONNEL OF SPECIALIST AGENCIES	IMMUNITY FROM LEGAL PROCESS IN RESPECT OF ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE HEAD OF THE AGENCY
PERSONNEL OF NGOs	NO IMMUNITY UNLESS [illegible]	ONLY [illegible]

VISITOR	NO IMMUNITY UNLESS THEY HAVE ENTERED INTO A BILATERAL ARRANGEMENT WITH THE RWANDAN GOVERNMENT	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND/OR SRSG

ANNEX B TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 3 Nov 1994

RWANDAN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
LOCALLY RECRUITED PERS	IMMUNE FROM LEGAL PROCESS IN RESPECT OF ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY NOTE: THIS PROTECTION DOES NOT EXTEND TO ACTS COMMITTED BEFORE THEIR EMPLOYMENT WITH THE UN	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE SRSG
REFUGEES, DISPLACED PERSONS AND CIVILIANS IN SITES OR AMONG POPULATIONS UNDER THE PROTECTION OF UNAMIR	UNDER PROTECTION AS STATED IN ROE IN REFERENCE A	ONLY TO BE HANDED OVER AT AN OFFICE OF THE PROSECUTOR
RWANDAN NATIONAL DETAINED BY UNAMIR AUTHORITIES	TREAT HUMANELY	ONLY TO BE HANDED OVER AT AN OFFICE OF THE PROSECUTOR

ANNEX C TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 3 NOV 1994

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

1 UN Civilian Assigned to the Civilian Component to Serve with UNAMIR.

a. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR and the International Committee of the Red Cross (ICRC) must be notified. HQ UNAMIR is to dispatch Military Police (MP) or CIVPOL to the site

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s)

c. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A

d. If authority is given for the hand over the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E) The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made

e. A report detailing the following is to be submitted to UNAMIR HQ attention G1 Pers, G2, G3 Ops and the Force Provost Marshall

(1) name of person handed over

(2) location where the Rwandan Government sought jurisdiction

(3) crime person was accused of

(4) name of the UNAMIR person(s) [illegible] Government sought jurisdiction

(5) date and time the person [illegible]

(6) whether an ICRC representative was present during the hand over and if not, why not.

2. UNMOs, CIVPOL and Experts on Mission.

a. As soon as a Rwandan authority seeks legal jurisdiction over an UNMO, CIVPOL or an expert on mission, the FC or his representative, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site. The Rwandan authority is to be reminded that these members are, under Rwandan and international law, immune from arrest, detention or the seizure of their baggage.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of an UNMO, CIVPOL or an expert on mission unless the FC and/or the SRSG has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of the UNMO, CIVPOL or expert on mission, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UNMO, CIVPOL or consultant must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

(1) name of person handed over

(2) location where the Rwandan Government sought jurisdiction

(3) crime person accused of

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not

3 Military Personnel of National Contingents Who are a Part of UNAMIR.

a. As soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are a part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating states in respect of any criminal offences which may have been committed by them in Rwanda.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of another UNAMIR soldier unless the FC and the appropriate contingent commander have given permission for this to occur UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of the UNAMIR soldier , UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall

(1) name of person handed over.

(2) location where the Rwandan Government sought jurisdiction.

(3) crime person accused of.

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction.

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

Personnel of UN Specialised Agencies.

a. As soon as a Rwandan authority seeks legal jurisdiction over a member of a UN specialised agency, the SRSG or his representative, the appropriate head of the agency and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of a UN specialised agency unless the SRSG and the appropriate head of the agency have given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

c If the Rwandan authority(s) uses force to attempt to take custody of a member of a UN specialised agency UNAMIR troops are authorised to use force in accordance with Reference A.

If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far in possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, the Force Provost Marshall and the UN agency concerned:

(1) name of person handed over and the agency they work for,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

Personnel of NGOs.

a As soon as a Rwandan authority seeks legal jurisdiction over a member of an NGO, HQ UNAMIR, the appropriate head of the NGO agency and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of an NGO unless the appropriate head of the NGO has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

c If the Rwandan authority(s) uses force to attempt to take custody of a member of an NGO, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's office to whom the hand over is made.

e A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall.

(1) name of person handed over and the NGO they work for,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not

6 Visitors

a As soon as a Rwandan authority seeks legal jurisdiction over a visitor, HQ UNAMIR and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a visitor unless the FC or his representative and/or the SRSG or his representative has given permission for this to occur UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

c If the Rwandan authority(s) uses force to attempt to take custody of a visitor UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over and their affiliation or nationality,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not

ANNEX D TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 3 Nov 1994

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

F. Locally Recruited Personnel.

a. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex F). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ attention G1 Pers, G2, G3 Ops, and Force Provost Marshall:

(1) name of person handed over

(2) location where the Rwandan Government sought jurisdiction.

(3) crime person accused of

(4) name of the UNAMIR per[illegible] who was present [illegible] Government sought jurisdiction.

(5) date and time [illegible]

(6) whether an ICRC representative was present during the hand over and if not, why not.

Refugees, Displaced Persons and Civilians in sites or among populations under the otection of UNAMIR.

a. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons and/or civilians in sites or amongst populations under the protection of UNAMIR unless the FC has given permission for this to occur. ~~UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan~~ authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of refugees, displaced persons and/or civilians in sites and or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2,, G3 Ops and the Force Provost Marshall

(1) name of person handed over,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not

3. Persons detained by UNAMIR troops

a. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principles of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention. HQ UNAMIR is to dispatch MP or CIVPOL to the site. UNAMIR troops are to allow the MP or CIVPOL to liaise with the Rwandan Authority(s).

b. They are to be identified and their personal details recorded.

c. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees.

d. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).

e. The ICRC are to be notified and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

f. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised Office for the processing and handing over of detainees in Rwanda.

g. A report detailing the following is to be submitted to UNAMIR HQ: attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of the detainee,

(2) location where person was detained,

(3) crime person accused of,

(4) name of the UNAMIR person who detained the detainee,

(5) date and time the detainee was handed to the Office of the Prosecutor, and

(6) whether an ICRC representative was present during the hand over and if not why not.

ANNEX E TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR-
AND RWANDAN
AUTHORITIES
DATED 3 NOV 1994

PROSECUTOR OFFICES IN RWANDA

TOWN	PROSECUTOR'S NAME	ADDRESS
KIBUNGO	MUSHUMBA, Jean Baptiste	
KIGALI	NSANZUWERA, Francois	
RWANZAGANA	GATAMBIYE, Sylere	
KIBUYE	TUYISENGE, Cyprien	
GITARAMA	KAYIBANDA P Celestin	
NYANZA	HARELIMANA, Simon	
BUTARE	GATSIMBANYI, Callixte	
GIKONGORO	HAVUGIYAREMYE, Aloys	
CYANGUGU	NYANDWI, Viateur	
GISENYI	HARERIMANA, Charles	
RUHENGERI	UWIYINGOMA, David	
BYUMBA	MUSUHUKE, Francois	

NOTE: IT IS THE DUTY OF ALL SECTOR COMMANDERS TO KNOW EXACTLY WHERE THE ABOVE OFFICES ARE LOCATED

ANNEX F TO LEGAL—
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 3 NOV 1994

ICRC REPRESENTATIVES IN RWANDA

TOWN	ICRC REPRESENTATIVE'S NAME	ADDRESS
KIBUNGO		
KIGALI		
RWANAGANA		
KIBUYE		
GITARAMA		
NYANZA		
BUTARE		
GIKONGORO		
CYANGUGU		
GISENYI		
RUHENGERI		
BYUMBA		

NOTE: IT IS THE DUTY OF ALL SECTOR COMMANDERS TO KNOW EXACTLY WHERE THE ABOVE OFFICES ARE LOCATED.

ANNEX G TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1994

HAND OVER PROFORMA

I, ...(1); A MILITARY MEMBER OF
UNAMIR/MINUAR HAVE HANDED OVER.....(2)
TO THE OFFICE OF THE PROSECUTOR OF .....(3).

SIGNED THIS DAY OF 19

.....
UNAMIR

.....
OFFICE OF THE PROSECUTOR

(1) Insert here the name of the UNAMIR person conducting the hand over

(2) Insert here the name of the person being handed over

(3) Insert here the name of the Prosecutor's Office

TAC HQ RUTARE

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

From: Colonel K P O'Kelly
Deputy Chief of Staff (Support)

UNAMIR Force Headquarters
Kigali
Rwanda

2000.1/CMPO/RPR

See Distribution

[redacted]

[redacted]

1. The policy on extension of tours of duty for military personnel within UNAMIR has been reviewed and it has been decided that no personnel are to serve more than 12 months in the Mission. This applies equally to all status of individual: contingent member, staff officer or military observer.

2. Requests for extension beyond the 12 month point will no longer be accepted by CMPO's staff; those already with Force HQ for consideration should now be considered to have been rejected and the personnel concerned will return to their countries at the due date.

K P O'KELLY
Col
DCOS (Sp)

Distribution:

Action:

Lists A, B and D (less Serials 7 and 52)
CLO

Information:

Office of SRSG
Oi/c Administration

G4
Info & Action
18 Oct 94

TAC HQ

MALAWI COY

5000.1 (PLANS)

HQ UNAMIR
KIGALI

[redacted]

Distribution List

[redacted]

GENERAL

1. Instances of widespread killing during the recent civil war in RWANDA are well known. The development of a strategy to investigate these occurrences is in progress. However, a comprehensive database on mass graves is required to focus the Human Rights Committee investigation and to provide the BBGNU with limited assistance from NGOs and UNAMIR to deal with the situation in a dignified manner.

2. Additionally, it has been revealed in recent reports that a number of mass graves discovered to date present a health hazard to the neighbouring population.

AIM

3. The aim of this directive is to outline the UNAMIR policy on registration and handling of mass graves.

PROCEDURE

4. Reports of mass graves and alleged massacre sites are random and do not identify a trend. The recording of relevant data has been equally sporadic. Accordingly, a database is to be established at HQ UNAMIR by the MILINFO cell in Operations Branch.

5. Reporting. Action addressees are to report the discovery of mass graves to HQ UNAMIR. Reports are to include the following details:

a. Location.

(1) map coordinates (8 figures).

(2) nearest town, village, commune or camp.

b. General description.

(1) dimensions.

(2) condition.

(a) sealed.

(b) unsealed.

(3) proximity to water source.

(4) proximity to population concentration.

(5) approximate age.

(6) estimated number of persons buried therein.

(7) cause of death where discernable.

c. Remarks.

6. Recording. MILINFO cell, HQ UNAMIR is to record mass grave reports in a format which will be useful to military, government departments, UN agencies and NGOs. Cooperation amongst all parties will ensure that maximum information is collectively made available. Accordingly, the MILINFO cell is to gather from and share information with all available sources.

7. Investigation. Investigation of all the circumstances surrounding mass graves and alleged massacres is the responsibility of Human Rights and the BBGNU of RWANDA. The involvement of UNAMIR personnel will be specifically ordered when necessary.

8. Handling. FMO staff is to inspect reported mass graves to ascertain the health risk if any. If a clear health risk to the civilian population and/or UNAMIR personnel is identified, the FMO inspection report, including recommendations to the Government on the appropriate procedure to effectively address the matter, is to be submitted to Operations Branch. Due to the limited resources currently at the government's disposal, UNAMIR is to be prepared to provide the resources and expertise required. Requests to provide such resources are to be approved by DCOS OPS in consultation with the FMO and DCOS SP.

CONCLUSION

9. The handling of mass graves has legal, moral and memorial implications which are properly the responsibility of the BBGNU of RWANDA to address. UNAMIR personnel are to treat mass grave issues with appropriate sensitivity and are to limit their involvement to the essential requirements of reporting unless specifically ordered otherwise.

G.C. Tousignant
MGen
Force Commander

Distribution List: (page 3)

SECTOR 3

MILOB

MILOB BUTARE

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR Force HQ
Kigali

2000.1/CMPO/PG

Forward a copy to each Sector

See Distribution

[redacted]

SMPC

FORCE ROUTINE ORDER NO 12

[redacted]

GENERAL

1. This Force Routine Order is published to promulgate the Force Commanders's Policy on Alcohol. Its contents are to be republished in Unit Orders so that all UNAMIR personnel are aware of the policy. The Force Commander wishes Commanding Officers to pay particular attention to the enforcement of his policy. For the purposes of this Force Routine Order, Chief Military Observer, Chief Humanitarian Assistance Cell and Chief Liaison Officer are to act as Commanding Officers for all military personnel under their command.

2. While this Force Routine Order lays down the minimum standards to be applied, Commanding Officers are permitted to institute permanent or temporary instructions, applicable only to their own contingents, which are more restrictive than the provisions contained herein.

STATEMENT OF POLICY

3. Alcohol is only to be consumed in designated areas (eg messes, dining rooms etc) on occasions authorized by Commanding Officers. Times when the consumption of alcohol is permitted are to be published by Commanding Officers in writing.

4. UNAMIR military personnel are not to consume alcohol in any public place while in uniform. Any member who is invited to a restaurant is to seek approval from his Commanding Officer, through the chain of command, before accepting the invitation. If permission is granted, civilian clothes are to be worn.

5. Members of UNAMIR may accept invitations to 'happy hours' or social occasions at HQ UNAMIR or other UNAMIR unit locations on Fridays, Saturdays or Sundays, regardless of the timings, if they

have been invited and are off duty. Attendance at functions on other days of the week must be approved by the Commanding Officer.

6. No member of UNAMIR is to be in possesion of ammunition while consuming alcohol or while in a designated area at a time when consumption of alcohol is permitted. Commanding Officers are to make arrangements to ensure that this does not occur; for example, the following arrangements are offered for consideration:

a. All magazines are to be handed into the guard room prior to going to the designated area.

b. The guard commander must issue some form of receipt, perhaps a numbered disc, to act as a receipt and provide proof that the magazines have been secured.

7. On holidays, celebrations and during happy hours, adequate appropriate security arrangements are to continue to be observed. Guards must remain alert, with back up available from troops who are not drinking alcohol.

8. Any member of UNAMIR who is driving, or likely to drive a vehicle within 4 hours, is not permitted to consume alcohol.

9. Commanding Officers are permitted to delegate the authority vested in them in accordance with paragraphs 3, 4 and 5, if they consider this to be appropriate having due regard to organizational and geographical considerations. Such delegations are to be made in writing and sub-delegation is not permitted.

SUMMARY

8. All UNAMIR personnel are to be reminded, on arrival and at least one each subsequent month, that they are on operational service. Drunken behaviour would reflect badly on the Force and impair its readiness and efficency - it will not be tolerated. Appropriate disciplinary action is to be taken against any member of the Force found to be drunk or with his or her efficiency impaired as a result of drinking.

9. These instructions will be incorporated in Force Standing Orders in due course.

K P O'KELLY
Col
DCOS (Sp)

SECT 3

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

(1)

2000-1
8 Sept 1994

Distribution List

PTD

FC DIRECTIVE FOR THE DISPOSAL OF CRIMINALS

1. General. In the conduct of their duties, UNAMIR personnel may be required to apprehend suspected criminals, prior to their being returned to Civil authorities.

2. Aim. The aim of this Directive is to outline the procedure for disposal of suspected criminals within UNAMIR AOR.

3. Definition. For the purpose of this Directive a suspected criminal will be defined as a person who is suspected of an act of sabotage, subversive activity, assassination or banditry. The Directive also applies to infiltrators who try to jeopardize the peace keeping mission.

4. Disposal Procedure. All suspected criminals will be disposed of as follows:

a. They are to be searched, disarmed and segregated. They are then to be identified and their personal details noted under the supervision of UNMO and ICRC or UNHCR.

b. A safe and secure place is to be arranged as a temporary place of custody.

c. A preliminary investigation is to be made. This is to include details of alleged perpetrators, with a full incident report.

d. Transport is to be arranged in order to evacuate suspects to the appropriate regional authority or to Kigali, whichever is appropriate.

e. Suspects are to be escorted by military police and MILOB.

f. A clearance certificate is to be carried to allow access through RPA checkpoints.

NOTE
All of our personnel to be briefed thru Chain of Command copies to Tps.

(3) CC
1. Action RO entry as per min (2)
2. Copies to:
- OC Sig Sqn
- OC Sp Sqn
- 3 CSG Det
- PM
- OC D&S
3 Return to me.

MJS
Maj
OPSO
12Sep94

(2) RQpsO
(1) Ensure RO entry completed
dets to be briefed on procedures
and MPs to have
MJS

g. All personal belongings of the suspects, and their weapons, must be recorded on an inventory, a copy of which is to be handed with the goods to the appropriate authority in Kigali, the other copy is to be included in the incident report.

h. A detailed report is to be submitted to UNAMIR HQ, attention G1 Pers, G2 and G3 Ops.

G.C. Tousignant
Major General

Force Commander

DISTRIBUTION LIST

EXTERNAL

Action

Sector 1
Sector 2
Sector 3
Sector 4B
Sector 4C
Sector 5
MILOB HQ
CANSIGS
BRITCON
AUSMED

Information

INTERNAL

DFC
DCOS OPS
TAC HQ
Sector 4A
G2
G3 Plans
G3 Engr
G4 Log

Ops
Pse Make copy each to Snr Tm Ldrs and Malawicoy put copy on Ops Rm board and on file.

TEAM BUTARE

UNAMIR
FORCE HQ
OPS BRANCH

[redacted] September 1994

3000.15(Ops)

See Distribution:

SUBJECT: [redacted]

GENERAL

1. Ex-RGF soldiers continue to respond positively to the Rwandese Governments integration policy. Hundreds have already voluntarily requested to be integrated into the RPA and many more are expected to follow.

AIM

2. The aim of this directive is to streamline the procedure for the handover of ex-RGF soldiers by UNAMIR to the Rwandese Government.

PROCEDURE

3. All ex-RGF soldiers who voluntarily surrender to UNAMIR Troops/units will be disarmed and evacuated to the appropriate sector/sub-sector HQ as applicable for documentation under the supervision of the sector/sub-sector UNMO and ICRC or UNHCR representative.

4. After documentation a consolidated list will be forwarded to UNAMIR Force HQ for the necessary clearance to be sought from the appropriate government agency through the RPA Liaison Officer to transport the ex-RGF soldiers to Kigali.

5. On receipt of clearance, the clearance certificate is to be forwarded to the sector HQ concerned for the necessary transportation of the soldiers to be effected under MILOB escort to Force HQ.

6. The convoy commander must carry the clearance certificate to be shown at each RPA check point en route if necessary.

7. Units requiring transport assistance will request Force HQ to make the necessary arrangements to move the soldiers to Kigali.

HANDOVER

8. The convoy commander will report to G3 Ops on arrival for the necessary transfer of the soldiers to be made to the

appropriate Rwandese authority under the supervision of ICRC or UNHCR representative and the press.

GC TOUSIGNANT
Major-General
Force Commander

Distribution:

External:

Action:

Sector 1
Sector 2
Sector 3
Sector 4A
Sector 4B
Sector 4C
Sector 5
MILOB GP HQ
HAC
CANSIGS
BRITCON
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Internal:

Info:

DFC
CAO
DCOS OPS
Tac HQ
G3 Plans
G4 Log
CMPO
G3 Engr

TEAM BUTARE

500

UNAMIR
FORCE HQ
OPS BRANCH

3 September 1994

3000.15(Ops)

See Distribution:

SUBJECT: [redacted] DIRECTIVE FOR HANDOVER OF EX-RGF SOLDIERS TO [redacted] GOVERNMENT FOR INTEGRATION INTO RPA

GENERAL

1. Ex-RGF soldiers continue to respond positively to the Rwandese Governments integration policy. Hundreds have already voluntarily requested to be integrated into the RPA and many more are expected to follow.

AIM

2. The aim of this directive is to streamline the procedure for the handover of ex-RGF soldiers by UNAMIR to the Rwandese Government.

PROCEDURE

3. All ex-RGF soldiers who voluntarily surrender to UNAMIR Troops/units will be disarmed and evacuated to the appropriate sector/sub-sector HQ as applicable for documentation under the supervision of the sector/sub-sector UNMO and ICRC or UNHCR representative.

4. After documentation a consolidated list will be forwarded to UNAMIR Force HQ for the necessary clearance to be sought from the appropriate government agency through the RPA Liaison Officer to transport the ex-RGF soldiers to Kigali.

5. On receipt of clearance, the clearance certificate is to be forwarded to the sector HQ concerned for the necessary transportation of the soldiers to be effected under MILOB escort to Force HQ.

6. The convoy commander must carry the clearance certificate to be shown at each RPA check point en route if necessary.

7. Units requiring transport assistance will request Force HQ to make the necessary arrangements to move the soldiers to Kigali.

HANDOVER

8. The convoy commander will report to G3 Ops on arrival for the necessary transfer of the soldiers to be made to the

appropriate Rwandese authority under the supervision of ICRC or UNHCR representative and the press.

GC TOUSIGNANT
Major-General
Force Commander

Distribution:

External:

Action:

Sector 1
Sector 2
Sector 3
Sector 4A
Sector 4B
Sector 4C
Sector 5
MILOB GP HQ
HAC
CANSIGS
BRITCON
AUSMED

Internal:

Info:

DFC
CAO
DCOS OPS
Tac HQ
G3 Plans
G4 Log
CMPO
G3 Engr

UNAMIR
FORCE HQ
OPS BRANCH

31 August 1994

3000.15 (OPs)

See Distribution:

SUBJECT: FC'S DIRECTIVE ON TRANSPORTATION ON REFUGEES/DISPLACED PERSONS IN UNAMIR AOR

GENERAL

1. UNAMIR and NGO convoys operating within and outside UNAMIR AOR are encouraged to assist in the relocation of refugees/displaced persons to their towns and villages.

2. To prevent RPA arresting, for interrogation, ex RGF and Militia/Gendarmes travelling with UNAMIR/NGO convoys, the guidelines below will be adhered to.

AIM

3. The aim of this directive is to outline the procedures for the movement of refugees/displaced persons in UNAMIR AOR.

TASKS

4. UNAMIR HQ. UNAMIR HQ will ensure the following:

a. A contingent/NGO provides transport to move refugees /displaced persons.

b. MILOB GP HQ will provide UNMOs at Pick up Point, and in all Sectors.

c. Humanitarian Assistance Cell will undertake reception arrangements.

SCREENING

5. All refugees/displaced persons will be thoroughly searched for weapons, documented and categorised as follows:

a. Category A. Ordinary Rwandese citizens.

b. Category B. Politicians and EX government officials.

c. Category C. Ex-RGF/Interahmwe/Gendarmerie Members.

6. Documentation is to be undertaken be MILOBs.

7. Conveyance of categories B and C refugees/displaced persons will be undertaken separately after clearance has been sought from the RPA through UNAMIR HQ.

ESCORT/CHECK POINT PROCEDURE

8. The loading of refugees/displaced persons will be supervised by MILOBs and convoy commanders. In addition MILOB will ensure the following:

a. MILOB at the Pick up Point will accompany convoy to edge of its sector and handover to MILOB in next sector.

b. On reaching Sector 4 boundary, each convoy is to stop short of any RPA check point to allow refugees to dismount and approach the check point under MILOB control. The convoy vehicles will then proceed through the check point and halt a short distance on the other side. Once refugees are through the check point, MILOB will accompany the convoy to the Drop off Point and hand over to HAC.

9. For categories B and C refugees/displaced persons, ICRC or UNHCR will be provided details of personnel transported for follow up action.

GC TOUSIGNANT
Major-General
Force Commander

Distribution:

External:

Action:	Info:
Sector 1	DFC
Sector 2	CAO
Sector 3	DCOS Ops
Sector 4A	SO2 G1
Sector 4B	SO2 G3 Plans
Sector 4C	SO2 G4 Log
Sector 5	
MILOB GP HQ	
Canadian Centre	
BRITCON	
Ausmed	

UNAMIR
FORCE HQ
Kigali

30 August, 1994

3000.15(Ops)

See Distribution:

SUBJECT: **FC DIRECTIVE FOR THE DISPOSAL OF SEIZED WEAPONS IN UNAMIR AOR**

GENERAL

1. For the return of law and order in Rwanda, it is imperative that the Rwandan population including ex-RGF and self defence groups within the UNAMIR AOR are disarmed.

AIM

2. The aim of this directive is to outline the procedure for disposal of seized weapons within UNAMIR AOR.

DEFINITION

3. **Weapon**. For the purpose of this directive a weapon will be defined as any object which can be used to cause physical harm to an individual. This includes fire arms, machetes, bows and arrows, knives, swords, bayonets and spears.

DISPOSAL PROCEDURE

4. All unauthorized arms and ammunition and explosives confiscated will be disposed as follows:

a. All Sectors will set up a secure Weapon Collection Point where seized weapons will be collected within each Sector.

b. Seized weapons will be made safe and unloaded before transportation to all Weapon Collection Points.

c. Sector HQs will document all weapons seized in sector and forward a copy of the list to UNAMIR HQ (Operations).

d. Sector HQ will arrange transportation of weapons under MILOB escort to UNAMIR HQ Weapon Collection Point at Log Base (Rwandex).

e. Ammunition and explosives will be treated similarly as above, unless dangerous for transportation which will then be