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ACC. 1998/0278



Security Council

Distr.
GENERAL

S/1995/1002
1 December 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1/ The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, by which the Security Council adjusted and extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 8 December 1995 and authorized the gradual reduction of its troop level. Since the adoption of that resolution, I have reported to the Council on the situation in Rwanda on 8 August (S/1995/678) and 7 October (S/1995/848). The present report provides an update of the situation as of 30 November and contains recommendations regarding the United Nations role after the conclusion of the mandate of the United Nations Assistance Mission for Rwanda on 8 December.

II. POLITICAL DEVELOPMENTS

2/ Since my last report to the Security Council, a climate of relative security and stability has continued to prevail within Rwanda, despite the absence of any discernible effort towards national reconciliation. Some improvement in the socio-economic sectors has occurred, and the first effective steps towards the revival of the national judicial system have been taken, with the appointment of the Supreme Court on 17 October.

3/ The former Rwandese Government Forces and armed militia have continued their infiltration and sabotage campaigns along the Zaire-Rwanda border. In a recent counter-attack, the Rwandan Army mounted an amphibian assault on Iwawa Island in Lake Kivu, 15 kilometres west of the Rwandan mainland and just inside Rwandan territory, and cleared the island of some 500 militia. The operation led to accusations by Rwanda of Zaire's complicity with armed infiltration from the refugee camps. These, in turn, were countered by accusations from Zaire of attempts by Rwandan agents to assassinate the Zairian Chief of Army Staff at Goma airport. It is clear that the presence of large numbers of Rwandan refugees in neighbouring countries will continue to be a source of tension in the region.

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4. The basic framework for the voluntary return of refugees already exists in the Nairobi Declaration and the 1995 Bujumbura plan of action. These agreements need to be implemented by the Governments in the region, supported by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the international community. UNHCR is leading a major effort to start a process of voluntary return that would handle up to 6,000 to 8,000 refugees a day.

5. A number of important steps have been taken that should allow Governments in the region to cooperate on a humane asylum policy and not have recourse to closed borders and forcible return.

6. In accordance with resolution 1013 (1995) of 7 September, in which the Security Council requested me to establish an international commission of inquiry to investigate reports of military training and arms transfers to the former Rwandese Government Forces, I informed the Council on 16 October that arrangements for the establishment of the Commission had been completed. Following initial briefings in New York, the six-member Commission began its work in the Great Lakes region on 3 November. The Commission members have already visited Rwanda, where they were taken to Iwawa Island. They are expected to pursue shortly their investigation in Zaire.

7. The restoration of a national judicial system has suffered delays as a result of constitutional, administrative and human resource constraints. Consequently, there is understandable frustration both in Rwanda and within the international community over the delay in restoring the procedures of justice throughout the country. The prison population continues to grow and is now approaching 60,000. However, as a result of the efforts of the Prison Commission appointed by the Rwandan Government and the United Nations Task Force coordinated by my Special Representative, emergency measures were taken to create additional space for prisoners. This has led to noticeably fewer deaths and better medical facilities. After initial delays, prisoners have been transferred to the extensions and temporary detention centres. The Task Force is continuing its efforts to expand prison space.

8. A positive development in the revival of the judicial system has been the appointment of six Supreme Court judges by the National Assembly. These appointments constitute a first essential step, following which the remaining appointments in the judiciary will need to be made. A conference on genocide held in Kigali from 2 to 5 November focused on issues that the justice system would need to address effectively, such as special courts for those accused of genocide, degrees of culpability and plea bargaining.

9. I believe that the main factor that prevents a return to stability, security and harmony in Rwanda is the absence of a process of national reconciliation. This depends on the creation of conditions conducive to the return of the 1.6 million refugees currently outside Rwanda and for the judgement of those accused of genocide.

10. Progress continues to be made within Rwanda on security and normalization, but an atmosphere of tension and instability pervades the region. Relations between Rwanda and both Zaire and Kenya have deteriorated in recent months and conditions in Burundi have also contributed to tension in neighbouring

countries. To help to address these problems, I sent my Special Envoy, Mr. José Luis Jesus, to the countries of the Great Lakes to examine with the Governments concerned how progress could be made towards a regional conference. The results of my Special Envoy's mission were conveyed to the Council in my letter of 30 October (S/1995/945). My Special Envoy was informed by the Rwandan Government that it was opposed to a regional conference. In the absence of the necessary consensus among the Governments concerned, the United Nations will continue to monitor developments in the region, and I shall notify the Council as soon as conditions materialize for the successful convening of a conference under United Nations auspices. In his letter of 10 November 1995, the President of the Security Council encouraged me to continue these efforts (S/1995/946).

11. Meanwhile, former United States President Jimmy Carter announced that he would be organizing a regional conference in Cairo. Since the objectives of this Conference were similar to those outlined by the Security Council, I welcomed this initiative. After the meeting, which was attended by the heads of State of Burundi, Rwanda, Uganda and Zaire and a representative of the United Republic of Tanzania, a declaration was issued on 29 November, in which the parties pledged to take concrete actions to advance peace, justice, reconciliation, stability and development in the region (S/1995/1001, annex). Zaire and the United Republic of Tanzania pledged to isolate those elements in the camps who were intimidating refugees wishing to return to their homes, and on its part, Rwanda guaranteed the safety of the returning refugees. The parties also said they believed that the number of returning refugees should rise to 10,000 a day within a short time.

III. HUMAN RIGHTS

12. As of 30 November 1995, the United Nations Human Rights Field Operation in Rwanda had some 120 members deployed in Kigali and in 10 field offices located throughout the country. During the reporting period, the operation continued its activities in human rights monitoring and confidence-building, assistance to the Rwandan judicial system and human rights promotion. These activities were undertaken in close cooperation with the Rwandan national authorities and the general public.

13. The safe return of Rwandan refugees and internally displaced persons continues to play an important role in the human rights operation. Its activities are closely coordinated with UNHCR, as formalized in a memorandum of understanding between UNHCR and the Field Operation. In programming visits of human rights field officers throughout the country, the Field Operation has taken into account the areas receiving the largest numbers of refugees and internally displaced persons. It has also attempted to ensure that basic human rights are not violated at any stage of the process of return, resettlement or reintegration. It does this by monitoring conditions at the principal border crossing points; the processing of returnees in transit centres; the treatment of refugees while they await transfer to communes; the treatment of those placed in interim detention; and all aspects of reintegration into home communes. In the latter context, the Field Operation evaluates the state of readiness of home communes, determines whether they are in a position to receive returnees,

assists these communes in the resettlement process and monitors the subsequent treatment and security of resettled returnees.

14. The Field Operation undertakes regular visits to prisons and detention centres in order to monitor conditions and make proposals for their improvement. This work is carried out in cooperation with the International Committee of the Red Cross (ICRC). As indicated in paragraph 7 above, the number of detainees is now close to 60,000. In many detention facilities, prisoners are forced to stand for lack of room. There have been many deaths and serious illnesses due to the severe overcrowding, although medical conditions have been improved with international assistance. Most detainees were arrested outside the procedures laid down in Rwandan law and there are no dossiers recording evidence against them. The Field Operation seeks to promote respect for legal procedures governing arrest and detention.

15. Because the Rwandan judicial system is not yet functioning, criminal trials cannot commence and the problem of detention is exacerbated. To address this situation in part, the Government of Rwanda has established "triage committees" (commissions de triage) to review cases where detainees might be released for lack of evidence against them. The Field Operation has sought to promote the processing of cases by these bodies, while assisting in the rehabilitation of the judicial system. In cooperation with the United Nations Development Programme (UNDP), it also continues to assist local judicial authorities throughout the country.

IV. INTERNATIONAL TRIBUNAL FOR RWANDA

16. The Office of the Prosecutor of the International Tribunal for Rwanda has continued its investigations into last year's massacres with the objective of issuing its first indictments before the end of 1995. The staff of the Prosecutor's Office has expanded and now includes 30 investigators contributed by the Governments of the Netherlands, Norway, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. It also includes United Nations staff members whose recruitment was made possible by the exemption of the Tribunal from the financial restrictions recently imposed because of the financial crisis afflicting the United Nations. In late October, a United Nations security coordination officer visited Kigali to assess security for the Office of the Prosecutor and to make contingency plans for the provision of security to the International Tribunal in anticipation of the possible withdrawal of UNAMIR troops from Rwanda after the expiration of the current mandate.

17. Since his appointment on 8 September 1995, the Registrar of the Tribunal has travelled twice to the region and is now in residence in Arusha. Most recently he has travelled with the Prosecutor to countries neighbouring Rwanda in order to discuss with them their obligations to cooperate with the Tribunal.

18. At the end of October, a United Nations team visited Arusha to inspect the premises designated for the Tribunal and to review its security, logistical and administrative requirements. A lease agreement between the Tribunal and the Arusha International Conference Centre was signed on 31 October. Arrangements

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for temporary offices and residential accommodation have been completed to enable the Tribunal's staff to be in Arusha by 1 December 1995, and the judge assigned to review the indictments has arrived in Arusha. The second plenary session of the Tribunal is scheduled to take place in Arusha between 8 and 12 January 1996. The judges will discuss and adopt the directive on assignment of defence counsel, the rules governing conditions of detention of persons awaiting trial before the Tribunal and the annual report of the Tribunal.

19. A total of \$6.4 million of cash contributions and pledges is now available in the Voluntary Fund to Support the Activities of the Tribunal.

20. Pursuant to Council resolution 955 (1994) of 8 November 1994, in which the Secretary-General was asked to report periodically to the Security Council on the implementation of the resolution establishing the Tribunal, I have so far submitted three reports, the latest dated 25 August. Given the short period since my last report and in view of the forthcoming plenary session in Arusha, I am now reporting only on the latest developments. From now on, it will be for the President of the Tribunal to submit annual reports to the Security Council and the General Assembly, in accordance with article 32 of the Tribunal's statute.

V. MILITARY ASPECTS

A. Deployment and Activities of the United Nations Assistance Mission for Rwanda

21. Since my last report, there has been no change in the deployment of UNAMIR's military contingent. As of 30 November, the force level stood at 1,783 troops and 37 staff officers; 285 military observers out of an authorized level of 320 were also deployed throughout the country (see annex).

22. UNAMIR troops and military observers have continued to contribute to the security of the International Tribunal and the Human Rights Field Operation, as well as personnel and premises of United Nations and humanitarian agencies, as required. UNAMIR military observers have pursued their efforts to promote a climate of confidence by performing monitoring tasks with UNAMIR's civilian police observers.

23. UNAMIR has continued to facilitate the safe return and resettlement of refugees in their home communes and to support the provision of humanitarian services to the people of Rwanda. In this regard, the Mission has been ready to assist in the transportation of returnees, should the rate of repatriation exceed the handling capabilities of UNHCR and the International Organization for Migration (IOM). It has assisted in rebuilding basic infrastructure, repairing roads and bridges, re-establishing telecommunications facilities and reducing prison congestion by providing logistical and engineering expertise. It has contributed to medical assistance by delivering drugs and medical supplies and by providing emergency casualty evacuations by helicopter, surgical services, health inspections, medical training and assistance at hospitals, and disease prevention at orphanages. It has also provided vehicles for the distribution of

seeds and agricultural implements and assisted in the implementation of environmental damage prevention projects.

B. Security aspects

24. During the period under review, no major incidents of violence involving civilians have been reported. However, there has been a noticeable increase in insurgent activities in the western prefectures. Acts of banditry and sabotage, including the murder of civilians, the laying of mines and the destruction of power pylons, have been reported and often attributed to cross-border infiltration from Zaire. These attacks, which usually trigger counter-measures and retaliation by Rwandan security forces, remain the most disturbing security problem facing the country today. In this respect, it is important to note that security is markedly better in areas where former UNAMIR troops are present than in those areas where only military observers are stationed.

25. The Zairian Camp Security Operation, a joint initiative between UNHCR and the Zairian Government, has been quite successful in restoring and maintaining security in the Rwandan refugee camps in Zaire. The future of the Security Operation is heavily dependent on the rate of repatriation of Rwandan refugees. Currently, the option of extending its mandate for at least the first three months of 1996 is being considered at UNHCR headquarters.

VI. CIVILIAN POLICE

26. In its resolution 997 (1995), the Security Council decided to maintain the authorized level of the Mission's civilian police component. As of 30 November, 85 observers from 12 countries were deployed out of an authorized strength of 120 (see annex).

27. As indicated in my previous report, the efforts of the UNAMIR civilian police component remain focused on the training of the Rwandan National Police Force as mandated by resolution 997 (1995). So far, 403 new gendarmes have completed the programme and the training of 515 others is scheduled to end on 20 December. It will provide Rwanda with 918 of the estimated 6,000 trained gendarmes who are needed. The training of the Communal Police, the second component of the Rwandan National Police Force, was inaugurated by Vice-President Paul Kagame at Gishali on 19 November.

28. During the reporting period, UNAMIR's civilian police have continued to perform monitoring activities, together with the military observers, on a daily basis throughout Rwanda. These duties involve monitoring the prisons and the gendarmerie, especially as regards human rights, in conjunction with the Human Rights Field Operation. They also include cooperation with UNHCR in monitoring the safety of returnees.

VII. HUMANITARIAN ASPECTS

29. As of 6 October 1995, \$582.2 million was pledged to United Nations agencies for the United Nations consolidated appeal for the Great Lakes region. This amount covered 80.2 per cent of the adjusted humanitarian relief requirements for 1995. Funds pledged for the Rwanda component, however, amounted only to \$94.5 million out of \$160.3 million requested, or 58 per cent of the adjusted requirements.

30. The humanitarian situation in Rwanda continues to improve, with steady progress in the transition from emergency relief to rehabilitation, reconstruction and development. A massive or uncontrolled return of refugees, however, could have a deleterious effect on these efforts. A complex relationship exists between several critical areas: reintegration of refugees; prison overcrowding and rehabilitation of the justice system; security for returnees at the communal level; and insufficient housing and the scarcity of serviceable land.

31. During September and October, a total of 32,190 refugees returned to Rwanda, mainly in UNHCR-organized convoys. The rate of return from the United Republic of Tanzania increased from 1,000 returnees in September to 2,000 in October, of whom 1,144 were new caseload refugees. Approximately 19,000 refugees returned from Zaire, 94 per cent of whom came under UNHCR auspices. Voluntary repatriation from Burundi fell from 7,773 in September to 1,012 in October.

32. Most observers attribute the low number of returnees to the continuing campaign of intimidation and misinformation in the refugee camps. In addition, many refugees fear that their suspected role in last year's genocide will expose them to reprisal, denunciation or imprisonment upon their return to Rwanda. The Government has consistently affirmed that, although all Rwandan refugees abroad are welcome to return home, those involved in planning or carrying out the genocide will face imprisonment. An additional deterrent to the return of refugees is the shortage of adequate housing. Conflicts over housing and property will inevitably occur in the event of large-scale repatriation.

33. Repatriation, however, remains the only durable solution. In order to pre-empt drastic measures by the countries of asylum and avoid the chaos and probable violence that massive forced repatriation would trigger inside Rwanda, UNHCR is encouraging large-scale organized voluntary repatriation. These efforts include enlarging existing reception and transit facilities; opening new facilities to enhance capacity for processing more returnees; providing direct assistance to returnees in the form of transportation, food and relief items; providing institutional assistance to government ministries directly involved in the implementation of UNHCR assistance programmes; and supporting community assistance, shelter and the development of new rural settlements. These activities have been undertaken in collaboration with other United Nations agencies, non-governmental organizations (NGOs) and Rwandan government departments. Other important measures taken by UNHCR to promote repatriation are the strengthening of mass information campaigns (which include daily broadcasts on Radio UNAMIR), exchange visits of officials and refugees and the

regular monitoring of returnees within Rwanda, together with Human Rights Field Operation officers and UNAMIR military and civilian police observers.

34. The overall food situation in Rwanda has improved, permitting reductions in food aid allocations to populations at risk. The World Food Programme (WFP) has returned to a strategy of utilizing as much of the available food assistance as possible for food-for-work and income-generating projects. Several regions in Rwanda remain areas of concern, owing to a high concentration of either formerly displaced persons or returnees who have no assets or income. Those parts of the country that have traditionally suffered from food deficits are being monitored closely. Targeted food assistance programmes, implemented by WFP, the United Nations Children's Fund (UNICEF), ICRC and other agencies, are in place and should significantly contribute to food security among the Rwandan population.

35. In my previous report, I stated that the functions of the United Nations Rwanda Emergency Office would be assumed by the United Nations Resident Coordinator. Since emergency relief has indeed given way to rehabilitation, this transfer was completed on 31 October, as scheduled. A small team, formerly part of the Emergency Office, has been integrated into the Resident Coordinator's Office to ensure a rapid response by the international community should an emergency recur.

VIII. ECONOMIC AND SOCIAL ASPECTS

36. As mentioned in my previous report, disbursements of pledges made by the donor community at the Geneva Round-Table Conference gathered momentum during the third quarter of 1995. As of 15 September, donor countries had signed aid agreements with Rwanda for a cumulative total of \$267.6 million, of which \$183.6 million has been disbursed. At the same time, the total disbursed in response to the Geneva round-table conferences of January and June stood at \$252 million, equivalent to 43 per cent of the amount pledged. The volume and composition of development assistance over the 1996-1998 triennium will be discussed at the next round-table conference scheduled for March 1996 in Geneva. Thematic consultations held in Kigali from 21 to 23 November focused on immediate assistance to the rehabilitation and resettlement sectors in anticipation of a significant return of refugees.

37. During the third quarter of 1995, government revenue revived, as had been initially projected, but the improvement was insufficient to compensate for the shortfall that had been experienced during the first half of the year. The increased revenue, combined with additional support from donors, enabled the Government to pay wages and salaries punctually to all public servants except the military. The payment of salaries to the military is now overdue by at least six months, which undoubtedly compounds the difficulties of maintaining law and order.

38. In the external business sector, during the first three quarters of the year, Rwanda exported 9,444 tons of coffee and 3,449 tons of tea, at average prices of \$2.44 and \$0.73 per kilogram respectively. Coffee exports are now expected to total 20,000 tons, some 33 per cent more than previously estimated. These higher export earnings, along with disbursements from international

financial institutions for balance-of-payments support, have contributed to the stabilization of the market exchange rate. The United States dollar rate has been hovering within a range of 305 to 315 Rwandan francs, after peaking at 330 francs on 20 July.

39. In the monetary sector, the "flash" reporting system put in place by the National Bank of Rwanda has confirmed that the excess liquidity position of the reopened banks has declined significantly, accommodating increased lending to the private sector, mainly for coffee processing and exports. Borrowing from the Government has reportedly declined, offsetting increases in credit to the productive sectors. As projected in the financial programme agreed with the International Monetary Fund, the money supply may have increased only on the strength of a rapid accumulation in foreign exchange reserves. In the context of controlled growth in the money supply and a stabilized exchange rate, price inflation has declined to 1.4 per cent per month, against 6 per cent in June and July.

40. The Food and Agriculture Organization of the United Nations (FAO) reported that the 1995 agricultural season has been significantly more successful than had been anticipated, in part because of both favourable weather conditions and the timely provision of agricultural support by the international donor community. Though cereal production increased by 49 per cent and pulse production was almost double that of the corresponding season last year, crops in 1995 were all sharply down by comparison with the more normal 1990 season. This is mainly attributable to the population displacements of the past 18 months. At the production levels currently forecast, FAO anticipates a food deficit of some 140,000 tons for June-December 1995.

41. In the social sectors, the general objective of the Rwandan Government is still to regain the pre-war level of services and then to improve upon their quality and delivery by 1996. Although secondary education has resumed less quickly than its primary counterpart, the Ministry of Primary and Secondary Education has achieved a considerable degree of progress. Private schools have received food assistance from WFP and international NGOs. With technical assistance from the World Health Organization (WHO), services provided by the health sector have been adapted to address current priorities (malnutrition, AIDS and post-war trauma). As of 15 November, only the health sector had benefited substantially from donor support (\$1,182,147 disbursed). Donor assistance to the social sectors, which was discussed at the thematic consultations in November, will be further considered at the March 1996 round-table conference in Geneva.

IX. FINANCIAL ASPECTS

42. In its resolution 49/20 B of 12 July 1995, the General Assembly requested me to submit revised cost estimates for UNAMIR covering the period from 10 June to 31 December 1995. The revised cost estimates amount to \$96,685,400 gross.

43. I have also submitted revised cost estimates for the period from 1 January to 30 June 1996. However, should the Security Council agree with my

recommendation in paragraph 49, a cost estimate for the closure of the Mission will be submitted to the General Assembly during its current session.

44. As of 21 November 1995, total outstanding contributions to the UNAMIR special account since the inception of the Mission amounted to \$74.8 million. The total outstanding assessed contributions for all peace-keeping operations amounted to \$1,968.8 million.

X. OBSERVATIONS

45. As stated above, the core issue for Rwanda remains national reconciliation. This requires the rapid creation of conditions that would facilitate the safe return of 1.6 million refugees to their homes in dignity and the bringing to justice of the perpetrators of genocide. After nearly a year and a half in camps in Zaire and the United Republic of Tanzania, the refugees have placed formidable socio-economic and environmental burdens on the host countries, and this has sometimes severely strained the latter's goodwill. In addition, increasing infiltration and sabotage activities by the former Rwandese Government Forces and militia have heightened tension both within Rwanda and between Rwanda and its neighbours. This creates the danger of cycles of reciprocal recrimination, as occurred after the Iwawa Island incident. All these factors heighten the risk of forceful refoulement of the refugees.

46. Against this background, it is all the more important to address promptly the issue of the refugees' voluntary return and safe reintegration in their home communities. If forced repatriation was implemented, another humanitarian disaster could result. UNHCR is accordingly pursuing a sustained and determined effort to persuade refugees to return home voluntarily. If this is to succeed, it is vital that neighbouring States support it by demonstrating the political will to implement the existing agreements for refugee return contained in the Nairobi Declaration and the Bujumbura plan of action. The international community and United Nations agencies, for their part, will need to lend their full backing to overcome the obstacles to voluntary return, including intimidation in the camps and fears of persecution in Rwanda.

47. Efforts to induce a large-scale refugee return will need to be viewed in a time-frame extending over the next three to six months, taking account of the "commonality of interest" for the return of refugees that the High Commissioner for Refugees noted after her visit to all the countries in the Great Lakes region. It is in this context that a large part of the international community believes that a further six-month extension of the current mandate of UNAMIR is desirable. I realize, of course, that UNAMIR's role could only be one of facilitation and that the principal responsibility for providing security and material support for the return of the refugees lies with the Government of Rwanda. But the continued presence of UNAMIR could help to build confidence among the refugees and encourage them to take the decision to return.

48. Donor countries, most UNAMIR troop contributors, UNHCR, the International Tribunal, the High Commissioner for Human Rights, United Nations agencies, the Secretary-General of the Organization of African Unity, non-governmental organizations and Rwanda's neighbours have all indicated to me that they share

that view. They feel that if UNAMIR was to be perceived as abandoning Rwanda at this critical time, it would send a discouraging message to the refugees, to the region and to the international community at large.

49. The Government of Rwanda, however, has officially informed me that it does not agree to an extension of UNAMIR's mandate beyond its expiration on 8 December. The reason given for this position is that the Mission does not serve the real needs of Rwanda. However, the Government has indicated that it would be receptive to a continued United Nations presence, provided its purpose was to assist Rwanda in its pressing tasks of rehabilitation and reconstruction, including the provision of technical expertise, financial assistance and equipment. Since UNAMIR cannot remain in Rwanda without the consent of the Government, it is my intention to initiate the drawdown of the operation as of 8 December. It is estimated that the withdrawal process would take two to three months to complete. During this period, UNAMIR would no longer be able to fulfil its present mandate but would concentrate on ensuring the smooth and peaceful departure of United Nations military personnel and equipment. I expect the Government of Rwanda to take all necessary measures to facilitate the departure of UNAMIR personnel and equipment in an orderly manner.

50. In addressing the issues raised by these opposing points of view, it is necessary to bear in mind that the overarching objective of the Organization is the restoration of peace and stability not only in Rwanda but in the region as a whole. This requires solutions to the problems of reconciliation, justice and the return of refugees in Rwanda. But it also means tackling other problems that contribute to tension and instability in the Great Lakes region. Efforts to achieve a comprehensive solution must therefore continue. It is my hope that continued progress in cooperation among the countries of the region will create the necessary conditions for the early achievement of such a solution.

51. The United Nations still has a useful role to play in political efforts to this end. I recommend therefore that it should maintain a political presence in Rwanda after the withdrawal of UNAMIR. A United Nations office, headed by my Special Representative, could be established with a view to furthering, in consultation with the Government of Rwanda, the search for peace and stability through justice and reconciliation. My Special Representative would also continue to have overall authority for the coordination and expansion, as appropriate, of the assistance that the United Nations and the international community are providing in support of Rwanda's rehabilitation and reconstruction efforts. It is understood that, in accordance with the Convention on the Privileges and Immunities of the United Nations, Rwanda would allow this Office the necessary freedom of access and movement throughout the country and ensure its safety and security. Rwanda has also expressed its wish that equipment now belonging to the Mission be left to the Government after its departure. While I understand Rwanda's wish to retain non-lethal equipment that may be useful to its rehabilitation efforts, this is clearly an issue on which only the General Assembly can decide.

52. In conclusion, I should like to put on record my warm thanks to my Special Representative, Mr. Shaharyar Khan, to the Force Commander, Major General Guy Tousignant, and to all the military police and civilian personnel of UNAMIR for their devoted contribution to this United Nations

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English

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Mission and the cause it has served. In circumstances that were sometimes very difficult, the men and the women of UNAMIR have performed in an exemplary manner the important and often daunting tasks that have been demanded of them.

AnnexComposition of the UNAMIR military and civilian police components
as of 30 November 1995

Country	Military personnel				Civilian police	Grand total
	Troops	Staff	Observers	Total		
Argentina			1	1		1
Switzerland				0	3	3
Austria			15	15		15
Bangladesh			36	36		36
Canada	93	8	10	111		111
Chad					5	5
Congo			7	7		7
Djibouti				0	5	5
Ethiopia				0		0
Fiji			1	1		1
Germany				0	7	7
Ghana	307	7	32	346	10	356
Guinea			17	17		17
Guinea-Bissau			1	1	6	7
India	938	9	22	969		969
Jordan			5	5	4	9
Malawi	133		14	147		147
Mali	132		12	144	8	152
Nigeria	144	5	17	166	10	176
Niger				0	7	7
Pakistan			5	5		5
Russian Federation			17	17		17
Senegal		1	2	3		3
Tunisia	14	2		16	10	26
Uruguay			26	26		26
Zambia	22	5	20	47	10	57
Zimbabwe			25	25		25
Total	1 783	37	285	2 105	85	2 190

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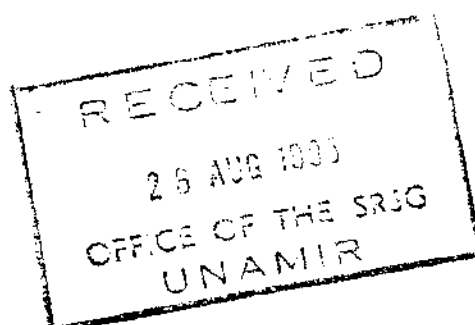
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DATE: 25 August 1995

TO: KHAN UNAMIR Kigali	FROM: ANNAN for DPKO New York <i>[Signature]</i>
FAX NO: 3-3090	FAX NO: (212) 963-4879 ROOM S-3720
SUBJECT: Security Council statement S/PRST/1995/41	
TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 7	

Please find attached, copies in English and French, of the statement made on 23 August by the President of the Security Council, on the forcible repatriation of Rwandese and Burundese refugees by Zaire, as well as the record of the Security Council meeting at which the statement was adopted (S/PV/3569).
Regards.

*Pavane**Please make
a copy for
Mr. Diallo -
Maurice
16 5 95**Mr. Diallo*



Dist. GENERAL

ORIGINAL: ENGLISH

At the 3569th meeting of the Security Council, held on 23 August 1993, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

*The Security Council takes note of the recent letter from the Government of Zaïre to the Secretary-General (S/1995/722) and the Secretary-General's reply (S/1995/723) in which he urges the Government of Zaïre to continue to provide assistance to Rwandan and Burundian refugees.

"The Security Council considers that Zaire and the other States which have accepted refugees from Rwanda and Burundi make an important contribution, in spite of the considerable difficulties created for them thereby, to peace and stability in the region. Their contribution is of special importance in view of the genocide which took place in Rwanda and the possibility of further bloodshed in Burundi. The Council also notes the commitment of the Government of Rwanda to take the necessary steps to facilitate the safe return of its nationals as soon as possible and encourages it to continue its efforts in order to implement its undertakings in this respect.

"The Security Council calls on the Government of Zaïre to stand by its humanitarian obligations regarding refugees, including, inter alia, those under the Convention relating to the Status of Refugees of 1951, and to reconsider and halt its declared policy of the forcible repatriation of refugees to Rwanda and Burundi.

"The Security Council supports the decision by the Secretary-General to send the United Nations High Commissioner for Refugees to the region to engage in urgent discussions with the Government of Zaïre and neighbouring States with a view to resolving the situation. It encourages all

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English

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Governments in the region to cooperate with the United Nations High Commissioner for Refugees to achieve the voluntary and orderly repatriation of refugees. It also calls on the international community to provide all possible assistance to help care for the refugees."

**NATIONS
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GÉNÉRALE

S/PRST/1995/41

23 août 1995

FRANÇAIS

ORIGINAL : ANGLAIS

DÉCLARATION DU PRÉSIDENT DU CONSEIL DE SÉCURITÉ

À la 3569e séance du Conseil de sécurité, tenue le 23 août 1995, dans le cadre de l'examen de la question intitulée "La situation concernant le Rwanda", le Président du Conseil de sécurité a fait la déclaration suivante au nom du Conseil :

"Le Conseil de sécurité constate avec une vive préoccupation que le Gouvernement zaïrois procède au rapatriement forcé de réfugiés rwandais et burundais et que la situation est de plus en plus tendue dans la région.

Le Conseil prend note de la lettre récemment adressée au Secrétaire général par le Gouvernement zaïrois (S/1995/722) et de la réponse du Secrétaire général (S/1995/723), dans laquelle celui-ci invite instamment le Gouvernement zaïrois à continuer d'apporter une assistance aux réfugiés rwandais et burundais.

Le Conseil estime que le Zaïre et les autres États qui ont accepté des réfugiés rwandais et burundais, malgré les énormes difficultés auxquelles ils se heurtent de ce fait, apportent une contribution importante à la paix et à la stabilité dans la région. Leur contribution revêt une importance particulière étant donné le génocide qui a eu lieu au Rwanda et la possibilité d'une autre effusion de sang au Burundi. Le Conseil note également que le Gouvernement rwandais s'est engagé à prendre les mesures nécessaires pour faciliter le retour, dans les meilleurs délais, de ses nationaux en toute sécurité et l'encourage à poursuivre ses efforts pour tenir les engagements qu'il a pris à cet égard.

Le Conseil demande instamment au Gouvernement zaïrois d'honorer ses obligations humanitaires en ce qui concerne les réfugiés, y compris celles qui découlent de la Convention relative au statut des réfugiés de 1951, et de reconsidérer, en vue d'y mettre fin, sa politique déclarée de rapatriement forcé des réfugiés au Rwanda et au Burundi.

Le Conseil appuie la décision prise par le Secrétaire général d'envoyer le Haut Commissaire des Nations Unies pour les réfugiés dans la région afin d'engager d'urgence des pourparlers avec le

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S/PRST/1995/41

Français

Page 2

Gouvernement du Zaïre et des États voisins dans le but de dénouer la situation. Il encourage tous les gouvernements de la région à coopérer avec le Haut Commissaire pour les réfugiés afin de faire en sorte que les réfugiés soient rapatriés de leur plein gré et dans l'ordre. Il invite en outre la communauté internationale à fournir toute l'assistance possible pour aider à subvenir aux besoins des réfugiés."

United Nations

S/PV.3569



Security Council

Fiftieth Year

Provisional

3569th MeetingWednesday, 23 August 1995, 1.20 p.m.
New York

<i>President:</i>	Mr. Wisnumurti	(Indonesia)
<i>Members:</i>	Argentina	Mr. Zawels
	Botswana	Mr. Nkgorwe
	China	Mr. Wang Xuejian
	Czech Republic	Mr. Michal
	France	Mr. Foucher
	Germany	Mr. Eitel
	Honduras	Mr. Suazo Fernández
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Oman	Mr. Al-Khussaiby
	Russian Federation	Mr. Fedotov
	Rwanda	Mr. Bakuramutsa
	United Kingdom of Great Britain and Northern Ireland	Mr. Plumbly
	United States of America	Mr. Wood

Agenda

The situation concerning Rwanda

Letter dated 17 August 1995 from the Prime Minister of the Republic of Zaire addressed to the Secretary-General (S/1995/722)

Letter dated 18 August 1995 from the Secretary-General addressed to the Prime Minister of the Republic of Zaire (S/1995/723)

95-85862 (E)



This record contains the original text of speeches delivered in English and interpretations of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief of the Verbatim Reporting Section, room C-178.

Security Council
Fiftieth year

3569th meeting
23 August 1995

The meeting was called to order at 1.20 p.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning Rwanda

Letter dated 17 August 1995 from the Prime Minister of the Republic of Zaire addressed to the Secretary-General (S/1995/722)

Letter dated 18 August 1995 from the Secretary-General addressed to the Prime Minister of the Republic of Zaire (S/1995/723)

The President: The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have the following documents before them: S/1995/722, letter dated 17 August 1995 from the Prime Minister of the Republic of Zaire addressed to the Secretary-General; and S/1995/723, letter dated 18 August 1995 from the Secretary-General addressed to the Prime Minister of the Republic of Zaire.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council views with deep concern the forcible repatriation of Rwandan and Burundian refugees by the Government of Zaire and the increasingly tense situation in the region.

"The Security Council takes note of the recent letter from the Government of Zaire to the Secretary-General (S/1995/722) and the Secretary-General's reply (S/1995/723) in which he urges the Government of Zaire to continue to provide assistance to Rwandan and Burundian refugees.

"The Security Council considers that Zaire and the other States which have accepted refugees from Rwanda and Burundi make an important contribution, in spite of the considerable difficulties created for them thereby, to peace and stability in the region. Their contribution is of special importance in view of the genocide which took place in Rwanda and the possibility of further bloodshed in Burundi. The Council also notes the commitment of the Government of Rwanda to take the necessary steps to facilitate the safe return of its nationals as soon as possible and encourages it to continue its efforts in order to implement its undertakings in this respect.

"The Security Council calls on the Government of Zaire to stand by its humanitarian obligations regarding refugees, including, *inter alia*, those under the Convention relating to the Status of Refugees of 1951, and to reconsider and halt its declared policy of the forcible repatriation of refugees to Rwanda and Burundi.

"The Security Council supports the decision by the Secretary-General to send the United Nations High Commissioner for Refugees to the region to engage in urgent discussions with the Government of Zaire and neighbouring States with a view to resolving the situation. It encourages all Governments in the region to cooperate with the United Nations High Commissioner for Refugees to achieve the voluntary and orderly repatriation of refugees. It also calls on the international community to provide all possible assistance to help care for the refugees."

This statement will be issued as a document of the Security Council under the symbol S/PRST/1995/41.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda. The Security Council will remain seized of the matter.

The meeting rose at 1.25 p.m.

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28 août 1995

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Conseil de sécurité

Distr.
GÉNÉRALE

S/PRST/1995/41
23 août 1995
FRANÇAIS
ORIGINAL : ANGLAIS

DÉCLARATION DU PRÉSIDENT DU CONSEIL DE SÉCURITÉ

À la 3569^e séance du Conseil de sécurité, tenue le 23 août 1995, dans le cadre de l'examen de la question intitulée "La situation concernant le Rwanda", le Président du Conseil de sécurité a fait la déclaration suivante au nom du Conseil :

"Le Conseil de sécurité constate avec une vive préoccupation que le Gouvernement zaïrois procède au rapatriement forcé de réfugiés rwandais et burundais et que la situation est de plus en plus tendue dans la région.

Le Conseil prend note de la lettre récemment adressée au Secrétaire général par le Gouvernement zaïrois (S/1995/722) et de la réponse du Secrétaire général (S/1995/723), dans laquelle celui-ci invite instamment le Gouvernement zaïrois à continuer d'apporter une assistance aux réfugiés rwandais et burundais.

Le Conseil estime que le Zaïre et les autres États qui ont accepté des réfugiés rwandais et burundais, malgré les énormes difficultés auxquelles ils se heurtent de ce fait, apportent une contribution importante à la paix et à la stabilité dans la région. Leur contribution revêt une importance particulière étant donné le génocide qui a eu lieu au Rwanda et la possibilité d'une autre effusion de sang au Burundi. Le Conseil note également que le Gouvernement rwandais s'est engagé à prendre les mesures nécessaires pour faciliter le retour, dans les meilleurs délais, de ses nationaux en toute sécurité et l'encourage à poursuivre ses efforts pour tenir les engagements qu'il a pris à cet égard.

Le Conseil demande instamment au Gouvernement zaïrois d'honorer ses obligations humanitaires en ce qui concerne les réfugiés, y compris celles qui découlent de la Convention relative au statut des réfugiés de 1951, et de reconsidérer, en vue d'y mettre fin, sa politique déclarée de rapatriement forcé des réfugiés au Rwanda et au Burundi.

Le Conseil appuie la décision prise par le Secrétaire général d'envoyer le Haut Commissaire des Nations Unies pour les réfugiés dans la région afin d'engager d'urgence des pourparlers avec le



Gouvernement du Zaïre et des États voisins dans le but de dénouer la situation. Il encourage tous les gouvernements de la région à coopérer avec le Haut Commissaire pour les réfugiés afin de faire en sorte que les réfugiés soient rapatriés de leur plein gré et dans l'ordre. Il invite en outre la communauté internationale à fournir toute l'assistance possible pour aider à subvenir aux besoins des réfugiés."

**UNITED
NATIONS****S****Security Council**Distr.
GENERALS/1995/678
8 August 1995

ORIGINAL: ENGLISH

**PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA****I. INTRODUCTION**

1. The present report is submitted pursuant to resolution 997 (1995) of 9 June 1995, in which the Security Council extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 8 December 1995. In that resolution, the Council also decided to adjust the mandate of UNAMIR to emphasize peace-building activities and authorized the gradual reduction of its troop level.
2. In resolution 997 (1995), the Security Council also asked me to report on the Mission's discharge of its mandate, the humanitarian situation and the progress made towards the repatriation of refugees. In my report of 9 July (S/1995/552), I informed the Council of the outcome of my consultations with the Governments of the countries neighbouring Rwanda on the possibility of deploying United Nations military observers, in accordance with paragraph 6 of resolution 997 (1995). During the reporting period, the Council was provided with regular oral briefings on developments related to Rwanda. The present report provides an update on the situation as at 3 August.
3. For the past year or more Rwanda has tried to grapple with the aftermath of genocide. A quarter of its population is still in refugee camps near its borders, a lingering legacy of the tragic events of 1994. However, the security situation in the country has improved markedly since my report to the Council of 4 June (S/1995/457). Working relations between the Government of National Unity and UNAMIR have also improved and a spirit of cooperation with United Nations programmes and agencies, international non-governmental organizations and bilateral donors has emerged. My visit to Rwanda on 13 and 14 July was intended to help strengthen those positive trends. It also offered a useful opportunity for an exchange of views with the country's leadership on the problems that remain to be solved.

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II. POLITICAL DEVELOPMENTS

4. During the period under review, the Government has taken certain steps to improve relations with neighbouring countries, especially Burundi, the United Republic of Tanzania and Zaire. The Ministers of Defence of Burundi, Rwanda and Zaire met at Bujumbura on 9 June and agreed to organize joint border patrols and to put into effect other measures that would improve security along their borders. The Foreign and Defence Ministers of Burundi and the Defence Minister of the United Republic of Tanzania visited Rwanda in July to discuss cooperation and other issues of mutual interest. This increase in bilateral contacts in the region is an encouraging sign.

5. Efforts to enhance the administration of justice, establish law and order and promote national reconciliation have continued. On 17 July, the Minister of Justice inaugurated a four-month training course for future magistrates. However, although senior government officials, including the Vice-President and Minister of Defence, Major-General Paul Kagame, have publicly called on the army and security forces to respect the rights of citizens, acts of violence continue to be reported.

6. The Government has continued to take measures aimed at building confidence and encouraging the voluntary return of refugees. On 20 June, it issued a statement that opened the possibility for contacts with refugee representatives who have not been implicated in acts of genocide. At the same time, it has encouraged refugees to visit Rwanda to assess conditions there personally and thus expedite the pace of repatriation. Conferences and seminars on national reconciliation, organized with the assistance of the United Nations Human Rights Field Operation in Rwanda (see para. 16 below), have been convened. In addition, Radio UNAMIR, which can now be received in over 70 per cent of the territory of Rwanda, has continued its confidence-building broadcasts and provides the population with factual and objective information on the situation in the country. Once UNAMIR receives the Government's authorization to install the remainder of Radio UNAMIR's equipment, the broadcasts should also reach Rwandan refugee camps in Zaire.

7. In my last report on Rwanda (S/1995/552), I noted that the Government, in accordance with the provisions of the Arusha Peace Agreement (A/48/824-S/26915, annex I), had submitted to the National Assembly a list of suggested nominees for the posts of President and five Deputy Presidents of the Supreme Court. Several candidates on the list were not acceptable to the National Assembly and efforts are under way to identify mutually acceptable nominees. In addition, on 19 July, after reports that a government official had asserted that political activities by non-governmental parties were prohibited, President Pasteur Bizimungu stated that, while multi-party political activities, as such, had not been banned, "political competition and mutual accusations among political parties that cause instability and divisions" would not be allowed. Although restrictions aimed at preventing political extremism can be imposed in a pluralistic environment, the above reports are cause for concern since such restrictions in Rwanda will do nothing to foster national reconciliation.

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My visit to Rwanda

8. Against the background of these trends, I visited Rwanda on 13 and 14 July to observe at first hand the progress made and the challenges that remain. During this visit, on which I briefed the Security Council on 25 July, I held detailed discussions with senior government officials, including President Bizimungu, Vice-President Kagame and Prime Minister Faustin Twagiramungu. I addressed a special session of the National Assembly, which was followed by an exchange of views with parliamentarians. I also met with representatives of Rwandan non-governmental organizations that are actively involved in the field of human rights and represent survivors of the genocide. During a visit to Nyarubuye in south-eastern Rwanda, I placed a wreath at an official site dedicated to the memory of victims of genocide. An aerial inspection of prisons in Kigali and Nsinda helped to focus public attention on the urgent need to alleviate the inhuman conditions in Rwandan jails.

9. A convergence of views emerged from my discussions with government officials on the priority tasks facing Rwanda. These included national reconciliation, the maintenance of security within the country and along its borders and reconstruction. I discussed with government officials reports of the growing threat of destabilization beyond Rwanda's borders.

10. With regard to national reconciliation, my discussions focused on efforts to expedite the repatriation of refugees. Special emphasis was placed on the need to create conditions on the ground that would instil the confidence and trust necessary to encourage refugees to return voluntarily in conditions of security and dignity. In this connection, I raised the need to strengthen the national judiciary. I emphasized that the Rwandan people as a whole, as envisaged under the Arusha agreements (A/48/824-S/26915, annexes), must participate fully in their country's governance; only on such a basis could national healing and sustainable economic progress be achieved. As an additional confidence-building measure, I discussed with government officials the possibility of organizing non-official round-table meetings and inviting participants from all sectors of Rwandan society, including the refugee community. At the same time, it is clear that respect for human rights is an essential factor in achieving national reconciliation. While those responsible for acts of genocide should be brought to justice, acts of vengeance or retaliation must not be tolerated. Another issue raised during my stay in Rwanda was the increased threat of destabilization. I emphasized to government officials my strong concern that the people of Rwanda, who had already suffered so much, should not be subjected to another cycle of violence. In my view, the earliest safe return of refugees would diminish the threat of infiltration, sabotage and destabilization from outside the country. As long as large concentrations of refugees remained in neighbouring countries, these dangers would be likely to continue.

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III. SECURITY

11. As noted above, the security situation in Rwanda has improved. Restrictions on UNAMIR's freedom of movement have generally ceased, permitting a more effective execution of the Mission's mandate. In addition, incidents of banditry and theft have decreased significantly in recent months.

12. In some areas, however, acute housing shortages and disputes over property continue to result in acts of violence. In this connection, the closure of camps for internally displaced persons in the south-west and the consequent return of a large number of people to their previous neighbourhoods, as well as the continued repatriation of refugees, have increased the pressure for housing and land. Although their number had decreased, cases of arbitrary arrest and detention continue to cause concern, as do the continuing reports of attacks, disappearances and killings, mostly of new returnees.

13. On 27 July and 1 August, the sub-prefects of Ruhango in Gitearama prefecture and Gikongoro in Gikongoro prefecture were killed by unidentified gunmen, as was a senior Roman Catholic cleric of the parish of Kamonyi in Gitearama prefecture. Investigations have not yet revealed the motive for the crime. Incidents such as these undermine the much-needed atmosphere of security.

14. Tension and lack of security also continue to be reported from areas of Zaire adjacent to Rwanda. Reports of infiltration and sabotage by armed elements, as well as allegations that members of the former government forces and militias are conducting military training and receiving deliveries of arms, have greatly heightened tensions in the border areas. The Governments of both Zaire and Rwanda recently admitted that the situation in the border zone had deteriorated and each has accused the other of involvement. The Government of Rwanda has enhanced security measures, especially in border areas, in order to reduce the threat of destabilization by armed elements, and has requested that restrictions on its acquisition of arms be lifted.

15. On 9 July, I reported to the Security Council (see S/1995/552) pursuant to its request in resolution 997 (1995) that I consult the Governments of the countries neighbouring Rwanda on the possibility of deploying United Nations military observers to monitor the sale or supply of arms and matériel. My Special Envoy, Mr. Aldo Ajello, had visited the region and had found some countries to be reluctant to have such military observers stationed in their territory. I informed the Council on 25 July of my own discussions in the region on this issue. A consensus had emerged concerning the urgent need to prevent acts of violence that might pose a threat to peace and stability in the region. In that connection, some Governments had indicated interest in the establishment, under United Nations auspices, of an international commission of inquiry to investigate allegations of arms deliveries to members of the former Rwandese government forces. All Member States concerned would have to support such a proposal if it were to be effective. I intend to pursue consultations in this regard and, in due course, to present recommendations to the Council on the possible establishment of an international commission.

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IV. HUMAN RIGHTS

16. The United Nations Human Rights Field Operation in Rwanda continued its efforts to sensitize the Rwandan population to the importance of respecting the human rights of all citizens. As at 1 August 1995, it had deployed 118 members and established 11 field offices throughout the country, which serve as base stations for mobile teams of human rights officers. Plans are under way to establish sub-offices in a number of additional communes in order to maintain a more integrated presence throughout the country. In the meantime, field officers continue to visit communes and meet with civil, judicial and military authorities and the local population. Their work has focused on security, access to property, the functioning of the local judicial system, conditions in detention centres and alleged human rights violations. The Field Operation is also in the process of establishing human rights committees at the provincial or prefectural level, with local participation, which will meet regularly with representatives of various government authorities. During the period under review, the Operation organized educational seminars for civil, military and judicial representatives.

V. INTERNATIONAL TRIBUNAL FOR RWANDA

17. The six judges of the two trial chambers of the Tribunal elected by the General Assembly in May 1995 have been sworn in and their first plenary session was held from 26 to 30 June at The Hague. During that session, the judges elected Judge Laity Kama (Senegal) President and Judge Yakov A. Ostrovsky (Russian Federation) Vice-President, and adopted the rules of procedure of the Tribunal. It is imperative that the Tribunal begin its substantive work in the near future.

18. Premises for the Prosecutor's Office at Kigali have been identified and it is expected that it will soon be fully staffed. None the less, more effort is needed to enable the Tribunal to start functioning at Arusha and to maintain a fully operational office at Kigali. On 20 July, in its resolution 49/251, the General Assembly approved some \$13.5 million for the financing of the Tribunal's work. However, in view of the enormous material, personnel and logistical requirements necessary to ensure its proper functioning, I reiterate my appeal to Member States to make additional voluntary contributions to the United Nations Voluntary Fund established for the Tribunal. To date, \$6.3 million has been contributed to the Fund. I express my appreciation to the Member States concerned.

VI. MILITARY ASPECTS

19. In accordance with the adjusted mandate authorized by the Security Council in its resolution 997 (1995), the activities of the military component of UNAMIR have shifted from providing security to assisting in the normalization of the country. The military component of the Mission also assists in the delivery of humanitarian aid and the provision of engineering and logistical support. Its ability to provide such assistance will, however, be increasingly limited by the gradual reduction of its manpower and other resources.

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20. With the authorized reduction in the number of UNAMIR troops to 1,800 by October 1995, the Mission's military component is being drawn down. Units of United Nations troops stationed in various areas throughout the country have been consolidated into company-size formations. Based on operational requirements, the following units will remain in the country: the battalion of 660 personnel from Ghana, whose task is to protect United Nations installations and facilities; an additional company of 135 personnel, to provide protection for personnel of the International Tribunal and the Human Rights Field Operation; the Force signal company of 75 personnel (India), responsible for providing communication support for the Force Headquarters and four sector headquarters; the military police platoon of 45 personnel; and a Force Headquarters team consisting of 35 staff officers, which will remain at Kigali. In addition, an engineer company of 125 personnel from India will provide engineering support throughout Rwanda and a group of 85 Canadian personnel will maintain UNAMIR's integrated logistics system. One infantry company each from Ghana, Mali, Malawi and Nigeria will be stationed at Kibungo, Gikongoro, Cyangugu and Nyundo, respectively. The military medical team, which is provided by Australia, is scheduled to withdraw by 22 August. Many potential contributors have been requested to provide a replacement; unfortunately, none has agreed to assist. I am, therefore, urgently exploring the possibility of providing medical services for UNAMIR through contractual arrangements.

21. In accordance with resolution 997 (1995), the repatriation of UNAMIR's troops has begun. To date, the Ethiopian, Tunisian and Zambian infantry battalions have been repatriated, as have some personnel from the Nigerian company. As at 3 August 1995, the strength of UNAMIR's troops had been reduced to 3,571 all ranks. The Australian and Senegalese contingents are expected to be repatriated by late August, while personnel from the Ghanaian and Malian companies are scheduled to go in early September. The Indian infantry battalion is expected to reach its reduced level by early October. The number of military police and Force Headquarters staff will also decrease throughout the period.

22. The same resolution authorized the current strength of UNAMIR's military observers to be maintained at 320. During the reporting period, military observers continued to maintain liaison with government representatives, human rights observers and United Nations agencies and to monitor the security of resettled refugees, internally displaced persons and others.

VII. CIVILIAN POLICE

23. In its resolution 997 (1995), the Security Council decided to maintain the authorized strength of UNAMIR's civilian police component at 120 police observers. As at 3 August, the total strength of the component was 56 observers from nine countries; 21 additional observers are expected to be deployed by mid-August.

24. My report of 4 June (S/1995/457) indicated that the Government of Rwanda had taken the position that the training programme being conducted by the UNAMIR civilian police component should be replaced by bilateral arrangements and that the United Nations police component should be withdrawn once those arrangements were in place. Since that time, the Government has agreed that UNAMIR should

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continue its training programme throughout the present mandate period. Accordingly, the civilian police component has continued to concentrate on monitoring and training. On 15 June 1995, a second group of 301 gendarmes completed an intensive 16-week training programme conducted by the United Nations. Training of an additional 513 gendarmes started in July and will be followed by that of 100 instructors.

25. With assistance from the international community, the Government of Rwanda has taken steps to strengthen the Communal Police Training Centre. In early July, two projects were approved whereby the United Nations Development Programme (UNDP) will provide assistance for the training of the national gendarmerie and 1,500 communal police officers. The first group of 750 officers is expected to begin training in early September.

VIII. HUMANITARIAN ASPECTS

26. Despite the efforts of the Rwandan authorities and the international community, in particular UNAMIR, the United Nations Rwanda Emergency Office, the United Nations High Commissioner for Human Rights, UNDP, the United Nations Children's Fund (UNICEF), and the International Committee of the Red Cross (ICRC), the conditions in the prisons now constitute a major humanitarian crisis. Over 50,000 people are now incarcerated in 12 prisons and various places of detention, although the prison capacity is only 12,250. Death rates have been estimated at more than 200 per month. There is therefore a pressing need for more vigorous efforts by the Rwandan authorities and the international community in order to alleviate the prison situation.

27. A number of political and religious leaders have recently visited Rwanda. These include the Minister for Development Cooperation of the Netherlands, Mr. Jan Pronk, Archbishop Desmond Tutu from South Africa and the Minister of Foreign Affairs of Germany, Dr. Klaus Kinkel. Many of these leaders have witnessed the appalling prison conditions. Since his visit, Dr. Kinkel has sent me a communication urging me to do everything possible to put an end to this catastrophic situation.

28. I have requested the Under-Secretary-General for Humanitarian Affairs to initiate, in coordination with the Government of Rwanda and the international community, effective and urgent measures to reverse the situation. The Department of Humanitarian Affairs has already held consultations in New York with United Nations agencies and donor representatives with a view to drawing up a plan of action to secure resources and reaching agreement on a coordination mechanism. Further consultations are envisaged in Geneva prior to a mission led by the Department of Humanitarian Affairs to Kigali next week to finalize the action plan in conjunction with the Government of Rwanda and my Special Representative.

29. Since my report of 4 June (S/1995/457), the rate of repatriation of Rwandan refugees from neighbouring countries has increased slightly. In June, 2,727 refugees returned to Rwanda from Zaire. The Office of the United Nations High Commissioner for Refugees (UNHCR) estimates that, in addition to the 6,250

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refugees repatriated from Burundi under its auspices in June and July, up to 10,000 persons may have returned to Rwanda on their own during the same period.

30. Prospects for the repatriation of refugees from the United Republic of Tanzania to Rwanda improved after officials from both countries met with UNHCR representatives at Kigali from 17 to 19 July to examine modalities for the return of an estimated 700,000 persons. The meeting concluded with an agreement to establish a joint commission on security and the resettlement of refugees. It is also hoped that confidence-building measures sponsored by the Government, the United Nations and non-governmental organizations, such as organized visits by refugees to Rwanda, will encourage repatriation.

31. Since the closure of the camps for internally displaced persons in the south-west of Rwanda, international humanitarian organizations have increased their activities at the commune level. The Government has also started the first phase of its Rehabilitation Programme, targeting 59 communes in priority areas. Food aid deliveries throughout the country have increased and there are sufficient stocks of food in the country and in the region to cover planned distribution programmes. Supplies for emergency distribution, should the need arise, are at present available in adequate quantities.

32. Following a bilateral agreement between the Governments of the United States of America and Rwanda, a national de-mining programme was established in July. Under the terms of the agreement, a national de-mining office will be established and a mine database created. The office will also serve as the focal point for a mine awareness programme, as well as for a programme that will provide de-mining training to 80 government soldiers. These activities will contribute significantly to the reconstruction effort.

33. As at 12 July, the United Nations Trust Fund for Rwanda had received contributions amounting to \$6.54 million, including a recent contribution from New Zealand of \$200,000. The Fund has financed projects aimed at meeting emergency and rehabilitation needs, as well as the urgent requirements of essential government ministries. As at 1 August, a total of \$116 million had been pledged against the sum of \$219 million outlined in the 1995 Consolidated Inter-Agency Emergency Appeal for Rwanda; this represents a \$36 million increase in pledges since my last report to the Council. For the needs of the subregion, pledges amounted to \$346 million, against a total requirement of \$587 million, representing an increase of \$1 million.

34. Although a large-scale humanitarian effort is still required to meet the massive emergency needs of Rwandan refugees in neighbouring countries, the present emphasis in Rwanda itself is gradually shifting towards rehabilitation and reconstruction. This shift from emergency assistance has required an adjustment in the various United Nations humanitarian programmes and field structures operating in the country. As a result, the United Nations Rwanda Emergency Office, which was established in 1994 under the direction of the Humanitarian Coordinator in Kigali, has begun to prepare for its eventual closure. Transitional arrangements are being made to ensure that the coordination of humanitarian assistance will continue. Among these arrangements is the establishment of a small United Nations Disaster Management Team, headed

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by the Resident Coordinator, which will ensure that appropriate emergency response measures are prepared and undertaken in a timely and effective manner.

IX. ECONOMIC AND SOCIAL ASPECTS

35. Donor countries and United Nations agencies met at Kigali on 6 and 7 July for a mid-term review of the Round-Table Conference held at Geneva in January 1995. The donor community recognized the need to expedite the disbursement of already committed funds and pledged an additional \$200 million, bringing to over \$800 million the amount pledged since the Conference. At the meeting, progress in rebuilding the country's infrastructure was reported, as was an increase in agricultural production. Formidable challenges remain, however, in the areas of resettlement, budgetary support, national capacity-building and industrial production.

36. Total contributions administered by UNDP through its trust fund arrangement stood at \$22 million as at 25 July 1995, at which time \$13 million had been received and some \$7.5 million disbursed for rehabilitation and development projects, including strengthening the capacity of the justice system; rehabilitation of key administrative buildings; provision of equipment vital to the functioning of Rwandan public administration; expansion of the existing prison capacity; and provision of support to training programmes for the communal police and national gendarmerie.

37. Several programmes aimed at facilitating the return to Rwanda of former members of the country's public service sector have been initiated. UNICEF and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have continued to help provide basic education to Rwandans, both within the country and in refugee camps. In addition, the World Bank, the International Monetary Fund (IMF) and UNDP are involved in a project designed to strengthen the Government's capacity to manage its economic, financial and human resources.

38. There have been a number of improvements in alleviating the plight of Rwandan children, many of whom have yet to overcome the trauma inflicted by the horrors of the events of 1994. Of the approximately 45,000 children who lost or were separated from their parents, over 28,000 are now in foster-care facilities and intensive efforts are under way to provide for the rest. In mid-June, 155 prisoners between the ages of 7 and 14 were transferred to a new facility specially designed for children. The demobilization, rehabilitation and reintegration of child soldiers is continuing.

X. FINANCIAL ASPECTS

39. In its resolution 49/20 B of 12 July 1995, the General Assembly decided, as an interim measure pending the submission at its fiftieth session of revised cost estimates and the report of the Advisory Committee on Administrative and Budgetary Questions, to appropriate \$109,951,900 gross (\$107,584,300 net) for the operation of UNAMIR for the period from 10 June to 31 December 1995. The Assembly also decided that \$99,628,200 gross (\$97,508,000 net) should be assessed among Member States for the maintenance of UNAMIR for the period from

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10 June to 8 December 1995. The revised cost estimates will include two additional posts for the positions of Civilian Police Commissioner and Director of the UNAMIR Liaison Office at Kinshasa.

40. As at 26 July 1995, the total outstanding assessed contributions to the UNAMIR Special Account since the inception of the Mission amounted to \$64.7 million. The total outstanding assessed contributions for all peace-keeping operations amounted to \$1,779.3 million.

XI. OBSERVATIONS AND CONCLUSIONS

41. In the 12 months that have passed since one of the most tragic chapters in Africa's history, the Government of Rwanda has made efforts to stabilize conditions within the country, although the weakness of the economy and the lack of public revenue to run an effective administration continue to frustrate those efforts. This is one reason why many of the causes of the conflict and ensuing genocide remain to be addressed in a determined and comprehensive manner. In addition to the steps taken so far by the Government and the international community, more time and greater efforts are needed before the country can recover from the traumatic events of 1994. Since the tensions on the country's borders could erupt in uncontrollable violence at any moment, it is with a sense of urgency that the Government of Rwanda, the countries in the subregion and other members of the international community must address the vital issues confronting the country.

42. It is imperative that representatives of all sectors of Rwandan society begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability. Such talks must, of course, exclude those political leaders suspected of planning and directing the genocide last year, who must be judged by the International Tribunal. The Government of Rwanda should promote such talks so that the thousands of others who live under suspicion can gain confidence and join in the efforts to reconstruct their country.

43. The international community has an important role to play in Rwanda's reconstruction and in encouraging repatriation and reconciliation. I take this opportunity to express my appreciation to States, donor agencies and non-governmental organizations for the vital contributions they have made to promoting peace and rehabilitation in Rwanda. At the same time, I call upon them to intensify their efforts during this critical period in order to help avert a resumption of violence.

44. In accordance with resolution 997 (1995), UNAMIR is taking the necessary steps to draw down its military presence in Rwanda and to implement its new mandate. The Government has encouraged this approach, which reflects the gradually improving conditions in the country. In this connection, I urge it to ensure that visible measures are put in place to ensure respect for human rights and security for all Rwandan people. It is particularly important to continue to encourage the voluntary return of refugees. This would send a clear message to the international community that its assistance for reconstruction should be accelerated.

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45. During my visit to the subregion, there was clear consensus among government leaders that instability in any State in the area could have a dramatic effect on all its neighbours. It was widely recognised that destabilizing influences, such as armed infiltrations, acts of sabotage and illegal arms acquisitions, should be prevented through cooperative efforts. Strong interest was expressed in the establishment of an international commission under the auspices of the United Nations to address allegations of arms flows to former government forces. I hope that all Governments concerned will support such an initiative. It is my intention to provide my recommendations in this regard to the Security Council shortly.

46. I discussed with heads of State and Government in the region the idea of convening a regional conference that would consider the interrelated problems of peace, security and development, having in mind the adoption of a specific programme of action. In the meantime, in order to address the urgent problems facing the repatriation of refugees, it may be useful to convene, at the earliest possible date, a regional meeting aimed at developing concrete measures to implement the commitments embodied in the Nairobi Summit declaration of January 1995, the Kujumbura Action Plan of February 1995 and the tripartite agreements signed by UNHCR, Rwanda and neighbouring countries hosting Rwandan refugees. This would be in addition to the possible holding of round-table meetings, in which all sectors of Rwandan society would participate, referred to earlier in the present report. I intend to continue intensive consultations on all of these proposals.

47. In conclusion, I wish to express my appreciation to my Special Representative, Mr. Shaharyar Khan, to the Force Commander, Major-General Guy Tousignant, and to all military, police and civilian personnel of UNAMIR for their continuing efforts and remarkable dedication to the cause of peace and security in Rwanda.

**NATIONS
UNIES****S****Conseil de sécurité**Distr.
GÉNÉRALES/1995/678
8 août 1995
FRANÇAIS
ORIGINAL : ANGLAIS**RAPPORT INTÉrimAIRE DU SECRÉTAIRE GÉNÉRAL SUR LA MISSION
DES NATIONS UNIES POUR L'ASSISTANCE AU RWANDA****I. INTRODUCTION**

1. Le présent rapport est soumis en application de la résolution 997 (1995), du 9 juin 1995, par laquelle le Conseil de sécurité décidait de proroger le mandat de la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR) jusqu'au 8 décembre 1995. Le Conseil décidait également de modifier le mandat de la MINUAR de façon à mettre l'accent sur les activités de consolidation de la paix et autorisait une réduction progressive des effectifs.

2. Dans la même résolution, le Conseil de sécurité me demandait également de lui présenter un rapport sur la manière dont la Mission s'acquittait de son mandat, sur la situation humanitaire au Rwanda et sur les progrès réalisés en ce qui concerne le rapatriement des réfugiés. Dans mon rapport du 9 juillet (S/1995/552), j'informais le Conseil de l'issue de mes consultations avec les gouvernements de pays voisins du Rwanda concernant la possibilité d'y déployer des observateurs militaires des Nations Unies, conformément au paragraphe 6 de la résolution 997 (1995). Au cours de la période considérée, le Conseil a été régulièrement tenu au courant, oralement, de l'évolution de la situation concernant le Rwanda. Le présent rapport fait le point de la situation au 3 août.

3. Cela fait un an ou plus que le Rwanda essaie de surmonter les conséquences du génocide. Un quart de sa population se trouve toujours dans des camps de réfugiés près de ses frontières, séquelle persistante des tragiques événements de 1994. Cela dit, la situation en matière de sécurité s'est notablement améliorée depuis mon rapport du 4 juin (S/1995/457). Les relations de travail entre le Gouvernement d'unité nationale et la MINUAR se sont également améliorées, et un esprit de coopération s'est fait jour avec les programmes et organismes des Nations Unies, les organisations non gouvernementales internationales et les donateurs bilatéraux. Mon voyage au Rwanda les 13 et 14 juillet avait pour but d'aider à renforcer ces tendances positives. Il m'a aussi donné une occasion utile d'échanger des vues avec les dirigeants du pays sur les problèmes qu'il reste à résoudre.

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II. ASPECTS POLITIQUES

4. Au cours de la période considérée, le Gouvernement a pris certaines mesures pour améliorer les relations avec les pays voisins, surtout le Burundi, la République-Unie de Tanzanie et le Zaïre. Les Ministres burundais, rwandais et zaïrois de la défense se sont rencontrés à Bujumbura le 9 juin et ont convenu d'instituer des patrouilles conjointes le long de leurs frontières communes et de mettre en œuvre d'autres mesures visant à améliorer la sécurité le long de ces frontières. Les Ministres burundais des affaires étrangères et de la défense et le Ministre tanzanien de la défense se sont rendus au Rwanda en juillet pour discuter de la coopération et d'autres questions d'intérêt commun. Cette intensification des contacts bilatéraux dans la région est un signe encourageant.
5. Les efforts déployés pour promouvoir l'administration de la justice, instaurer l'ordre public et encourager la réconciliation nationale se sont poursuivis. Le 17 juillet, le Ministre de la justice a initié un cours de formation de quatre mois à l'intention des futurs magistrats. Toutefois, bien que de hauts fonctionnaires, notamment le Vice-Président et Ministre de la défense, le général de division Paul Kagame, aient lancé un appel public à l'armée et aux forces de sécurité leur enjoignant de respecter les droits des citoyens, on continue de signaler des actes de violence.
6. Le Gouvernement a continué de prendre des mesures visant à instaurer la confiance et à encourager le retour librement consenti des réfugiés. Le 20 juin, il a publié une déclaration couvrant la possibilité d'établir des contacts avec des représentants de réfugiés n'ayant pas été impliqués dans des actes de génocide. Dans le même temps, il a encouragé les réfugiés à revenir brièvement au Rwanda pour y évaluer personnellement la situation et accélérer ainsi le rythme de rapatriement. Des conférences et séminaires sur la réconciliation nationale, organisés avec l'assistance de l'Opération des Nations Unies pour les droits de l'homme au Rwanda (voir par. 16 ci-après), ont été convoqués. En outre, Radio MINUAR, qui peut désormais être captée dans plus de 70 % du territoire rwandais, continue de diffuser des émissions visant à instaurer la confiance et donne à la population des informations factuelles et objectives sur la situation dans le pays. Dès que la MINUAR aura reçu du Gouvernement l'autorisation d'installer le reste de l'équipement de Radio MINUAR, les émissions devraient parvenir aussi jusqu'aux camps de réfugiés rwandais au Zaïre.
7. Dans mon dernier rapport sur le Rwanda (S/1995/552), je relevais que le Gouvernement, conformément aux dispositions des Accords de paix d'Arusha (A/48/824-S/26915, annexe I), avait présenté à l'Assemblée nationale la liste des candidats qu'il proposait au poste de président et aux cinq postes de vice-président de la Cour suprême. L'Assemblée nationale a estimé inacceptables plusieurs des noms sur cette liste, et des efforts sont en cours pour trouver des candidats acceptables à la fois à l'Assemblée et au Gouvernement. En outre, le 19 juillet, après avoir entendu rapporter que, aux dires d'un fonctionnaire, il était interdit aux partis non gouvernementaux de mener des activités politiques, le Président Pasteur Bizimungu a déclaré que, si les activités politiques multipartites en tant que telles n'avaient pas été interdites, la concurrence politique et les accusations réciproques entre partis politiques qui

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causaient instabilité et arianie ne seraient pas tolérées. S'il est vrai que l'on peut, dans un environnement pluraliste, imposer des restrictions visant à empêcher l'extrémisme politique, ces informations causent une certaine préoccupation car de telles restrictions au Rwanda ne feront rien pour promouvoir la réconciliation nationale.

Ma visite au Rwanda

8. C'est dans ces circonstances que je me suis rendu au Rwanda les 13 et 14 juillet pour me rendre compte sur place des progrès qui ont été réalisés et des problèmes qui subsistent. Au cours de mon séjour, dont j'ai rendu compte au Conseil de sécurité le 25 juillet, je me suis longuement entretenu avec de hautes personnalités du Gouvernement rwandais, dont le Président Bizimungu, le Vice-Président Kagame et le Premier Ministre Faustin Twagiramungu. J'ai pris la parole devant l'Assemblée nationale réunie en session extraordinaire à la suite de laquelle j'ai procédé à un échange de vues avec les parlementaires. J'ai également rencontré des représentants d'organisations non gouvernementales rwandaises qui s'occupent activement des droits de l'homme sur le terrain et représentent les survivants du génocide. Lors de mon passage à Nyarubuye, dans le sud-est du Rwanda, j'ai déposé une gerbe sur un site dédié à la mémoire des victimes du génocide. Une inspection aérienne des prisons de Kigali et Nsinda a contribué à appeler l'attention du public sur la nécessité urgente d'améliorer les conditions de détention inhumaines dans les prisons rwandaises.

9. Les entretiens que j'ai eus avec les représentants du Gouvernement ont permis de constater l'existence d'un large accord sur les tâches prioritaires auxquelles devait s'atteler le Rwanda. Celles-ci comprenaient la réconciliation nationale, le maintien de la sécurité à l'intérieur du pays et le long de ses frontières et la reconstruction. J'ai évoqué avec les représentants du Gouvernement les informations faisant état d'une menace croissante de déstabilisation au-delà des frontières du Rwanda.

10. En ce qui concerne la réconciliation nationale, mes entretiens ont essentiellement porté sur les efforts visant à accélérer le processus de rapatriement des réfugiés. J'ai particulièrement insisté sur la nécessité de créer sur place des conditions propres à créer le climat de confiance nécessaire pour encourager les réfugiés à rentrer dans leur pays de leur plein gré dans la sécurité et la dignité. À cet égard, j'ai évoqué la nécessité de renforcer le système judiciaire national. J'ai fait valoir que, comme prévu dans les accords d'Arusha (A/48/824-S/26915, annexes), l'ensemble du peuple rwandais doit participer pleinement à la conduite des affaires du pays et alors seulement pourrait-il panser ses blessures et s'engager dans la voie du progrès économique durable. J'ai examiné avec les représentants du Gouvernement la possibilité d'organiser, à titre de mesure de confiance supplémentaire, des tables rondes officielles et d'inviter à y participer des membres de tous les secteurs de la société rwandaise, y compris de la communauté des réfugiés. Par ailleurs, il ne fait aucun doute que le respect des droits de l'homme est un facteur essentiel pour assurer la réconciliation nationale. Il faut certes traduire en justice les auteurs du génocide, mais les actes de vengeance ou de représailles ne doivent pas être tolérés. Une autre question soulevée au cours de mon séjour au Rwanda concernait le danger de plus en plus grand de déstabilisation. J'ai fait part aux représentants du Gouvernement de mon profond souci d'éviter que le

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peuple rwandais, qui avait déjà tant souffert, ne soit victime d'une nouvelle vague de violence. À mon avis, le retour des réfugiés dans les meilleurs délais et dans la sécurité réduirait le danger d'infiltration, de sabotage et de déstabilisation venant de l'extérieur. Tant que d'importants groupes de réfugiés demeuraient dans les pays voisins, il était probable que ce danger persisterait.

III. SÉCURITÉ

11. Comme on l'a vu plus haut, la situation en matière de sécurité s'est améliorée au Rwanda. Les restrictions imposées à la liberté de mouvement de la MINUAR ont pour la plupart été levées, ce qui a permis à la Mission de s'acquitter plus efficacement de son mandat. En outre, les actes de banditisme et les vols ont considérablement diminué ces derniers mois.

12. Dans certaines régions, la grave pénurie de logements et les différends concernant la propriété des biens continuent toutefois de provoquer des actes de violence. À cet égard, la fermeture des camps de personnes déplacées à l'intérieur du pays dans le sud-ouest et, de ce fait, le retour d'un grand nombre de personnes dans leurs anciens quartiers ainsi que la poursuite du processus de rapatriement des réfugiés ont exacerbé la crise du logement et de l'aménagement de l'espace disponible. Bien qu'elles soient moins nombreuses, les arrestations et détentions arbitraires ne laissent de susciter des inquiétudes, tout comme les informations qui ne cessent de faire état d'attaques, de disparitions et d'assassinats, pour la plupart, de réfugiés qui ont récemment regagné leurs foyers.

13. Les 27 juillet et 1er août, les sous-préfets de Ruhango, dans la préfecture de Gitarama, et de Gikongoro, dans la préfecture de Gikongoro, de même qu'un haut responsable religieux de la paroisse catholique de Ramonyi, dans la préfecture de Gitarama, ont été abattus par des hommes armés non identifiés. Les enquêtes n'ont pas permis d'établir le motif de ces crimes. De tels incidents nuisent au climat de sécurité dont le pays a tellement besoin.

14. On continue de faire état de tensions et de l'insécurité dans des régions voisines du Rwanda au Zaïre. Les informations signalant des actes d'infiltration et de sabotage par des éléments armés ainsi que les allégations selon lesquelles des membres des anciennes forces gouvernementales et milices dispensent un entraînement militaire et reçoivent des livraisons d'armement ont fortement exacerbé les tensions dans les zones frontalières. Les Gouvernements zaïrois et rwandais ont tous deux récemment admis que la situation s'était détériorée dans la zone frontalière et chacun a fait porter à l'autre la responsabilité de cet état de choses. Le Gouvernement rwandais a renforcé les mesures de sécurité surtout dans les zones frontalières afin de réduire la menace de déstabilisation par des éléments armés et demandé que soient levées les restrictions imposées sur ses achats d'armement.

15. Le 9 juillet, j'ai fait rapport au Conseil de sécurité (voir S/1995/552) comme suite à la demande formulée par le Conseil dans sa résolution 997 (1995), par laquelle il m'avait prié de tenir des consultations avec les gouvernements de pays voisins du Rwanda, concernant la possibilité de déployer des observateurs militaires des Nations Unies afin de contrôler la vente ou la

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livraison d'armement et de matériels. Mon Envoyé spécial, M. Aldo Ajello, qui s'est rendu dans la région, a constaté que certains pays étaient peu enclins à accepter le déploiement sur leur territoire de ces observateurs militaires. Le 25 juillet, j'ai informé le Conseil des consultations que j'avais moi-même tenues sur cette question dans la région. Il s'était dégagé un consensus sur la nécessité de prévenir d'urgence les actes de violence qui risquaient de compromettre la paix et la stabilité dans la région. À cet égard, certains gouvernements s'étaient montrés intéressés par la création, sous les auspices de l'ONU, d'une commission internationale d'enquête sur les allégations selon lesquelles des armes seraient livrées à des membres des anciennes forces gouvernementales rwandaises. Pour que cette proposition prenne effet, il faudrait qu'elle rencontre l'adhésion de tous les États Membres intéressés. Je me propose de poursuivre les consultations à cet égard et de présenter au Conseil, en temps voulu, des recommandations touchant la création éventuelle d'une commission internationale.

IV. DROITS DE L'HOMME

16. L'Opération des Nations Unies pour les droits de l'homme au Rwanda a continué de s'employer à sensibiliser la population rwandaise à l'importance que revêt le respect des droits de l'homme de tous les citoyens. Au 1er août 1995, elle avait déployé 118 membres et créé dans tout le pays 11 antennes qui servent de base aux équipes mobiles de spécialistes des droits de l'homme. Des dispositions sont actuellement prises en vue d'ouvrir des antennes auxiliaires dans plusieurs autres communes afin de maintenir une présence plus intégrée dans l'ensemble du pays. Dans l'intervalle, des spécialistes continuent de se rendre dans les communes pour y rencontrer les autorités civiles, judiciaires et militaires et la population locale. Leurs activités ont été axées sur la sécurité, l'accès à la propriété, le fonctionnement du système judiciaire local, les conditions régnant dans les centres de détention et les allégations faisant état de violations des droits de l'homme. En outre, l'Opération s'emploie actuellement à créer, au niveau des provinces ou des préfectures, des comités des droits de l'homme prévoyant une participation locale qui rencontreront périodiquement des représentants des divers services gouvernementaux. Au cours de la période à l'examen, l'Opération a organisé des séminaires éducatifs à l'intention des représentants des autorités civiles, militaires et judiciaires.

V. TRIBUNAL INTERNATIONAL POUR LE RWANDA

17. Les six juges des deux chambres de première instance du Tribunal élus par l'Assemblée générale en mai 1995 ont prêté serment et tenu leur première session plénière du 26 au 30 juin à La Haye. Au cours de cette session, les juges ont élu président le juge Laity Kama (Sénégal) et vice-président le juge Yakov A. Ostrovsky (Fédération de Russie) et adopté le règlement intérieur du Tribunal. Il est absolument indispensable que le Tribunal commence ses travaux de fond dans l'avenir proche.

18. Des locaux ont été attribués au Bureau du Procureur à Kigali qui devrait prochainement être doté de tout le personnel dont il a besoin. Il faut néanmoins redoubler d'efforts pour permettre au Tribunal de commencer à fonctionner à Arusha et d'avoir un bureau pleinement opérationnel à Kigali. Le 20 juillet, dans sa résolution 49/251, l'Assemblée générale a approuvé un

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montant d'environ 13,5 millions de dollars destiné à financer les activités du Tribunal. Toutefois, compte tenu des immenses ressources matérielles, humaines et logistiques qui sont nécessaires à son bon fonctionnement, j'invite une nouvelle fois les États Membres à verser de nouvelles contributions volontaires au Fonds de contributions volontaires des Nations Unies créé pour le Tribunal. À ce jour, ce fonds compte 6,3 millions de dollars. À cet égard, je tiens à exprimer ma gratitude aux États Membres qui ont versé ces contributions.

VI. ASPECTS MILITAIRES

19. Conformément au mandat modifié que le Conseil de sécurité a approuvé dans sa résolution 997 (1995), les activités de la composante militaire de la MINUAR, qui visaient jusqu'ici à assurer la sécurité, ont désormais pour objet de contribuer à la normalisation de la situation dans le pays. La composante militaire de la Mission prête également son concours pour la livraison de l'aide humanitaire et fournit un soutien technique et logistique. Toutefois, les moyens dont elle dispose à cet effet seront de plus en plus limités du fait de la réduction progressive de ses effectifs et autres ressources.

20. Le Conseil ayant autorisé une réduction de l'effectif de la MINUAR qui doit être ramené à 1 800 soldats d'ici octobre 1995, la composante militaire de la Mission compte de moins en moins d'hommes. Des unités de soldats de l'ONU en poste dans différentes régions du pays ont été regroupées en formations de la taille d'une compagnie. Compte tenu des besoins opérationnels, les unités ci-après resteront dans le pays : le bataillon ghanéen (660 hommes), qui est chargé d'assurer la protection des installations des Nations Unies; une autre compagnie de 135 hommes, chargée de protéger le personnel du Tribunal international et de l'Opération pour les droits de l'homme au Rwanda; la compagnie des transmissions de la Force (Inde), qui compte 75 hommes et fournit un appui en matière de transmissions au quartier général de la Force et à quatre états-majors de secteur; la section de police militaire (45 hommes); enfin, une équipe du quartier général de la Force comprenant 35 officiers d'état-major, qui restera à Kigali. En outre, une compagnie du génie (Inde) comptant 125 hommes fournira un soutien technique dans tout le Rwanda, tandis qu'un groupe de 85 soldats canadiens assurera la maintenance du système logistique intégré de la MINUAR. Les compagnies d'infanterie du Ghana, du Mali, du Malawi et du Nigéria (une par pays) seront stationnées respectivement à Kibungu, Gikongoro, Cyangugu et Nyundo. L'équipe médicale militaire, qui est fournie par l'Australie, doit être retirée le 22 août. De nombreux contributeurs éventuels ont été invités à la remplacer, mais malheureusement, aucun n'a accepté de prêter son concours. Je suis donc en train d'étudier d'urgence la possibilité d'assurer les services médicaux nécessaires à la MINUAR dans le cadre d'arrangements contractuels.

21. Conformément à la résolution 997 (1995), le rapatriement des troupes de la MINUAR a commencé. À ce jour, les bataillons d'infanterie éthiopien, tunisien et sambien ont été rapatriés, de même qu'une partie des effectifs de la compagnie nigériane. Au 3 août 1995, les effectifs de la MINUAR avaient été ramenés à 3 571 hommes, tous grades confondus. Les contingents australien et sénégalais doivent être rapatriés d'ici la fin du mois d'août, tandis que les membres des compagnies ghanéenne et malienne doivent regagner leur pays au début du mois de septembre. Les effectifs du bataillon d'infanterie indien doivent être réduits au début du mois d'octobre. Ceux de la police militaire et du

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quartier général de la Force diminueront également au cours de la période considérée.

22. Par la même résolution, le Conseil a approuvé le maintien à son niveau actuel (320 hommes) de l'effectif des observateurs militaires de la MINUAR. Au cours de la période considérée, les observateurs militaires ont continué d'assurer la liaison avec les représentants du Gouvernement, les observateurs des droits de l'homme et les organismes des Nations Unies et de suivre la situation en matière de sécurité des réfugiés, personnes déplacées et autres personnes qui ont été réinstallées.

VII. POLICE CIVILE

23. Dans sa résolution 997 (1995), le Conseil de sécurité a décidé de maintenir à 120 observateurs l'effectif autorisé de la composante police civile de la MINUAR. Au 3 août, la Mission comptait 56 observateurs de neuf pays, et 21 observateurs supplémentaires devaient être déployés au milieu du mois.

24. Dans mon rapport du 4 juin (S/1995/457), j'indiquais que selon le Gouvernement rwandais, le programme de stages administré par la police civile de la MINUAR devait laisser place à des arrangements bilatéraux, et que la police des Nations Unies devait être retirée une fois que ces arrangements auraient été pris. Depuis lors, le Gouvernement a autorisé la MINUAR à poursuivre son programme de stages durant la période couverte par le mandat actuel. La police civile a par conséquent continué à concentrer ses activités sur la surveillance et la formation. Le 13 juin 1995, un deuxième groupe de 301 gendarmes est arrivé au bout d'un cours intensif de 16 semaines organisé par les Nations Unies. Un nouveau cours a commencé en juillet pour un autre groupe de 513 gendarmes; il sera suivi par un stage destiné à former 100 instructeurs.

25. Avec l'assistance de la communauté internationale, le Gouvernement rwandais a pris des mesures pour renforcer le centre de formation de la police communale. Au début du mois de juillet, deux projets dans le cadre desquels le Programme des Nations Unies pour le développement (PNUD) fournira une assistance en vue de la formation des membres de la gendarmerie nationale et de 1 500 agents de police communaux ont été approuvés. La formation du premier groupe de 750 agents de police devrait commencer au début du mois de septembre.

VIII. ASPECTS HUMANITAIRES

26. Malgré les efforts déployés par les autorités rwandaises et la communauté internationale, en particulier la MINUAR, le Bureau des Nations Unies pour les secours d'urgence au Rwanda, le Haut Commissaire des Nations Unies aux droits de l'homme, le PNUD, le Fonds des Nations Unies pour l'enfance (UNICEF) et le Comité international de la Croix-Rouge (CICR), les conditions dans les prisons constituent maintenant une crise humanitaire extrêmement grave. Plus de 50 000 personnes sont actuellement incarcérées dans 12 prisons et divers lieux de détention, bien que la capacité d'accueil ne soit que de 12 250 personnes. Les taux de mortalité ont été estimés à plus de 200 par mois. Il est donc urgent que les autorités rwandaises et la communauté internationale déploient des efforts plus énergiques afin d'améliorer les conditions dans les prisons.

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27. Divers dirigeants politiques et religieux se sont récemment rendus au Rwanda, notamment le Ministre néerlandais pour la coopération en matière de développement, M. Jan Pronk, l'archevêque Desmond Tutu, d'Afrique du Sud, et le Ministre allemand des affaires étrangères, M. Klaus Kinkel. Nombre de ces dirigeants ont pu constater les conditions effroyables régnant dans les prisons. Après sa visite, M. Kinkel m'a adressé une communication me demandant instamment de faire tout mon possible pour mettre fin à cette situation catastrophique.

28. J'ai demandé au Secrétaire général adjoint aux affaires humanitaires de prendre, d'urgence, en coordination avec le Gouvernement rwandais et la communauté internationale, des mesures efficaces afin de remédier à la situation. Le Département des affaires humanitaires a déjà tenu des consultations à New York avec des représentants des organismes des Nations Unies et des donateurs, afin de mettre au point un plan d'action visant à obtenir des ressources et à parvenir à un accord sur un mécanisme de coordination. D'autres consultations sont envisagées à Genève avant qu'une mission conduite par le Département des affaires humanitaires ne se rende la semaine prochaine à Kigali pour arrêter le plan d'action en collaboration avec le Gouvernement rwandais et son Représentant spécial.

29. Depuis mon rapport du 4 juin (S/1995/457), le rythme auquel les Rwandais réfugiés dans des pays voisins sont retournés au Rwanda s'est légèrement accéléré. En juin, 2 727 Rwandais réfugiés au Zaïre sont rentrés au Rwanda. Selon le HCR, il se pourrait qu'en plus des 6 250 réfugiés au Burundi qui ont été rapatriés sous ses auspices en juin et juillet, quelque 10 000 personnes soient rentrées au Rwanda de leur propre initiative au cours de la même période.

30. Les perspectives de rapatriement des réfugiés rwandais en provenance de la République-Unie de Tanzanie se sont améliorées depuis que des hauts fonctionnaires des deux pays ont rencontré des représentants du HCR à Kigali du 17 au 19 juillet pour examiner les modalités du rapatriement d'environ 700 000 personnes. La réunion a débouché sur un accord concernant la mise en place d'une commission conjointe sur la sécurité et la réinstallation des réfugiés. Il y a lieu d'espérer aussi que les mesures de confiance prises par le Gouvernement, les Nations Unies et les organisations non gouvernementales, telles que des visites organisées de réfugiés au Rwanda, encourageront le rapatriement.

31. Depuis la fermeture des camps de personnes déplacées dans le sud-ouest du Rwanda, les organisations humanitaires internationales ont intensifié leurs activités au niveau des communes. Le Gouvernement a également lancé la première phase de son programme de relèvement, en concentrant ses efforts sur 59 communes situées dans des zones prioritaires. Les livraisons d'aide alimentaire dans le pays ont augmenté et il existe au Rwanda et dans la région des stocks de vivres suffisants pour couvrir les programmes prévus de distribution. Les approvisionnements à distribuer en cas d'urgence, si le besoin s'en faisait sentir, sont désormais disponibles en quantités adéquates.

32. À la suite d'un accord bilatéral conclu entre le Gouvernement des États-Unis d'Amérique et celui du Rwanda, un programme national de déminage a été mis en place en juillet. Aux termes de l'Accord, il sera créé un bureau national du déminage de même qu'une base de données sur les mines. Le bureau

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sera également responsable d'un programme de sensibilisation au danger des mines, ainsi que d'un programme destiné à former 80 soldats rwandais aux activités de déminage. Toutes ces activités contribueront sensiblement à l'effort de reconstruction.

33. Au 12 juillet, le Fonds d'affectation des Nations Unies pour le Rwanda avait reçu des contributions d'un montant de 6,54 millions de dollars, y compris la récente contribution de 200 000 dollars versée par la Nouvelle-Zélande. Le Fonds a servi à financer des projets qui visaient à répondre aux besoins en matière de secours d'urgence et de relèvement, ainsi qu'aux besoins urgents des ministères essentiels. Au 1er août, des contributions d'un montant total de 116 millions de dollars avaient été annoncées sur le montant de 219 millions de dollars demandé dans le cadre de l'Appel global interorganisations d'urgence en faveur du Rwanda; ceci représente une augmentation de 36 millions de dollars des annonces de contributions depuis mon dernier rapport au Conseil. En ce qui concerne les besoins de la sous-région, les contributions annoncées s'élevaient à 346 millions de dollars, sur un montant total de 587 millions de dollars qui avait été demandé, soit une augmentation de 1 million de dollars.

34. Bien qu'un effort humanitaire de grande ampleur soit toujours nécessaire pour répondre aux besoins massifs des réfugiés rwandais dans les pays voisins en matière de secours d'urgence, à l'heure actuelle, au Rwanda même, les efforts portent de plus en plus sur le relèvement et la reconstruction. Cette réorientation de l'assistance a exigé un ajustement des divers programmes humanitaires des Nations Unies et des structures opérationnelles dans le pays. En conséquence, le Bureau des Nations Unies pour les secours d'urgence au Rwanda, qui avait été créé l'année dernière sous la direction du Coordonnateur des activités humanitaires à Kigali, a commencé à faire des préparatifs en vue de sa fermeture éventuelle. Des dispositions sanitaires sont prises pour que la coordination de l'assistance humanitaire continue d'être assurée. Au nombre de ces arrangements, on peut citer la mise en place d'une petite équipe d'intervention des Nations Unies, dirigée par le Coordonnateur résident, qui veillera à la préparation et à l'application en temps opportun et de manière efficace de mesures appropriées destinées à répondre aux situations d'urgence.

IX. ASPECTS ÉCONOMIQUES ET SOCIAUX

35. Les pays donateurs et les organismes des Nations Unies se sont réunis à Kigali les 6 et 7 juillet pour procéder à un examen à mi-parcours de la Conférence de table ronde tenue à Genève en janvier 1995. La communauté des donateurs a reconnu qu'il fallait accélérer le décaissement des fonds déjà engagés et a annoncé de nouvelles contributions s'établissant à 200 millions de dollars, ce qui portait à plus de 800 millions de dollars le montant des contributions annoncées depuis la Conférence. Lors de cette réunion, on a signalé des progrès dans la reconstruction de l'infrastructure du pays et une augmentation de la production agricole. Cependant, des problèmes énormes continuent de se poser dans les domaines de la réinstallation, du soutien budgétaire, de la création de capacités nationales et de la production industrielle.

36. Au 25 juillet 1995, le montant total des contributions administrées par le PNUD dans le cadre des fonds d'affectation spéciale s'établissait à 22 millions

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de dollars; à cette date 13 millions de dollars avaient été reçus et 7,5 millions de dollars environ avaient été décaissés au titre de projets de relèvement et de développement, à savoir : renforcement de la capacité de l'appareil judiciaire, remise en état des principaux bâtiments administratifs, fourniture de matériel indispensable au fonctionnement de l'administration publique rwandaise, accroissement de la capacité des prisons et appui à des programmes de formation à l'intention de la police communale et de la gendarmerie nationale.

37. Plusieurs programmes visant à faciliter le retour au Rwanda des anciens membres de la fonction publique rwandaise ont été entrepris. L'UNICEF et l'Organisation des Nations Unies pour l'éducation, la science et la culture (UNESCO) ont continué d'aider à dispenser une éducation de base aux Rwandais, tant à l'intérieur du pays que dans les camps de réfugiés. En outre, la Banque mondiale, le Fonds monétaire international (FMI) et le PNUD exécutent un projet qui devrait rendre le Gouvernement mieux à même de gérer ses ressources économiques, financières et humaines.

38. Il y a eu un certain nombre d'améliorations pour ce qui est de soulager la détresse des enfants rwandais, dont beaucoup ne sont pas encore remis du traumatisme qu'ils ont subi par suite des atrocités de 1994. Sur les quelque 45 000 enfants qui ont perdu leurs parents ou en ont été séparés, plus de 28 000 se trouvent maintenant dans des structures de placement familial et un gros effort est fait pour subvenir aux besoins des autres. À la mi-juin, 155 prisonniers âgés de 7 à 14 ans ont été transférés dans un nouveau centre spécialement conçu pour les enfants. La démobilisation, la réadaptation et la réinsertion des enfants enrôlés comme soldats se poursuivent.

X. ASPECTS FINANCIERS

39. Dans sa résolution 49/20 B du 12 juillet 1995, l'Assemblée générale a décidé, à titre de mesure provisoire, en attendant de recevoir à sa cinquantième session les prévisions de dépenses révisées et le rapport correspondant du Comité consultatif pour les questions administratives et budgétaires, d'ouvrir un crédit d'un montant brut de 109 951 900 dollars (soit un montant net de 107 584 300 dollars) au titre du fonctionnement de la MINUAR pour la période allant du 10 juin au 31 décembre 1995. Elle a décidé également de répartir entre les États Membres un montant brut de 99 628 200 dollars (soit un montant net de 97 508 000 dollars) au titre du fonctionnement de la MINUAR pour la période allant du 10 juin au 31 décembre 1995. Les montants révisés permettront de financer notamment deux postes supplémentaires (Commissaire de la police civile et Directeur du bureau de liaison de la MINUAR à Kinshasa).

40. Au 26 juillet 1995, les quotes-parts non acquittées au Compte spécial de la MINUAR, depuis la mise en place de la Mission s'élevaient à 64,7 millions de dollars et le montant total des quotes-parts restant dues au titre de l'ensemble des opérations de maintien de la paix se chiffrait à 1 779 300 000 dollars.

XI. OBSERVATIONS ET CONCLUSIONS

41. Au cours des 12 mois qui se sont écoulés depuis l'un des épisodes les plus tragiques de l'histoire de l'Afrique, le Gouvernement rwandais s'est évertué à

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stabiliser la situation dans le pays, mais la stagnation économique et l'absence de recettes publiques pour gérer l'administration avec efficacité continuent de contrecarrer ces efforts. C'est une des raisons pour lesquelles bien des causes du conflit et du génocide concomitant n'ont toujours pas été abordées de façon résolue et globale. Outre les mesures qui ont été prises jusqu'ici par le Gouvernement et la communauté internationale, il faudra du temps et des efforts accrus seront nécessaires avant que le pays puisse se remettre des événements traumatiques de 1994. La tension qui règne aux frontières du pays risquant à tout moment de dégénérer en violence incontrôlable, c'est de toute urgence que le Gouvernement rwandais, les pays de la sous-région et les autres membres de la communauté internationale doivent faire face aux problèmes capitaux auxquels se heurte le pays.

42. Il est impératif que les représentants de tous les éléments de la société rwandaise entament des pourparlers en vue de parvenir à un accord sur une structure constitutionnelle et politique qui permette d'instaurer une stabilité durable. Il va de soi que les dirigeants politiques soupçonnés d'avoir organisé et mené le génocide l'année dernière doivent être écartés de ces pourparlers et ils doivent être jugés par le Tribunal international. Le Gouvernement rwandais devrait promouvoir ces pourparlers afin que les milliers d'autres personnes tenues en suspicion puissent prendre confiance et s'associer aux efforts de reconstruction de leur pays.

43. La communauté internationale a un rôle important à jouer dans la reconstruction du Rwanda et pour ce qui est d'encourager le rapatriement et la réconciliation. Je saisis cette occasion pour exprimer ma gratitude aux États, aux organismes donateurs et aux organisations non gouvernementales pour les contributions déterminantes qu'ils ont apportées à la promotion de la paix et du relèvement au Rwanda. Cela étant, je leur demande de redoubler d'efforts au cours de cette période décisive afin de contribuer à empêcher que la violence ne reprenne.

44. Conformément à la résolution 997 (1995), la MINUAR prend les dispositions voulues pour réduire sa présence militaire au Rwanda et s'acquitter de son nouveau mandat. Le Gouvernement a encouragé cette ligne de conduite, qui traduit l'amélioration graduelle de la situation dans le pays. À cet égard, je lui demande instamment de veiller à ce que des mesures soient ostensiblement mises en place pour assurer le respect des droits de l'homme et la sécurité de tous les Rwandais. Il est particulièrement important de continuer à encourager le rapatriement librement consenti des réfugiés, ce qui indiquerait clairement à la communauté internationale qu'il y a lieu d'accélérer l'assistance qu'elle apporte à la reconstruction.

45. Au cours de la visite que j'ai effectuée dans la sous-région, j'ai constaté une unité de vues indéniable entre les dirigeants gouvernementaux sur le fait que l'instabilité dans un état de la zone pouvait avoir un effet catastrophique sur tous ses voisins. Il a été largement reconnu qu'il fallait prévenir les influences déstabilisantes, telles qu'infiltrations armées, actes de sabotage et acquisitions illégales d'armes, grâce à des efforts concertés. Un vif intérêt a été manifesté pour la création, sous les auspices des Nations Unies, d'une commission internationale chargée d'examiner les allégations concernant les livraisons d'armes aux anciennes forces gouvernementales. J'espère que tous les

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gouvernements concernés appuieront cette initiative. Je me propose de soumettre prochainement mes recommandations à cet égard au Conseil de sécurité.

46. J'ai abordé avec les chefs d'Etat et de gouvernement de la région l'idée de convoquer une conférence régionale pour examiner les problèmes de la paix, de la sécurité et du développement, qui sont intimement liés, dans l'optique de l'adoption d'un programme d'action spécifique. En attendant, pour s'attaquer aux problèmes urgents que pose le rapatriement des réfugiés, il serait peut-être utile de convoquer, dès que possible, une réunion régionale en vue d'élaborer des mesures concrètes pour donner effet aux engagements énoncés dans la Déclaration adoptée lors du Sommet de Nairobi, en janvier 1995, dans le Plan d'action de Bujumbura, adopté en février 1995, et dans les accords tripartites signés par le HCR, le Rwanda et les pays voisins qui accueillent des réfugiés rwandais. Cette réunion viendrait s'ajouter aux réunions de table ronde qui pourraient être convoquées, comme il a été dit plus haut, et auxquelles participeraient tous les éléments de la société rwandaise. J'ai l'intention de continuer à tenir des consultations approfondies sur toutes ces propositions.

47. Pour conclure, je tiens à exprimer ma gratitude à mon Représentant spécial, M. Shaharyar Khan, au commandant de la force, le général de division Guy Tousignant, et à tout le personnel civil et militaire de la MINUAR pour l'action qu'ils mènent inlassablement et pour leur remarquable dévouement à la cause de la paix et de la sécurité au Rwanda.

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Conseil de sécurité

Distr.
GÉNÉRALE

S/1995/552
9 juillet 1995
FRANÇAIS
ORIGINAL : ANGLAIS

RAPPORT DU SECRÉTAIRE GÉNÉRAL SUR LA SUITE DONNÉE AU
PARAGRAPHE 6 DE LA RÉSOLUTION 997 (1995) DU CONSEIL
DE SÉCURITÉ, EN DATE DU 9 JUIN 1995

I. INTRODUCTION

1. Dans la résolution 997 (1995) qu'il a adoptée le 9 juin 1995, le Conseil de sécurité a souligné que les restrictions imposées par la résolution 918 (1994) en vertu du Chapitre VII de la Charte des Nations Unies s'appliquaient à la vente ou la livraison des armements et des matériels qui y étaient spécifiés à des personnes se trouvant dans des États voisins si l'objet de cette transaction était l'utilisation au Rwanda des armements ou des matériels concernés. Il a demandé aux États voisins du Rwanda, de façon à éliminer des facteurs contribuant à la déstabilisation de ce pays, de prendre des mesures pour veiller à ce que les armements et matériels susmentionnés ne soient pas fournis aux camps de réfugiés rwandais se trouvant sur leur territoire. Il a prié le Secrétaire général de tenir des consultations avec les gouvernements de pays voisins concernant la possibilité de déployer des observateurs militaires des Nations Unies, et de consulter en priorité le Gouvernement zaïrois concernant le déploiement d'observateurs, y compris dans les aérodrômes situés dans l'est du Zaïre, afin de contrôler la vente ou la livraison des armements et des matériels susmentionnés. Il a également prié le Secrétaire général de lui faire rapport sur cette question un mois au plus tard après l'adoption de la présente résolution. Le présent rapport est soumis en réponse à cette demande.

II. MISSION DE L'ENVOYÉ SPÉCIAL DU SECRÉTAIRE GÉNÉRAL AU RWANDA
ET DANS LES ÉTATS VOISINS

2. J'ai nommé M. Aldo Ajello mon Envoyé spécial et je l'ai chargé de mener les consultations demandées par le Conseil de sécurité. Il s'est rendu dans les pays voisins du Rwanda du 20 au 28 juin 1995, accompagné du Conseiller politique principal de la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR) et d'un assistant militaire du commandant de la Force de la Mission, et il s'est entretenu avec les hauts responsables gouvernementaux suivants : au Burundi, M. Sylvestre Ntibantunganya, Président, le lieutenant-colonel Sinzoyiheba Firmin, Ministre de la défense nationale, M. Nicolas Mayugi, Secrétaire d'État aux affaires étrangères et à la coopération internationale, le lieutenant-colonel Bayaganakandi Epitace, Administrateur général de la police de l'air, des frontières et des étrangers, M. Audifax Njabitoreye, Administrateur général de la documentation nationale; en Ouganda, M. Kintu Musoke, Premier Ministre,

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M. Bon Mbonye, Secrétaire d'Etat à la défense; au Rwanda, le général Paul Kagame, Vice-Président et Ministre de la défense; en République-Unie de Tanzanie, M. David Gloopa Mwya, Premier Vice-Président et Premier Ministre, M. Richard Mariki, Secrétaire permanent au Ministère de l'intérieur; au Zaïre, M. Kengo wa Dondo, Premier Ministre, l'amiral Navua Mudima, Vice-Premier Ministre et Ministre de la défense nationale, M. Diur Katondi, Vice-Ministre de la coopération internationale. M. Ajello a également rencontré des Représentants spéciaux au Burundi et au Rwanda. Il a fait le point de la situation actuelle dans la région, notamment en ce qui concerne la rapatriement, la réconciliation et la reconstruction au Rwanda, avec les représentants d'organismes des Nations Unies et d'organisations non gouvernementales (ONG), ainsi qu'avec des membres du corps diplomatique au Rwanda. Il a en outre visité des camps de réfugiés rwandais près de Goma, au nord du lac Kivu, dans l'est du Zaïre. Il a été informé de divers aspects de la situation des réfugiés, notamment sur le plan de la sécurité, par des représentants du Haut Commissariat des Nations Unies pour les réfugiés (HCR).

3. Au cours de ses entretiens avec les responsables de pays voisins, mon Envoyé spécial a souligné la vive inquiétude du Conseil de sécurité devant des informations qui, de plus en plus, faisaient état d'activités militaires risquant de déstabiliser le Rwanda.

4. Les consultations tenues par mon Envoyé spécial ont confirmé que les pays concernés s'accordaient sur un certain nombre de points importants. Tous ont renouvelé leur appui aux efforts déployés pour éviter la reprise des hostilités au Rwanda, garantir le retour et la réinstallation des réfugiés et promouvoir une réconciliation durable. Ils ont souligné qu'il existait un lien entre la stabilité au Rwanda et la situation dans la sous-région de manière générale et ils ont évoqué l'effet néfaste de la crise rwandaise sur la situation humanitaire et sur l'environnement. Ils considéraient la circulation incontrôlée des armes dans la sous-région, notamment parmi les civils et les réfugiés, comme un facteur important de déstabilisation, en particulier au Rwanda et au Burundi. Ils estimaient indispensable par ailleurs de prendre des mesures en vue de redresser la situation dans la sous-région et l'empêcher de dégénérer en conflit, en instaurant entre les États un climat de confiance accrue, comme l'avaient fait récemment les Ministres de la défense burundais, rwandais et zaïrois en décidant d'instituer des patrouilles militaires conjointes le long de leurs frontières communes. De l'avis général, la crise rwandaise aurait plus de chances d'être résolue de façon durable si, élargissant les perspectives, on associait le Rwanda et ses voisins à la recherche d'une solution et si l'on faisait appel à la communauté internationale dans son ensemble. Les autorités des pays voisins ont exprimé le vœu que celle-ci les aide concrètement à la fois à faire face aux principaux problèmes soulevés par le conflit au Rwanda et à éviter qu'un tel conflit ne se reproduise.

5. Les responsables rencontrés au Rwanda se sont félicités de l'initiative prise par le Conseil de sécurité en proposant de déployer des observateurs militaires dans les pays voisins, ce qui était, à leur avis, un pas dans la bonne direction. Ils ont toutefois souligné qu'il était indispensable de traduire en justice les instigateurs du génocide, non seulement pour mettre fin à l'impunité mais encore pour promouvoir une réconciliation véritable et

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renforcer la sécurité en aidant à éliminer les actes de vengeance arbitraires et individuels.

III. RÉPONSE DES PAYS VOISINS À LA PROPOSITION DE DÉPLOYER DES OBSERVATEURS MILITAIRES DES NATIONS UNIES SUR LEURS TERRITOIRES RESPECTIFS

6. Les gouvernements des pays voisins ont eu des réactions mitigées à la proposition de déployer des observateurs militaires sur leurs territoires. Certains se sont demandé si cela était utile, opportun et faisable, faisant valoir que c'était au Rwanda qu'il fallait stationner les observateurs internationaux si l'on voulait instaurer un climat de confiance qui encouragerait les réfugiés à retourner chez eux et qui réduirait donc les risques de déstabilisation émanant des camps de réfugiés. On a également souligné qu'il était nécessaire d'adopter des mesures politiques efficaces pour dissiper les craintes et les soupçons, tant dans les communautés de réfugiés que dans les pays d'asile. Même les pays qui étaient favorables à la proposition de déploiement y voyaient essentiellement un premier pas à caractère politique par lequel la communauté internationale entendait exprimer sa préoccupation devant le risque de déstabilisation du Rwanda par des moyens militaires.

7. Le Gouvernement burundais a salué l'initiative du Conseil de sécurité. Toutefois, le Président Ntibantunganya a déclaré que si des conditions propices au retour et à la réinstallation sans danger des réfugiés étaient créées au Rwanda, les extrémistes partisans de la déstabilisation du pays ne pourraient plus dire que le retour par la force constituait la seule solution viable. Il s'est félicité des récentes déclarations dans lesquelles le Gouvernement rwandais créait des possibilités de contact avec les réfugiés et invitait ceux-ci à se rendre dans le pays pour juger de la situation et inciter ceux qui étaient restés dans les camps à rentrer chez eux.

8. Le Gouvernement tanzanien a refusé d'envisager un déploiement d'observateurs militaires sur son territoire. Il a proposé que l'Organisation des Nations Unies renforce plutôt sa présence militaire au Rwanda pour s'assurer que les réfugiés puissent rentrer chez eux en toute sécurité et dans la dignité, notant que le principal obstacle à leur retour se trouvait au Rwanda et non dans les pays voisins. Il estimait que la proposition du Conseil ne s'attaquait qu'à un problème mineur et laissait de côté le problème principal. Il était prêt à envisager un déploiement d'observateurs militaires seulement dans un contexte plus large. Il a suggéré les mesures ci-après pour faciliter le rapatriement des réfugiés et réduire les risques d'opérations militaires lancées contre le Rwanda à partir des camps de réfugiés : le Gouvernement rwandais devrait publier une déclaration publique par laquelle il se prononcerait sans équivoque en faveur du retour de tous les réfugiés; il devrait aussi décréter une amnistie générale pour tous les Rwandais, à l'exception de "quelques-uns qui seraient traduits en justice pour avoir organisé le génocide"; de plus, il devrait accepter le déploiement, à l'intérieur du Rwanda, d'observateurs internationaux qui aideraient à instaurer un climat de confiance en surveillant la situation dans l'ensemble du pays, à assurer le respect des droits de l'homme et à empêcher des incidents tels que ceux de Kibeho qui pourraient entraver les opérations de rapatriement et provoquer de nouveaux mouvements de réfugiés;

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enfin, la communauté internationale devrait aider les autorités rwandaises à assurer la réinstallation sans heurts des réfugiés rentrés dans leurs foyers.

9. L'Ouganda n'était pas hostile à la proposition du Conseil de sécurité mais n'a manifesté aucun enthousiasme. Il doutait de l'efficacité du déploiement proposé et des résultats qu'il permettrait d'obtenir. Au lieu de chercher à remédier aux effets de la crise, le Conseil de sécurité devait à son avis s'attaquer à ses causes et identifier les pays qui apportent leur concours aux livraisons d'armes aux ex-forces gouvernementales rwandaises et à l'entraînement militaire de ces troupes. L'Ouganda a réaffirmé sa détermination à faire de son mieux pour consolider la paix au Rwanda et assurer le retour pacifique des réfugiés.

10. Le Gouvernement zaïrois s'est déclaré favorable à toute action efficace qui pourrait empêcher la déstabilisation du Rwanda et il a une fois encore vigoureusement rejeté les récentes accusations selon lesquelles il aidait les ex-forces gouvernementales rwandaises en leur fournissant des armes et en assurant leur entraînement, pour leur permettre d'attaquer le Rwanda. Il a fait observer qu'il avait demandé la création, sous les auspices de l'ONU, d'une commission internationale d'enquête chargée d'examiner les accusations portées et de clarifier définitivement la situation. Le Zaïre avait accueilli des millions de réfugiés du Rwanda et du Burundi, conformément aux conventions internationales applicables, et ce, malgré le mécontentement de sa propre population, qui réclamait leur rapatriement immédiat et inconditionnel. Le Zaïre estimait qu'au lieu de le critiquer, la communauté internationale devrait l'aider à assumer l'immense fardeau que représentent les réfugiés pour le Gouvernement et le pays, sur les plans écologique, socio-économique, politique et de sécurité.

11. Les vues du Zaïre m'ont également été communiquées dans une lettre datée du 23 juin 1995, dans laquelle le Premier Ministre Kengo wa Dondo a fait valoir qu'à la demande du HCR le Zaïre avait fourni 1 500 soldats pour assurer la protection des camps de réfugiés rwandais et qu'il avait unilatéralement pris des mesures pour désarmer les soldats des ex-forces gouvernementales rwandaises qui s'étaient réfugiés sur son territoire. Il avait ainsi donné la preuve de sa coopération et de sa détermination à mettre un terme à l'insécurité dans les camps et aux actes de déstabilisation du Rwanda lancés depuis le territoire zaïrois.

12. Il ressort de la visite de mon Envoyé spécial dans les camps de réfugiés du secteur de Coma qu'il serait plus facile de contenir la menace de déstabilisation si les camps étaient réinstallés plus loin de la frontière rwandaise. Toutefois, étant donné le coût énorme et les difficultés logistiques d'une telle opération et la crainte d'une résistance de la population du pays d'accueil, aucune mesure concrète n'a été prise. Des personnalités gouvernementales zaïroises ont expliqué qu'au lieu du rapatriement qu'elle réclamait, la population risquait d'y voir une réinstallation à plus long terme, peut-être définitive des réfugiés au Zaïre. Les autorités tanzaniennes, rappelant que récemment des milliers de réfugiés rwandais au Burundi avaient tenté de pénétrer en territoire tanzanien, étaient hostiles à tout effort de transfert des réfugiés d'un pays d'accueil à un autre.

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IV. CONCLUSION

13. Il est de plus en plus largement reconnu dans la région des Grands Lacs que la situation présente des risques urgents et graves pour les pays de la région et que les gouvernements intéressés doivent prendre individuellement et collectivement des mesures pour y faire face. Si beaucoup des gouvernements consultés par mon Envoyé spécial ont estimé que la responsabilité principale incombait au Gouvernement rwandais, l'intérêt d'une action au niveau régional était généralement reconnu. Toutefois, les consultations menées par l'Envoyé spécial ont mis en lumière, dans certains pays, une forte opposition au déploiement d'observateurs des Nations Unies, proposé par le Conseil de sécurité dans sa résolution 997 (1995). Puisque je serai dans la région ces jours prochains, j'étudierai plus avant des positions des gouvernements en cause.



Security Council

Distr.
GENERALS/1995/552
9 July 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF
PARAGRAPH 6 OF SECURITY COUNCIL RESOLUTION 997 (1995) OF
9 JUNE 1995

I. INTRODUCTION

1. In resolution 997 (1995) adopted on 9 June 1995, the Security Council affirmed that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) applied to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply was for the purpose of the use of such arms or matériel within Rwanda. It called upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel were not transferred to Rwandan camps within their territories. It requested the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers, including at the airfields located in eastern Zaire, in order to monitor the sale or supply of arms and matériel. It further requested the Secretary-General to report to the Council on the matter within one month of the adoption of the resolution. The present report is submitted in response to that request.

II. MISSION OF THE SPECIAL ENVOY OF THE SECRETARY-GENERAL
TO RWANDA AND NEIGHBOURING COUNTRIES

2. I appointed Mr. Aldo Ajello as my Special Envoy to carry out the consultations requested by the Security Council. He visited the neighbouring countries from 20 to 28 June 1995, accompanied by the senior political adviser of the United Nations Assistance Mission for Rwanda (UNAMIR) and a military assistant to its Force Commander, and met with the following senior government officials: in Burundi, Mr. Sylvestre Ntibantunganya, President, Lt. Col. Sinzoyiheba Firmin, Minister of National Defence, Mr. Nicolas Mayugi, Secretary of State for Foreign Affairs and International Cooperation, Lt. Col. Bayaganakandi Epitace, Administrator General of the "Police de l'air, des frontières et des étrangers", Mr. Audifax Ndabitoreye, Administrator General

of National Documentation; in Rwanda, Major-General Paul Kagame, Vice-President and Minister of Defence; in Uganda, Mr. Kintu Musoke, Prime Minister, Mr. Ben Mbonya, Secretary of Defence; in the United Republic of Tanzania, Mr. David Cleopa Mwaya, First Vice-President and Prime Minister, Mr. Richard Mariki, Permanent Secretary in the Ministry of Home Affairs; and in Zaire, Mr. Kengo wa Dondo, Prime Minister, Admiral Mavua Mudima, Vice-Prime Minister and Minister of National Defence, Mr. Diur Katondi, Vice-Minister of International Cooperation. He also met with my Special Representatives in Burundi and Rwanda. He reviewed the current situation in the region, with particular reference to repatriation, reconciliation and reconstruction in Rwanda, with representatives of United Nations agencies and non-governmental organizations (NGOs) and with members of the diplomatic corps in Rwanda. In addition, he visited Rwandan refugee camps in the Goma area of North Kivu in eastern Zaire. He was briefed on various aspects of the refugee situation, including security, by representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR).

3. In his meetings with officials of the neighbouring countries, my Special Envoy emphasized the Security Council's great concern over increasing reports of military activities that threatened to destabilize Rwanda.

4. The Special Envoy's consultations confirmed that the countries concerned shared some important common points of view. All reiterated their support for efforts to prevent the resumption of armed conflict in Rwanda, to ensure the return and resettlement of its refugees and to promote lasting reconciliation. They stressed the link between stability in Rwanda and the situation in the subregion generally and referred to the negative impact the Rwandan crisis was having on humanitarian and environmental conditions. The uncontrolled circulation of arms, including to civilians and refugees in the subregion, was seen as a major cause of destabilization, especially in Rwanda and Burundi. At the same time, measures needed to be taken to halt and reverse the drift towards conflict in the subregion by enhancing inter-State confidence-building, such as the recent decision by the Defence Ministers of Burundi, Rwanda and Zaire to conduct joint military patrols along their common borders. There was agreement that a broader approach, with the involvement of Rwanda and its neighbours and the support of the international community as a whole, would offer better opportunities for a lasting solution to the Rwandan crisis. The authorities in the neighbouring countries expressed the wish to receive concrete assistance from the international community to help them both to deal with the main problems that had followed the conflict in Rwanda and prevent any repetition of such conflict.

5. Officials in Rwanda welcomed the Security Council's initiative in proposing the deployment of military observers in neighbouring countries and characterized it as a step in the right direction. However, they emphasized the need to bring to justice those who had masterminded the genocide. That was required not only to end impunity but also to facilitate genuine reconciliation and promote security by helping to eliminate arbitrary and individual measures of vengeance.

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III. RESPONSE OF THE NEIGHBOURING COUNTRIES TO THE
PROPOSED DEPLOYMENT OF UNITED NATIONS MILITARY
OBSERVERS IN THEIR RESPECTIVE TERRITORIES

6. There were mixed reactions from the Governments of neighbouring countries to the proposal to deploy military observers in their respective countries. Some questioned the utility, relevance and feasibility of the proposed deployment, arguing that it was in Rwanda that international observers should be stationed in order to help to create a climate of confidence that would encourage the refugees to return home and thus reduce the danger of destabilization from refugee camps. It was also stressed that effective political measures to remove fear and suspicion in refugee communities and the countries of asylum were necessary. Even the countries that supported the proposed deployment saw the initiative as essentially a political first step by the international community to underscore its concern over the possible destabilization of Rwanda by military means.

7. The Government of Burundi welcomed the Security Council's initiative. However, President Ntibantunganya said that the creation in Rwanda of conditions conducive to the safe return and resettlement of the refugees could help to deny to the hardliners who wanted to destabilize the country the possibility of arguing that return by force was the only viable option. He welcomed recent statements by the Government of Rwanda that opened up possibilities for contact with the refugees and invited them to visit the country to assess conditions and encourage others in the camps to return home.

8. The Government of the United Republic of Tanzania refused to consider the deployment of military observers in its territory. It suggested instead that the United Nations should strengthen its military presence in Rwanda to ensure that refugees could return home safely and in dignity, and noted that the main obstacle to the return was not in the neighbouring countries but in Rwanda. It felt that the Council's proposal addressed only a minor problem while ignoring the major one. It was ready to consider the deployment of military observers only in a wider context. It suggested the following measures to promote repatriation of refugees and reduce threats of armed action against Rwanda from the refugee camps: the Rwandan Government should issue a public statement declaring unequivocally that it wanted to see all refugees return home; the Government should declare a general amnesty for all Rwandans except "a few who would be tried" for having masterminded the genocide; the Government should accept the deployment inside Rwanda of international observers, who would help to create a climate of confidence by monitoring the situation throughout the country to promote respect for human rights and prevent incidents like that at Kibeho, which tended to hinder repatriation while generating new refugees; and the international community should assist the Government with the smooth resettlement of returnees.

9. Uganda neither objected to the Security Council's proposal nor demonstrated enthusiasm for it. It was sceptical about the effectiveness of such deployment and what it could achieve. It stressed that, instead of tackling the effects of the crisis, the Council should address its causes and identify the countries that were providing support for the delivery of weapons and military training to the former Rwandan government forces. It reaffirmed its commitment to do its

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best to consolidate peace in Rwanda and to ensure the peaceful return of the refugees.

10. The Government of Zaire, while expressing support for any effective action that could prevent the destabilization of Rwanda, reiterated its strong denial of recent accusations that it was aiding the former Rwandan government forces with arms and training to enable them to attack Rwanda. It pointed out that it had called for an international commission of inquiry under United Nations auspices to investigate the allegations and clarify the situation conclusively. It had welcomed millions of refugees from Rwanda and Burundi in accordance with applicable international conventions despite the resentment of its own population, which had called for the immediate and unconditional repatriation of the refugees. Instead of being criticized, Zaire felt that it should be assisted by the international community to cope with the immense ecological, socio-economic, security and political burdens imposed on the Government and the country by the refugees.

11. Zaire's views were also conveyed to me in a letter dated 23 June 1995, in which Prime Minister Kengo wa Dondo pointed to his country's contribution, in response to a request by UNHCR, of 1,500 troops, who are deployed for security protection in the Rwandan refugee camps, and to its unilateral action in disarming the former Rwandan government forces soldiers who had fled to Zaire. These actions were evidence of Zaire's cooperation and its determination to prevent insecurity in the camps and the destabilization of Rwanda from Zairian territory.

12. My Special Envoy's visit to the refugee camps in the Goma area suggested that the relocation of camps farther away from the borders with Rwanda could facilitate efforts to curb the threat of destabilization. However, the huge costs and logistical difficulties of such an operation, as well as the fear that it would be resisted by the population of the countries of refuge, have prevented concrete action in this regard. Government officials in Zaire explained that to move the refugees further inside their territory could be seen by the population as implying, that rather than the repatriation, which the population had called for, the refugees were being resettled for a longer and perhaps permanent stay in Zaire. The Tanzanian authorities, citing recent attempts by thousands of Rwandan refugees in Burundi to enter Tanzanian territory, criticized any effort aimed at transferring refugees from one country of refuge to another.

IV. CONCLUSION

13. There is growing recognition in the Great Lakes region not only of the urgency and gravity of the risks confronting the countries of the region but also of the need for the Governments concerned to take individual and collective measures to address these dangers. While many of the Governments consulted by my Special Envoy took the view that the primary responsibility lay with the Government of Rwanda, there was general acknowledgement also of the value of action at the regional level. However, the Special Envoy's consultations indicated that in some countries there was strong opposition to the deployment of United Nations observers as proposed in Security Council resolution

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997 (1995). While I am in the region in the coming days, I shall explore further the positions of the Governments concerned.



Security Council

Distr.
GENERALS/1995/457
4 June 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted in pursuance of paragraph 1 of Security Council resolution 965 (1994) of 30 November 1994, in which the Council decided to extend the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) until 9 June 1995. Since the adoption of that resolution, I reported to the Council on the situation in Rwanda on 6 February (S/1995/107) and 9 April (S/1995/297), and on security in the Rwandese refugee camps on 25 January (S/1995/65) and 14 April (S/1995/304). I have also provided the Council with oral briefings on current developments in Rwanda. The present report provides an update on the situation since my progress report of 9 April, as well as recommendations regarding the role of the United Nations in Rwanda.

II. POLITICAL DEVELOPMENTS

2. Since my last report to the Security Council, a climate of relative stability has prevailed in Rwanda. The country is now largely at peace, electricity, water and communications have been partly restored, primary and secondary schools have reopened and economic and agricultural activities have resumed. The long and arduous process of recovery has begun.

3. The Government has recently taken a number of positive actions. It recently submitted to the National Assembly a list of 12 candidates from among whom the Assembly will select the 6 highest-ranking judges in the country, i.e. the President of the Supreme Court and his 5 deputies. Under the Arusha peace agreement, these judges are to be selected by the National Assembly from a list presented by the Government nominating two candidates for each post. The National Assembly has also begun discussions on a new Constitution to replace the 1992 Constitution currently in force. On 2 May, a military court also began sitting in Kigali to try the cases of 14 soldiers accused of involvement in murder and armed robbery. After preliminary internal investigations, two senior military officers involved in the Kibeho tragedy have been suspended.

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4. None the less, the situation remains tense, with no significant advances in the process of national reconciliation, grossly overcrowded prisons, arbitrary arrests, tension over property rights and the lack of an effective judicial system. The causes of Rwanda's current tensions and frustrations need to be analysed. First, the military activities and reports of arms deliveries to elements of the former Rwandese government forces in neighbouring countries are sources of serious concern for the Government. Increasingly organized incursions into Rwanda by the former Rwandese government forces have led to security alerts and the arrest of suspected sympathizers. The Government is concerned that no effective limitations are seen to be placed on military training of, and delivery of arms supplies to, elements of the former Rwandese government forces, while the arms embargo continues to apply to Rwanda.

5. The delay in bringing those responsible for the genocide to justice, both through the International Tribunal and at the national level, is another cause of deep frustration. The Rwandan Government points out that many of those responsible for the genocide continue to operate openly from abroad, despite the adoption of Security Council resolution 978 (1995) and the transmittal of lists of alleged criminals to the countries concerned. Nor has the Tribunal yet begun its work, and the national judicial system, which has the responsibility for processing most of the detainees currently in Rwandan prisons, is severely short of personnel and resources and is also dependent on international support. A third element which is stressed in Rwandan government circles is the slow delivery of the economic assistance pledged at the round table held by the United Nations Development Programme (UNDP) at Geneva on 18 and 19 January 1995. Although \$634 million was pledged on that occasion, only \$69 million has actually been disbursed, of which \$26 million has been utilized for debt repayment. It is important that these problems be addressed.

6. The safe return of refugees has been acknowledged as a vital element in promoting stability and harmony in the country. This concept was accepted at the Nairobi Summit, at the Bujumbura Conference and in trilateral agreements between Rwanda, the Office of the United Nations High Commissioner for Refugees (UNHCR) and neighbouring countries. The sense of security and confidence that is needed to persuade refugees to return depends not only on improved conditions inside the country but also on better relations among the countries of the Great Lakes region. I continue to believe that a regional conference, which the Security Council has endorsed on a number of occasions, should be convened as soon as possible and in consultation with the Organization of African Unity (OAU), with a view to resolving the broader and interrelated issues of peace, security and stability in the region.

III. SECURITY ASPECTS

7. Since I last reported to the Council, the Government has continued to report military preparations and incursions by elements of the former regime. The number of arrests for alleged complicity in the genocide has remained high. As a result, the sense of insecurity prevailing within the communes has inhibited the repatriation of refugees. The prisons continue to be seriously overcrowded (see para. 26 below). Acrimonious criticism of the international community in general, and UNAMIR in particular, has also continued unabated and

this has encouraged an attitude of non-cooperation, even hostility, at the middle and lower levels of the Rwandan Government.

8. During the period under review, the Rwandese Patriotic Army has continued to deny UNAMIR access to parts of the country, has searched and seized UNAMIR vehicles and other equipment and has participated in anti-UNAMIR demonstrations. These activities, many of them in violation of the status-of-mission agreement, have hampered UNAMIR in the discharge of its tasks on the ground. There have been continuing difficulties over troop rotations, with UNAMIR personnel being delayed or denied entry at Kigali airport. Joint meetings between UNAMIR and the Rwandese Patriotic Army, which had been held on a fortnightly basis, have not taken place during the past three months.

9. The anniversary of last year's genocide was commemorated in a week of mourning beginning on 7 April. On that occasion, I addressed a message of sympathy to President Bizimungu. Mass rallies, speeches and demonstrations were held all over Rwanda. Some of these targeted the international community and UNAMIR in particular. The President and Vice-President assured my Special Representative that these hostile outbursts would be controlled. However, the level of cooperation with UNAMIR remains unsatisfactory.

10. The Kibeho tragedy underscored the tensions and fears that remain just beneath the surface in Rwanda. On 18 April, the Rwandan Government took action to cordon off and close the eight remaining camps for internally displaced persons in the Gikongoro region, of which Kibeho was by far the largest. The Government considered that since these camps were being used as sanctuaries by elements of the former Rwandese government forces and militia, they were a destabilizing factor and represented a security threat. Negotiations were taking place between the Government and United Nations for the voluntary closure of the camps when the decision to act was taken without notice or consultation. Seven of the camps were nevertheless closed without serious incident. However, at Kibeho an estimated 80,000 internally displaced persons attempted to break out on 22 April, after spending 5 days on a single hill without adequate space, shelter, food or sanitation. A large number of deaths occurred from firing by government forces, trampling and crushing during the stampede and machete attacks by hard-liners in the camp, who assaulted and intimidated those who wished to leave.

11. When the Rwandese Patriotic Army launched its operation, UNAMIR reacted immediately and within 24 hours took the following measures: trucks were deployed to transport internally displaced persons; 2 casualty collection posts were established by the Australian medical unit to provide emergency medical assistance; and a UNAMIR command post with communication facilities was set up to enhance communication and contact between the forces on the ground and UNAMIR headquarters. At the same time, UNAMIR engineers improved the Butare-Kibeho road to facilitate movement of convoys of internally displaced persons and humanitarian assistance. Sick and injured internally displaced persons were evacuated by UNAMIR troops to medical facilities operated by non-governmental organizations (NGOs) in Butare. This evacuation procedure was at times hindered by restrictions on movement and denial of passage to UNAMIR and relief agencies. The presence of UNAMIR troops at open relief centres, way stations and transit centres was increased. Patrols were intensified to facilitate the reception and

further evacuation of internally displaced persons from these temporary facilities to their various home communes. UNAMIR also increased its military observer presence to facilitate monitoring and enhance its escort capability.

12. From the establishment of the Rwandese Patriotic Army cordon on 18 April to the tragic events of 22 April, senior UNAMIR officials, including my Special Representative, the Force Commander and the Deputy Force Commander, visited Kibeho and the surrounding areas on several occasions to assess the situation on the ground, urge restraint and help to coordinate the activities of UNAMIR personnel and relief agencies.

13. Following the Kibeho tragedy, I immediately dispatched Mr. Aldo Ajello to Kigali as my Special Envoy to convey my concern to the Rwandan leaders and urge the Government to undertake an impartial investigation. On 27 April, the Government announced that an independent International Commission of Inquiry would be set up to investigate the circumstances and causes of the events and that the Commission would consist of representatives of Belgium, Canada, France, Germany, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, the United States of America, OAU, the United Nations and the Government of Rwanda.

14. My Special Envoy visited Rwanda from 28 to 30 April. He welcomed the decision to set up the Commission of Inquiry and urged the Rwandan authorities to cooperate in the distribution of humanitarian relief at Kibeho and in the communes. He also stressed that those not suspected of contributing to the genocide be allowed to return to their homes in conditions of safety.

15. I am glad to report that my Special Envoy was assured that the Rwandan Government would cooperate fully with the Commission of Inquiry and that humanitarian agencies would be given full cooperation in providing humanitarian aid in the communes. This commitment has been fulfilled, with the result that large numbers of internally displaced persons are now in the process of resettling in their communes. After 3 weeks of persuasion through the combined efforts of UNAMIR and the Government of Rwanda, the approximately 2,500 internally displaced persons who had remained in Kibeho have also returned to their communes.

16. The Independent Commission of Inquiry has published its report (S/1995/411) and concluded that the tragedy of Kibeho was neither premeditated nor an accident that could not have been prevented. It recognized the efforts made by my Special Representative, UNAMIR, the Government of Rwanda and other organizations to keep the situation under control. It concluded that there was sufficient reliable evidence that unarmed internally displaced persons were subjected to serious human rights abuses committed by both the Rwandese Patriotic Army and armed elements in the camp. The Commission welcomed the initiative taken by the Rwandan Government to carry out an investigation at the national level. It also recommended that the international community continue encouraging and assisting Rwanda in its efforts to achieve justice, national reconciliation and reconstruction.

IV. MILITARY ASPECTS

17. As of 31 May 1995, UNAMIR's force strength stood at 5,586 troops and 317 military observers (see annex). The rotation of the Nigerian, Ethiopian and Ghanaian contingents has been completed. Parts of the Zambian and Indian contingents have also been rotated on schedule.

18. In spite of the resources diverted to cope with the internally displaced persons emergency, UNAMIR's military component continued to perform its other tasks, including the provision of security to human rights monitors, staff of the International Tribunal, United Nations agency personnel and NGOs. Because of the deteriorating security situation in Kigali and the increase in armed robberies, UNAMIR has had to make some adjustments in the deployment of formed troops in order to reinforce security in the capital. The detailed deployment of UNAMIR troops is shown on the attached map.

19. In addition to performing the tasks outlined in Security Council resolution 965 (1994), troops and military observers have continued to escort humanitarian relief convoys and to provide emergency medical assistance to Rwandan citizens at UNAMIR locations around the country and to internally displaced persons during the closure of internally displaced person camps in south-western Rwanda. UNAMIR logistic resources have been made available throughout the country, particularly to transport internally displaced persons and returning refugees. Its engineers assisted in the restoration of essential services and facilities, including the reconstruction of bridges, the repair of roads and water supply schemes. UNAMIR military observers maintain constant contact and coordination with the Government, human rights observers and United Nations agencies for the purpose of smooth and efficient movement and follow-up monitoring of resettled refugees and internally displaced persons. Support has also been provided to the Government of Rwanda for improving the administration of, and alleviating the terrible conditions in, the prisons. The presence of UNAMIR troops and military observers helps to create an atmosphere of security and confidence throughout the country.

V. CIVILIAN POLICE

20. During the reporting period, a major activity of UNAMIR's civilian police component continued to be the training of a new integrated national police force, as mandated under Security Council resolution 965 (1994). A group of 300 gendarmes and 20 instructors completed an intensive 16-week training programme on 29 April. They are expected to be deployed by the Government to gendarmerie brigades throughout the country. Arrangements had been made to start training 400 additional candidates in June over a period of four months. This was to be followed by the training of 100 instructors selected from the already trained gendarmes. However, as indicated in paragraph 56 below, the Rwandese Government has taken the position that the activities of the civilian police component should be terminated.

21. UNAMIR has also assisted the Chief of Staff of the National Gendarmerie in designing the organization and operational requirements of the new police force. A final orientation document has been completed and will serve as a basic guide

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for the elaboration of formal requests to be submitted by the Government to its bilateral and multilateral partners for equipment and other logistic support for the National Gendarmerie.

22. In addition to their training tasks, the UNAMIR civilian police observers continue to maintain close liaison with local authorities in the 11 prefectures of Rwanda and to carry out monitoring and investigative activities. The observers are working closely with United Nations agencies and NGOs and are, in particular, assisting human rights monitors and UNAMIR personnel in their daily activities around the country.

23. Member States have not so far responded to the Secretariat's repeated requests for French-speaking police trainers. Out of an authorized strength of 120, only 64 police observers from 8 countries were deployed as of 31 May (see annex).

VI. HUMAN RIGHTS ASPECTS

24. The Human Rights Field Operation in Rwanda has continued its activities in the three main areas that constitute its mandate: investigations into the genocide and serious violations of international human rights and humanitarian law; monitoring of the human rights situation and promoting a climate of confidence, especially as regards the return of internally displaced persons; and technical cooperation and human rights education. As of 25 May 1995, the Field Operation had 121 members and 11 field offices located throughout the country.

25. The investigations into the genocide of 1994 continue to be an important component of the Field Operation's mandate. The reports and the extensive evidence gathered at massacre sites throughout Rwanda have been made available to the Special Rapporteur for Rwanda and to the International Tribunal. During his visit to Rwanda from 31 March to 3 April 1995, the High Commissioner for Human Rights handed over additional material to the Deputy Prosecutor. As further reports are received by the investigative teams, they are duly forwarded to the Special Rapporteur and to the International Tribunal.

26. During the period under review, the distressing conditions in Rwanda's prisons have remained a matter of serious concern. There are now approximately 42,000 detainees throughout the country, many of whom are being held in inhumane conditions. While efforts are under way to increase the capacity of the prisons, this can only be a partial solution unless detainees are brought to justice in a timely manner and according to basic international norms and standards. There are indications of a temporary lull in arrests in certain areas because of the overcrowding in the prisons. The Special Rapporteur has expressed regret that this policy was limited territorially and has suggested that it should apply generally to the whole country.

27. In its efforts to cope with the crisis arising from the forcible closure of internally displaced person camps in south-western Rwanda, the Field Operation reinforced its teams with the deployment of an additional 24 field officers to the principal affected areas of Gikongoro, Butare and Bugesera and appointed an

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emergency coordinator in Butare. The Government of Rwanda and the international organizations concerned have been regularly briefed on the human rights situation in the communes of origin to which the internally displaced persons were returning. Throughout the crisis, the Field Operation encouraged the relevant government ministers to visit the affected areas. It also maintained close contacts with local authorities, with a view to improving access to villages by human rights field officers and facilitating the establishment of joint committees entrusted with the resettlement process.

28. The technical cooperation unit of the Field Operation has continued to develop its efforts to rehabilitate the justice system and rebuild civic society. Several specific projects have been initiated, in particular the sending of 50 international legal professionals to assist in the preparation of case files against those accused of having participated in the genocide. Another important effort is the provision of assistance to the Government of Rwanda to bring its legislation into closer conformity with international human rights law. The technical cooperation programme is also fostering human rights awareness in the country through the education of the military personnel, police, other government officials and the general public.

29. The Rwandan Government is considering the establishment of a national commission on human rights, as provided for under the Arusha peace agreements. Under these accords, the commission, which is composed of seven independent members serving for a three-year term, is expected to investigate human rights violations committed on Rwandan territory, including acts committed by organs or agents of the State.

VII. INTERNATIONAL TRIBUNAL FOR RWANDA

30. With the appointment of the Deputy Prosecutor of the International Tribunal for Rwanda, the process of investigating acts of genocide and other serious violations of international humanitarian law committed in Rwanda has begun. Investigations will be carried out inside and outside Rwanda, notably in other African countries, Europe and North America, covering 400 identified suspects, most of whom have sought refuge abroad. Under article 28 of the statute of the Rwanda Tribunal (see resolution 955 (1994), annex), States are under an obligation to cooperate with the International Tribunal and to comply with any of its requests, including the arrest or detention of persons and the surrender or transfer of suspects.

31. The Prosecutor's Office is currently recruiting investigators and prosecutors. In the meantime, Governments have begun to contribute the services of qualified personnel for short periods until such time as the Tribunal is fully staffed.

32. The Prosecutor's Office has been operating on the basis of a commitment authority of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) in the amount of \$2.9 million, granted for the period from 1 January to 31 March 1995. The budgetary submission for the year 1995 will be presented to the General Assembly at its resumed forty-ninth session in June 1995. Pledges

and contributions to the Trust Fund for the International Tribunal currently amount to \$1,034,959.

33. A United Nations mission recently visited the United Republic of Tanzania to discuss the technical and legal issues relating to the establishment of the seat of the International Tribunal at Arusha. The mission discussed the Tribunal's space requirements and negotiated headquarters and lease agreements. A report on this matter will be submitted to the Council shortly.

34. By resolution 989 (1995) of 24 April 1995, the Security Council established a list of 12 candidates for judges of the International Tribunal. On 25 May, six judges for the Trial Chambers were elected by the General Assembly. An extraordinary session of the Tribunal is scheduled for 26 June at The Hague to adopt its rules of procedure and evidence.

35. The Prosecutor for the International Tribunal, Judge Goldstone, paid his second visit to Rwanda from 18 to 20 May. He met with senior government officials and with my Special Representative and discussed practical arrangements for the functioning of the Tribunal. On 19 May, a one-day conference of donors was convened to discuss international support, especially funding, for the Tribunal. I wish to thank those Member States that have made voluntary contributions to the Trust Fund for the Tribunal and to appeal for continued and additional assistance to permit its effective operation.

VIII. HUMANITARIAN ASPECTS

36. Since my last report, the humanitarian community's efforts have been directed mainly at dealing with the consequences of the forced closure of internally displaced person camps in south-west Rwanda. The rapid and coordinated response of UNAMIR, the United Nations Rwanda Emergency Office, United Nations agencies, intergovernmental organizations, in particular the International Organization for Migration (IOM), and NGOs undoubtedly prevented greater casualties and suffering as a result of the internally displaced persons emergency. These efforts were undertaken in cooperation with several government ministries in Kigali and with the Butare and Gikongoro prefectures. Transportation assistance was provided by UNHCR, IOM, UNAMIR and NGOs to over 70,000 people; emergency medical facilities were set up to tend to the sick and wounded, mainly in Butare; way-stations and open relief centres, managed and supported by NGOs, served as first-aid points and provided food, water and other emergency items to the former occupants of internally displaced person camps.

37. Although the initial phase of the emergency has now passed, problems related to the closures remain to be solved. Initially, there were reports of former camp populations being beaten, stoned and harassed either en route to or in their home communes. Lately, following the increased presence in the home communes of UNAMIR and other international personnel, as well as intercessions by the Minister of Interior, some improvement in the assimilation of the internally displaced persons has been reported. However, the massive return of internally displaced persons, many of whom were forced to leave their possessions in the camps or were robbed on their way home, has placed heavy demands on the communes, many of which are already in fragile condition. There

is an increasingly urgent need for the international community to accelerate its rehabilitation assistance in the communes, particularly in those areas where the largest numbers of internally displaced persons have returned. In this respect, assessment teams, comprised of government officials, United Nations and NGO personnel, have visited most of the communes in the Butare prefecture to identify the pressing requirements and priority areas for intervention. In Kigali, through the Integrated Operations Centre jointly operated by the Government, the United Nations Rwanda Emergency Office, United Nations agencies, UNAMIR and NGOs, sectoral cells have been activated to ensure effective planning and coordination of rehabilitation activities.

38. Although the World Food Programme (WFP) and the International Committee of the Red Cross (ICRC) and some NGOs have begun food distribution to returning internally displaced persons and to other needy people in the communes, many people lack the means to produce food until the next agricultural season from September 1995 to January 1996. As a result, they will require food assistance, as well as seeds and tools for the next planting season. In addition to the returning internally displaced persons, other vulnerable groups will require sustained food aid for the foreseeable future. These include the "new" and "old" caseload returnees, many of whom have not yet been resettled and who therefore have no land to cultivate. Other vulnerable groups include hospital patients, orphans and unaccompanied children. During the month of May, WFP is planning to distribute 3,046 tons of cereals, 1,214 tons of pulses, 244 tons of oil and 85 tons of other food items to a total of 420,000 beneficiaries from the above-mentioned groups. Emergency non-food assistance, such as plastic sheeting, cooking pots, blankets, soap and clothing, has already been provided to former camp populations and will be continued.

39. Health facilities throughout the country need urgent rehabilitation and additional staff in order to ensure adequate delivery of health services, especially for returning internally displaced persons. Under its programmes of assistance to returnees, UNHCR is rehabilitating 8 district hospitals and 42 health centres in areas where returnees have settled in great numbers. Other health programmes include a training programme of the World Health Organization (WHO) for 20 health workers in epidemiological surveillance and epidemic control and another programme for 32 trainers elaborated by the Government, the United Nations Population Fund (UNFPA) and WHO on human immunodeficiency virus/acquired immunodeficiency syndrome prevention and safe motherhood.

40. For water and sanitation, the United Nations Children's Fund (UNICEF) is supporting the rehabilitation of the water supply system in the north-eastern part of the country, an area to which the majority of "old" caseload refugees from Uganda are returning with their herds of cattle. The construction of over 20 shallow wells in the area is under way and should be completed before the end of July to cater for the needs of over 20,000 people. In other areas of the country, approximately 150 springs will be tapped by 31 December 1995 in order to benefit some 30,000 people in three prefectures.

41. The closure of the camps has also increased the number of unaccompanied minors, many of whom were either left in the camps or found along the roads. UNICEF reports that there are nearly 2,000 unaccompanied minors, of whom

approximately 70 per cent are under the age of 5. Most are severely traumatized by their experiences and the UNICEF Trauma Unit is helping them.

42. In order to carry out projects that will enable people to have adequate access to health care, potable water, sanitation and education, as well as the means to resume agricultural activities, substantial funding from the donor community continues to be required. As I reported in April, the inadequate level of response to the consolidated inter-agency appeal for Rwanda and the subregion has hampered relief activities and the commencement of rehabilitation and reconstruction. As of 15 May, only \$80 million had been pledged against a total requirement of \$219 million for Rwanda. For the subregion, pledges amounted to \$34 million against a total requirement of \$587 million.

43. The total contributions actually received so far from government and private sources amount to \$6.3 million only. Of this amount, the Netherlands has contributed more than \$5.4 million for a UNDP programme to support the Government. Some resources have also been allocated specifically to the Ministry of Rehabilitation and Social Integration to facilitate emergency assistance to the communes. This includes the procurement of equipment and supplies for local administrative authorities and for the judicial system.

44. A number of events have raised concern about respect for the principles related to protection and treatment of refugees and internally displaced persons. At the end of March, the Tanzanian authorities closed their border with Burundi to thousands of asylum-seekers, including many Rwandan refugees who were fleeing camps in Burundi following disturbances in that country. There are also indications that some of the internally displaced persons fleeing the recent camp closures in Rwanda were not allowed into Burundi or were returned against their will to Rwanda after entering the country. The forcible closure of internally displaced person camps could create further obstacles to the voluntary return of refugees from neighbouring countries, as evidenced by the recent decrease in the number of organized voluntary repatriations from camps in Zaire.

45. The Rwandan Government's decision to close the border with Zaire to all traffic, including food destined to refugee camps in the Bukavu area of Zaire, has further complicated an already difficult supply and logistics chain. In both Goma and Bukavu, food distribution has dropped by as much as 50 per cent of normal requirements.

46. As regards security in the refugee camps in Zaire, I am pleased to report that the deployment of Zaire's security contingent has now reached its full strength of 1,500 men and that, as a result, security conditions in the camps have greatly improved. At the same time, discussions are continuing with the Zairian authorities on the possibility of relocating those camps that are situated too close to the border.

47. In this connection, I support the Security Council's recent invitation to States to deliver on their earlier financial commitments and to increase their assistance for humanitarian activities in Rwanda, as well as its call to all Governments in the region to maintain open borders for this purpose. I would also like to stress the Security Council's request to the Government of Rwanda

to facilitate the delivery and distribution of humanitarian assistance to refugees and displaced persons in conformity with international principles (S/PRST/1995/22).

IX. ADMINISTRATIVE AND FINANCIAL ASPECTS

48. The General Assembly, by its decision of 6 April 1995, authorized me to enter into commitments up to \$19,342,000 gross (\$18,989,000 net) for the period from 10 June to 9 July 1995, subject to the extension of the mandate of UNAMIR beyond 9 June 1995. Should the Council decide to extend the mandate of UNAMIR, I shall request the General Assembly at its resumed forty-ninth session to make adequate financial provision for the operation of the Mission.

49. As of 17 May 1995, unpaid assessments to the UNAMIR Special Account amounted to \$70.1 million, and the total amount of outstanding assessed contributions for all peace-keeping operations amounted to \$1,854.1 million.

X. CONCLUSIONS AND RECOMMENDATIONS

50. The Rwandan people have endured the most horrific and unspeakable suffering. The political goal of the United Nations in Rwanda is to assist them to achieve peace, stability and reconstruction in accordance with the principles of the Arusha peace agreements. This goal can be attained only if those who are guilty of genocide are brought to trial and if the leaders and people of Rwanda have the political will to achieve national reconciliation through mutual respect and understanding. The United Nations is prepared to continue its efforts to assist in this difficult process. UNAMIR has made a significant contribution to the relative stability and normalization achieved in Rwanda over the past year. However, the complex situation described in sections II and III above has led the Government of Rwanda to raise questions about the future role of this operation.

51. The current mandate of UNAMIR was designed at a time when Rwanda was in the midst of a devastating genocide and civil war. The main responsibility entrusted to UNAMIR under Security Council resolution 918 (1994) of 17 May 1994 was to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda. The war and the genocide came to an end with the establishment of the present Government of Rwanda on 19 July 1994. Since that time, the situation has changed radically. The changes undoubtedly call for adjustments in the mandate of UNAMIR, so that its role can reflect the present situation.

52. In anticipation of the expiry of the mandate of UNAMIR on 9 June 1995, my Special Representative has engaged in extensive consultations with the Government of Rwanda, with a view to achieving a common understanding of the role that the United Nations could usefully play in the future. At the outset, the Government made it clear that it would insist on a sharp reduction both in the scope of UNAMIR's tasks and in troop levels.

53. During these consultations, my Special Representative discussed with the Government a new mandate comprising tasks which, in my judgement, should be performed by UNAMIR during the next six months. These tasks would continue to be carried out with full respect for the Government's sovereign authority. They would entail shifting the focus of UNAMIR's mandate from a peace-keeping to a confidence-building role. On this basis, UNAMIR would undertake the following tasks:

(a) Tasks specifically required to sustain a United Nations peace-keeping presence in Rwanda, mainly in Kigali. These would include the protection of United Nations premises, protection of International Tribunal personnel and, as required, of United Nations agencies and NGOs, including a ready reserve and the necessary command, control and support elements;

(b) Tasks aimed at assisting the Government of Rwanda in confidence-building and in the promotion of a climate conducive to stability and to the return of refugees and displaced persons. These would entail monitoring throughout the country with military/police observers, as a complement to human rights monitors; helping in the distribution of humanitarian assistance; facilitating the return and reintegration of refugees in cities and communes; providing assistance and expertise in engineering, logistics, medical care and demining; and stationing a limited reserve of formed troops in certain provinces. These troops would not undertake any patrolling duties but would assist in the performance of the above tasks, as required.

54. Following consultations with my Special Representative and the Force Commander, it is estimated that, in order to carry out these functions, UNAMIR would require approximately 2,330 formed troops, 320 military observers and 65 civilian police. This would constitute a substantial reduction from the present authorized strength of 5,500 troops, 320 military observers and 120 civilian police. The reduction would begin as soon as possible and be implemented gradually over the next two to three months, on the understanding that, after 9 June 1995, the infantry battalions currently deployed in the provinces would change over from their present tasks to those outlined above.

55. The proposed force would be structured along the following lines: an infantry battalion of 800 all ranks, based in Kigali and reinforced by essential support units such as headquarters staff (50), communications (50), engineering (200), medical (100), logistics (100) and military police (30). In addition, one independent infantry company would be deployed in each of the present UNAMIR sectors of operation. These 5 independent companies, totalling about 1,000 troops, would include elements from the support units or specialists, as required for specific humanitarian tasks.

56. However, during the consultations held with my Special Representative, the Rwandan Government proposed a different and more limited role for UNAMIR, arguing that the present conditions on the ground called for a drastic reduction in the number of United Nations troops. It took the position that most of the peace-keeping functions heretofore discharged by UNAMIR had become redundant. The concept of promoting security and confidence through the presence of UNAMIR could no longer be accepted, since the Government had assumed responsibility for national security throughout the country. The protection of humanitarian

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convoys was also the responsibility of the Government and UNAMIR's role should be a monitoring one only. The issue of border monitoring was discussed, but the Government considered that there was no need for UNAMIR to play such a role in Rwanda. In addition, it expressed the view that the present training programme carried out by the UNAMIR civilian police component should be replaced by bilateral arrangements and could continue only until those arrangements were in place.

57. In short, the Rwandan Government has proposed that UNAMIR should be reduced to a maximum of 1,800 formed troops, to be deployed in Kigali as well as in the provinces. UNAMIR's mandate would be extended for six months, on the understanding that there would be no further extension and that steps to reduce UNAMIR troops outside Kigali should commence immediately.

58. An analysis of this proposal has indicated that, with a total of 1,800 formed troops, plus 65 civilian police, UNAMIR would not have the strength to perform adequately the tasks described in paragraph 53 above. While I understand the position of the Government of Rwanda, I am convinced that UNAMIR remains an essential component of the international community's efforts to assist the Government and people of Rwanda and that it must have the capability to discharge its functions effectively. At the same time, since UNAMIR is a peace-keeping operation established under Chapter VI of the Charter, its continued presence in Rwanda depends on the consent and active cooperation of the Government. I therefore intend to continue consultations with the Government of Rwanda and shall report orally to the Council on the outcome of these consultations before the Council decides on the future mandate of UNAMIR.

59. Subject to that report, I recommend that the Security Council renew the mandate of UNAMIR, adjusted to accommodate the tasks outlined in paragraph 53 above, for a period of six months, ending on 9 December 1995. During that period, my Special Representative would continue to exercise his good offices to facilitate, in consultation with the Government of Rwanda, the process of national reconciliation, in accordance with the principles set out in the Arusha peace agreements. UNAMIR, in cooperation with UNDP, United Nations agencies and NGOs, would also assist in the implementation of an integrated multifunctional plan of action in the field of rehabilitation, resettlement, repair of infrastructure and the revival of justice. The funds committed to such projects could be channelled by donor countries through the Rwanda Trust Fund, in order to allow for a prompt, flexible and efficient utilization of resources.

60. In accordance with the Nairobi Summit Declaration of January 1995, the Bujumbura Declaration of February 1995 and formal agreements signed by Rwanda, a major effort needs to be made to persuade the two million Rwandan refugees to return to their homes in safety and dignity. This should be without prejudice to effective action, under due process of law, against criminals accused of genocide, in accordance with Security Council resolution 978 (1995). In this connection, immediate steps should be taken by the international community to support the earliest activation of the International Tribunal and the rehabilitation of the Rwandan national system of justice. At the same time, effective measures should be taken to ensure that Rwandan nationals currently in neighbouring countries are not allowed to receive arms supplies or to undertake military activities aimed at destabilizing Rwanda. I am, in particular,

concerned that, unless more vigorous action is taken to prevent such activities, there could be a serious escalation in cross border clashes that would add a new dimension to the tragedy of Rwanda and lead to unpredictable consequences.

61. The implementation of the steps mentioned in paragraphs 59 and 60 above will contribute to peace and security in Rwanda. However, much more needs to be done. International assistance to Rwanda needs to be accelerated if the vital institutions in the country are to have any chance of recovering. It is essential that we find ways to improve the procedures that have delayed the disbursement of assistance to resolve situations that require priority attention. With respect to the long-term solution of the refugee and related problems in the Great Lakes States, I intend to appoint a special envoy to carry out consultations with countries concerned, as well as OAU, on the preparation and convening of the Regional Conference on Security, Stability and Development at the earliest possible time.

62. In concluding this report, I wish to express my appreciation to my Special Representative, Mr. Shaharyar Khan, to the Force Commander, Major General Guy Tousignant, and to all UNAMIR military and civilian personnel for their outstanding contribution to the United Nations and to the cause of peace and stability in Rwanda.

Annex

Composition of UNAMIR as of 31 May 1995

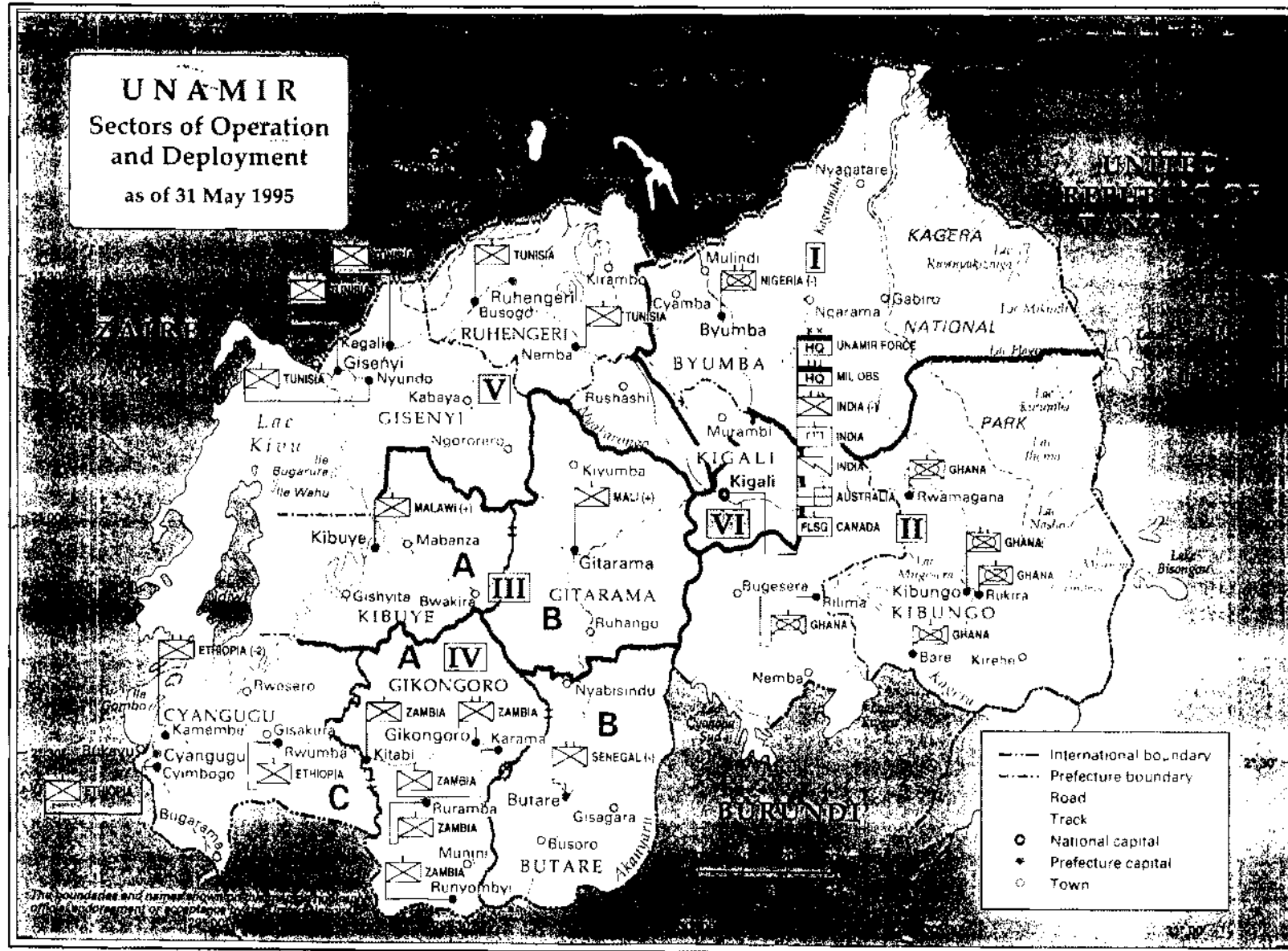
Country	Military personnel			Civilian police	Grand total
	Troops	Observers	Total		
Argentina		1	1		1
Australia	302		302		302
Austria		15	15		15
Bangladesh	1	36	37		37
Canada	105	19	124		124
Chad	2		2		2
Congo		8	8		8
Djibouti			0	7	7
Ethiopia	834		834		834
Fiji		1	1		1
Germany			0	9	9
Ghana	784	35	819	10	829
Guinea		17	17		17
Guinea-Bissau		2	2	5	7
India	934	20	954		954
Jordan			0	3	3
Malawi	183	14	197		197
Mali	198	31	229	10	239
Nigeria	339	17	356	10	366
Poland		2	2		2
Russian Federation		17	17		17
Senegal	238	2	240		240
Tunisia	834	10	844		844
United Kingdom of Great Britain and Northern Ireland	1		1		1
Uruguay		26	26		26
Zambia	831	20	851	10	861
Zimbabwe		24	24		24
Total	5 586	317	5 903	64	5 967

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English

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UNAMIR
Sectors of Operation
and Deployment
as of 31 May 1995





Conseil de sécurité

Distr.
GÉNÉRALE

S/1995/457
4 juin 1995
FRANÇAIS/
ORIGINAL : ANGLAIS

RAPPORT INTÉIMAIRE DU SECRÉTAIRE GÉNÉRAL SUR LA MISSION
DES NATIONS UNIES POUR L'ASSISTANCE AU RWANDA

I. INTRODUCTION

1. Le présent rapport est présenté en application du paragraphe 1 de la résolution 965 (1994) du 30 novembre 1994, par laquelle le Conseil de sécurité a décidé de proroger le mandat de la Mission des Nations Unies pour l'assistance au Rwanda (MINUAR) jusqu'au 9 juin 1995. Depuis l'adoption de cette résolution, j'ai fait rapport au Conseil sur la situation au Rwanda le 6 février (S/1995/107) et le 9 avril (S/1995/297), et sur la sécurité dans les camps de réfugiés rwandais le 25 janvier (S/1995/65) et le 14 avril (S/1995/304). J'ai aussi tenu le Conseil oralement informé des événements qui se déroulent actuellement au Rwanda. Le présent rapport expose l'évolution intervenue depuis mon rapport intérimaire du 9 avril, et contient des recommandations quant au rôle de l'Organisation des Nations Unies au Rwanda.

II. ASPECTS POLITIQUES

2. Depuis mon dernier rapport au Conseil de sécurité, un climat de stabilité relative prévaut au Rwanda. Le pays connaît une paix pratiquement totale, l'électricité, l'eau et les communications ont été partiellement rétablies, les écoles primaires et secondaires ont rouvert leurs portes et les activités agricoles et économiques ont repris. Le long et difficile processus de relèvement est engagé.

3. Le Gouvernement a pris récemment un certain nombre de mesures positives. Il vient de présenter à l'Assemblée nationale une liste de 12 candidats parmi lesquels l'Assemblée doit choisir les six plus hauts magistrats du pays, c'est-à-dire le Président et les cinq vice présidents de la Cour suprême. En vertu de l'accord de paix d'Arusha, ces juges doivent être choisis par l'Assemblée nationale sur une liste de 12 candidats (deux pour chaque poste) présentée par le Gouvernement. L'Assemblée nationale a également commencé à travailler à l'élaboration d'une nouvelle constitution qui doit remplacer la Constitution de 1992, actuellement en vigueur. Le 2 mai, un tribunal militaire a commencé à siéger à Kigali pour juger 14 soldats accusés d'avoir participé à des meurtres et des vols à main armée. À l'issue d'une enquête préliminaire interne, deux officiers de haut rang impliqués dans la tragédie de Kibeho ont été suspendus.

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4. Néanmoins, la situation demeure tendue : la réconciliation nationale n'a guère progressé, les prisons sont outrageusement surpeuplées, les arrestations arbitraires continuent, les titres de propriété sont source de tensions, et il n'y a pas de système judiciaire efficace. Les causes des tensions et des frustrations que connaît actuellement le Rwanda doivent être analysées. Premièrement, les activités militaires et les rapports faisant état de livraisons d'armes à des éléments des ex-forces gouvernementales rwandaises dans des pays voisins préoccupent gravement le Gouvernement. Comme suite aux incursions organisées, de plus en plus nombreuses, des ex-forces gouvernementales rwandaises au Rwanda, des alertes ont été déclenchées et des personnes suspectées d'être des sympathisants arrêtées. Le Gouvernement s'inquiète de ce que l'instruction militaire d'éléments des ex-forces gouvernementales rwandaises et les livraisons d'armes dont ils bénéficient ne semblent pas faire l'objet de restrictions effectives, alors que l'embargo sur les armes continue de s'appliquer au Rwanda.

5. Le fait que les responsables du génocide n'ont pas encore été traduits en justice, que ce soit devant le Tribunal international ou au niveau national, est aussi une source de frustration profonde. Le Gouvernement rwandais fait observer que nombre des responsables du génocide continuent d'opérer ouvertement de l'étranger, malgré l'adoption par le Conseil de sécurité de la résolution 978 (1995) et la transmission aux pays concernés de listes de personnes accusées d'avoir commis des crimes. En outre, le Tribunal n'a pas encore commencé ses travaux, et le système judiciaire national, appelé à juger la plupart des détenus se trouvant actuellement dans les prisons rwandaises, manque cruellement de personnel et de ressources et est lui aussi tributaire de l'appui international. Un troisième élément invoqué dans les milieux gouvernementaux rwandais est la lenteur avec laquelle arrive l'assistance économique annoncée lors de la table ronde organisée par le Programme des Nations Unies pour le développement (PNUD) à Genève les 18 et 19 janvier 1995. Bien que des contributions de 634 millions de dollars aient été annoncées à cette occasion, 69 millions seulement ont effectivement été décaissés, dont 26 millions ont été utilisés pour le service de la dette. Il est important de s'attaquer à ces problèmes.

6. Il est admis que le retour des réfugiés dans de bonnes conditions de sécurité est un élément essentiel pour promouvoir la stabilité et l'harmonie dans le pays. Cette idée a été acceptée lors du Sommet de Nairobi, lors de la Conférence de Bujumbura et dans les accords trilatéraux conclus par le Rwanda, le Haut Commissariat des Nations Unies pour les réfugiés (HCR) et les pays voisins. Le sentiment de sécurité et de confiance qui persuadera les réfugiés de revenir dépend non seulement de l'amélioration de la situation à l'intérieur du pays mais aussi de l'amélioration des relations entre les pays des Grands Lacs. J'estime qu'une conférence régionale, dont le Conseil de sécurité a approuvé le principe en plusieurs occasions, devrait être convoquée aussi tôt que possible et en consultation avec l'Organisation de l'unité africaine (OUA) en vue de résoudre les problèmes plus larges et intimement liés de la paix, de la sécurité et de la stabilité dans la région.

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III. SITUATION EN MATIÈRE DE SÉCURITÉ

7. Depuis mon dernier rapport au Conseil, le Gouvernement a continué de signaler des préparatifs et des incursions militaires d'éléments de l'ancien régime. Le nombre des arrestations pour complicité de génocide est demeuré élevé. De ce fait, le sentiment d'insécurité qui règne dans les communes a sérieusement freiné le retour des réfugiés. Les prisons demeurent gravement surpeuplées, ce qui cause beaucoup de souffrances. Les critiques acrimonieuses à l'encontre de la communauté internationale en général et de la MINUAR en particulier ne se sont pas atténuées, suscitant une atmosphère de non-coopération, voire d'hostilité, aux niveaux inférieur et intermédiaire des autorités gouvernementales.

8. Durant la période à l'examen, l'Armée patriotique rwandaise (APR) a continué de refuser à la MINUAR l'accès à certaines parties du pays, a procédé à des fouilles et à des saisies de véhicules et d'autre matériel de la MINUAR et a participé à des manifestations anti-MINUAR. Ces activités, dont beaucoup violent l'Accord sur le statut de la Mission, ont gêné la MINUAR dans l'accomplissement de ses tâches sur le terrain. Il y a eu des difficultés continuelles pour la relève des troupes, le personnel de la MINUAR ayant été retenu ou stoppé à l'aéroport de Kigali. En outre, les réunions bimensuelles entre la MINUAR et l'APR n'ont plus eu lieu ces trois derniers mois.

9. L'anniversaire du génocide de l'an dernier a été marqué par une semaine de deuil qui a commencé le 7 avril. En cette occasion, j'ai adressé un message de sympathie au Président Bizimungu au nom de la communauté internationale. Des rassemblements et des manifestations ont été organisés, et des discours prononcés, dans tout le Rwanda. Certaines de ces manifestations visaient la communauté internationale et la MINUAR en particulier. Le Président et le Vice-Président ont assuré à mon Représentant spécial que ces mouvements d'hostilité seraient contrôlés. Néanmoins, la coopération avec la MINUAR demeure insatisfaisante.

10. La tragédie de Kibeho a mis en lumière les tensions et les peurs latentes qui subsistent au Rwanda. Le 18 avril, le Gouvernement rwandais a pris des mesures pour encercler et fermer les huit derniers camps de personnes déplacées à l'intérieur du pays de la région de Gikongoro, dont Kibeho était de loin le plus grand. Le Gouvernement a estimé que puisque ces camps étaient utilisés comme sanctuaires par des éléments des ex-forces gouvernementales rwandaises et des milices, ils constituaient un facteur déstabilisant et menaçaient la sécurité dans la région. Des négociations se déroulaient entre le Gouvernement et l'Organisation des Nations Unies en vue de la fermeture volontaire des camps lorsque la décision d'agir a été prise sans préavis ni consultation. Il faut admettre que sept des camps ont été fermés sans incident grave. À Kibeho, toutefois, environ 80 000 personnes déplacées ont tenté une sortie le 22 avril, après avoir passé cinq jours sur une colline où ils manquaient d'espace, d'abris, de nourriture et d'hygiène. Un grand nombre d'entre elles ont péri sous le feu des forces gouvernementales, ont été piétinées ou écrasées lors de la panique qui a suivi ou ont été tuées par des extrémistes se trouvant dans le camp, qui ont agressé et intimidé ceux qui avaient indiqué qu'ils souhaitaient partir.

11. Lorsque l'APR a lancé son opération, la MINUAR a réagi immédiatement et a pris dans les 24 heures les mesures suivantes : des camions ont été déployés pour transporter les personnes déplacées; deux postes de ramassage des victimes ont été établis par le groupe médical australien pour fournir une assistance médicale d'urgence; un poste de commandement de la MINUAR doté de systèmes de transmissions a été mis en place pour améliorer les communications et les contacts entre les forces se trouvant sur le terrain et le siège de la MINUAR. Dans le même temps, des troupes du génie de la MINUAR ont réparé la route reliant Butare à Kibeho pour faciliter la circulation des convois de personnes déplacées et l'acheminement de l'aide humanitaire. Les malades et les blessés ont été évacués par des soldats de la MINUAR vers les centres de soins des ONG à Butare. Cette procédure d'évacuation a parfois été entravée parce que les mouvements de la MINUAR et des organismes de secours ont fait l'objet de restrictions ou parce que le passage leur a été refusé. La présence de troupes de la MINUAR dans les centres de secours, les postes de secours et les centres de transit a été renforcée. Les patrouilles ont été multipliées pour faciliter la réception des personnes déplacées dans ces installations temporaires et leur évacuation vers leurs diverses communes d'origine. La MINUAR a aussi accru le nombre de ses observateurs militaires sur le terrain pour faciliter le contrôle et renforcer sa capacité de convoyage.

12. Durant tout le temps qu'a duré la crise, soit entre l'encercllement du camp par l'APR le 18 avril et les événements tragiques du 22 avril, de hauts fonctionnaires de la MINUAR, dont mon Représentant spécial, le commandant de la force et le commandant adjoint de la force se sont rendus à Kibeho et dans les environs en plusieurs occasions pour évaluer la situation sur le terrain, prôner la retenue et aider à la coordination des activités du personnel de la MINUAR et des organismes de secours.

13. À la suite de la tragédie de Kibeho, j'ai immédiatement dépêché M. Aldo Ajello à Kigali en qualité d'Envoyé spécial pour faire part de mes préoccupations aux dirigeants rwandais et pour engager le Gouvernement à mener une enquête impartiale. Le 27 avril, le Gouvernement a annoncé qu'une Commission internationale d'enquête indépendante serait créée pour enquêter sur les circonstances et les causes des événements, et qu'elle serait composée de représentants de l'Allemagne, de la Belgique, du Canada, des États-Unis d'Amérique, de la France, des Pays-Bas, du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, de l'OUA, de l'Organisation des Nations Unies et du Gouvernement rwandais.

14. Mon Envoyé spécial s'est rendu au Rwanda du 28 au 30 avril. Il s'est félicité de la décision de créer la Commission d'enquête et a engagé les autorités rwandaises à coopérer à la distribution des secours humanitaires à Kibeho et dans les communes. Il a aussi souligné que ceux qui n'étaient pas soupçonnés d'avoir participé au génocide devraient être autorisés à regagner leurs foyers en toute sécurité.

15. Je suis heureux d'indiquer qu'on a assuré à mon Envoyé spécial que le Gouvernement rwandais coopérerait pleinement avec la Commission d'enquête et que les organisations humanitaires bénéficieraient d'une pleine coopération pour la distribution de l'aide humanitaire dans les communes. Cet engagement a été honoré et par voie de conséquence un grand nombre de personnes déplacées sont

maintenant en train de se réinstaller dans leurs communes. Les quelque 2 500 qui étaient restées à Kibeho sont également rentrées chez elles, après trois semaines d'efforts concertés de la MINUAR et du Gouvernement rwandais pour les en persuader.

16. La Commission indépendante d'enquête a publié son rapport (S/1995/411) et conclu que la tragédie de Kibeho n'a pas été le résultat d'une action préméditée, et qu'il ne s'agissait pas non plus d'un accident inévitable. Elle a reconnu que des efforts avaient été accomplis par mon Représentant spécial, la MINUAR, le Gouvernement rwandais et d'autres organisations pour contrôler la situation. Elle a conclu qu'il existait suffisamment de preuves fiables pour établir que des personnes déplacées non armées avaient été victimes de graves violations des droits de l'homme, commises tant par l'APR que par des éléments armés se trouvant dans le camp. La Commission s'est félicitée de l'initiative prise par le Gouvernement rwandais de mener une enquête au niveau national. Elle a aussi recommandé que la communauté internationale continue à encourager et à aider le Rwanda dans les efforts que celui-ci déploie pour instaurer la justice, amener la réconciliation nationale et reconstruire le pays.

IV. ASPECTS MILITAIRES

17. Au 31 mai 1995, les effectifs de la force de la MINUAR comprenaient 5 586 soldats et 317 observateurs militaires (voir annexe). La rotation des contingents nigérian, éthiopien et ghanéen a été achevée. Une partie des contingents zambien et indien a été également relevée dans les délais prévus.

18. Malgré les prélèvements de ressources destinés à répondre aux besoins urgents des personnes déplacées à l'intérieur du pays, la composante militaire de la MINUAR a continué à accomplir ses autres tâches, notamment à assurer la sécurité des observateurs des droits de l'homme et du personnel du Tribunal international, des organismes des Nations Unies et des organisations non gouvernementales. En raison de la détérioration de la sécurité à Kigali et de la multiplication des vols à main armée, la MINUAR a dû apporter quelques modifications au déploiement des unités constituées afin de renforcer la sécurité dans la capitale. On trouvera sur la carte annexée des renseignements détaillés concernant le déploiement des troupes de la MINUAR.

19. En plus des tâches qu'ils doivent accomplir aux termes de la résolution 965 (1994) du Conseil de sécurité, les troupes et les observateurs militaires ont continué d'escorter les convois de secours humanitaires et de fournir une assistance médicale d'urgence à la population rwandaise dans les antennes de la MINUAR situées sur l'ensemble du territoire, ainsi qu'aux personnes déplacées lors de la fermeture de leurs camps au sud-ouest du pays. Les moyens logistiques de la MINUAR ont été disponibles dans l'ensemble du Rwanda, en particulier pour assurer le transport des personnes déplacées et des réfugiés regagnant leurs foyers. Les troupes du génie ont aidé à rétablir les services essentiels, notamment en reconstruisant les ponts et en réparant les routes et les systèmes d'adduction d'eau. Les observateurs militaires assurent en permanence la liaison et la coordination avec le Gouvernement, les observateurs des droits de l'homme et les organismes des Nations Unies afin de permettre le déplacement sans entrave des réfugiés et des personnes déplacées et de surveiller leur réinstallation. Un appui a été également fourni au Gouvernement

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rwandais afin d'améliorer l'administration pénitentiaire et de rendre moins pénibles les conditions de vie qui règnent dans les prisons. La présence des troupes et des observateurs militaires de la MINUAR entretient un climat de sécurité et de confiance dans l'ensemble du pays, comme le montre le fait que de nombreux Rwandais cherchent fréquemment protection dans les installations de la MINUAR.

V. POLICE CIVILE

20. Durant la période considérée, une activité importante de la police civile de la MINUAR a consisté à poursuivre la formation d'une nouvelle force de police nationale intégrée, comme le Conseil de sécurité l'a demandé dans sa résolution 965 (1994). Un groupe de 300 gendarmes et de 20 instructeurs ont terminé le 29 avril 1995 un cours intensif de 16 semaines. Le Gouvernement devrait déployer ce contingent dans les brigades de gendarmerie en poste sur l'ensemble du territoire. Des dispositions avaient été prises pour commencer à former en juin 1995 400 autres candidats durant une période de quatre mois et pour former ensuite 100 instructeurs choisis parmi les gendarmes ayant achevé le stage. Toutefois, comme il est indiqué au paragraphe 56 du présent rapport, le Gouvernement rwandais a estimé qu'il devait être mis fin aux activités de la police civile.

21. La MINUAR a également aidé le chef d'état-major de la gendarmerie nationale à déterminer l'organisation et les besoins opérationnels de la nouvelle force de police. On a mis au point un document d'orientation qui servira à élaborer les demandes officielles que le Gouvernement présentera à ses partenaires bilatéraux et multilatéraux afin d'obtenir du matériel et d'autres éléments de soutien logistique destinés à la gendarmerie nationale.

22. En plus de ces fonctions d'instruction, les observateurs de la police civile de la MINUAR continuent de maintenir une liaison étroite avec les autorités locales dans les 11 préfectures du Rwanda et de mener des activités de surveillance et d'enquête. Ils collaborent étroitement avec les organismes des Nations Unies et les organisations non gouvernementales et aident en particulier les observateurs des droits de l'homme et le personnel de la MINUAR à accomplir leurs tâches quotidiennes dans l'ensemble du pays.

23. Les États Membres n'ont pas répondu jusqu'ici aux démarches que le Secrétariat a faites à plusieurs reprises en vue d'obtenir des instructeurs de police francophones. Sur l'effectif autorisé de 120 observateurs de police, seuls 64, en provenance de huit pays, étaient déployés au 31 mai (voir annexe).

VI. DROITS DE L'HOMME

24. L'Opération pour les droits de l'homme au Rwanda a poursuivi ses activités au titre des trois principaux volets de son mandat, qui consistent à enquêter sur le génocide et les violations graves des droits de l'homme et du droit international humanitaire, à surveiller le respect des droits de l'homme et favoriser l'instauration d'un climat de confiance, en particulier pour le retour des personnes déplacées, et à accomplir des tâches de coopération technique et d'éducation en matière de droits de l'homme. Au 25 mai 1995, l'Opération disposait de 121 membres et de 11 antennes situées dans l'ensemble du pays.

25. Les enquêtes sur le génocide de 1994 continuent de constituer un volet important du mandat de l'Opération. Les rapports et les nombreux éléments d'information recueillis sur les lieux des massacres dans l'ensemble du pays ont été mis à la disposition du Rapporteur spécial et du Tribunal international. Durant la visite qu'il a effectuée au Rwanda du 31 mars au 3 avril 1995, le Haut Commissaire aux droits de l'homme a remis des documents supplémentaires au Procureur adjoint. Au fur et à mesure qu'ils sont reçus par les équipes d'enquête, les nouveaux rapports sont dûment communiqués au Rapporteur spécial et au Tribunal international.

26. Durant la période considérée, les conditions déplorables qui règnent dans les prisons rwandaises ont continué de donner lieu à une grande préoccupation. Il existe maintenant dans l'ensemble du pays environ 42 000 détenus, dont beaucoup vivent dans des conditions inhumaines. Des efforts sont en cours pour accroître la capacité des prisons, mais il ne peut s'agir là que d'une solution partielle tant que les détenus ne seront pas traduits en justice dans les délais voulus et conformément aux normes fondamentales appliquées sur le plan international. Il semble que les arrestations se soient provisoirement ralenties dans certaines régions en raison du surpeuplement des prisons. Le Rapporteur spécial a déploré que cette politique soit territorialement limitée et a suggéré qu'elle soit appliquée, d'une manière générale à l'ensemble du Rwanda.

27. S'efforçant de répondre à la crise provoquée par la fermeture forcée des camps de personnes déplacées au sud-ouest du pays, l'Opération pour les droits de l'homme au Rwanda a renforcé ses équipes en déployant 24 spécialistes dans les régions principalement touchées de Gikongoro, Butare et Bugesera et a nommé un coordonnateur pour les cas d'urgence à Butare. Le Gouvernement rwandais et les organisations internationales intéressées ont été régulièrement tenus au courant de la situation concernant les droits de l'homme dans les communes d'origine où retournent les personnes déplacées. Tout au long de la crise, l'Opération a encouragé les ministres compétents à se rendre dans les zones touchées. Elle a également maintenu des contacts étroits avec les autorités locales en vue d'améliorer l'accès aux villages des spécialistes des droits de l'homme et de faciliter la mise en place de comités conjoints chargés du processus de réinstallation.

28. Le Groupe de la coopération technique de l'Opération a continué de développer ses activités visant à rétablir l'appareil judiciaire et à rebâtir la société civile du pays. Plusieurs projets ont été entrepris, notamment en vue d'envoyer 50 juristes internationaux qui aideront à préparer les dossiers concernant les personnes accusées d'avoir participé au génocide. Un autre effort important consiste à aider le Gouvernement rwandais à aligner davantage sa législation sur le droit international en matière de droits de l'homme. Le programme de coopération technique vise également à renforcer la sensibilisation aux droits de l'homme dans le pays en éduquant le personnel militaire, la police, les fonctionnaires et le public.

29. Le Gouvernement rwandais envisage de créer une commission nationale des droits de l'homme, comme il est prévu dans les accords de paix d'Arusha. Au titre de ces accords, la commission, composée de sept membres indépendants dont le mandat est de trois ans, doit enquêter sur les violations des droits de

l'homme perpétrées sur le territoire rwandais, y compris les actes commis par des organes d'État ou leurs agents.

VII. TRIBUNAL INTERNATIONAL POUR LE RWANDA

30. La nomination du Procureur adjoint du Tribunal international a permis de faire démarrer le processus d'instruction concernant les actes de génocide et autres violations graves du droit international humanitaire commis au Rwanda. Les enquêtes seront effectuées à l'intérieur et à l'extérieur du Rwanda, notamment dans d'autres pays d'Afrique, en Europe et en Amérique du Nord, et porteront sur 400 accusés identifiés, dont la plupart se sont réfugiés à l'étranger. En vertu de l'article 28 du statut du Tribunal, les États sont tenus de coopérer avec le Tribunal et de répondre à toute demande concernant notamment l'arrestation ou la détention des personnes et le transfert ou la traduction des accusés devant le Tribunal.

31. Le bureau du Procureur recrute actuellement du personnel qui sera chargé de l'instruction et des poursuites. Entre-temps, les gouvernements ont commencé à fournir les services de personnes qualifiées pour de courtes périodes jusqu'à ce que le Tribunal dispose de son effectif complet.

32. Le bureau du Procureur a fonctionné sur la base d'un engagement de dépenses de 2,9 millions de dollars autorisé par le Comité consultatif pour les questions administratives et budgétaires pour la période allant du 1er janvier au 31 mars 1995. Les demandes de crédits pour l'année 1995 seront présentées à l'Assemblée générale à la reprise de sa quarante-neuvième session en juin 1995. Les contributions fournies ou promises au Fonds d'affectation spéciale pour le Tribunal international s'élèvent actuellement à 1 034 959 dollars.

33. Une mission des Nations Unies s'est récemment rendue en République-Unie de Tanzanie pour examiner les aspects techniques et juridiques concernant l'établissement du siège du Tribunal international à Arusha. Elle a examiné la question des locaux nécessaires pour le Tribunal et a négocié à cet égard un accord de siège et un contrat de location de bureaux. Un rapport sur cette question sera présenté sous peu au Conseil.

34. Par sa résolution 989 (1995) du 24 avril 1995, le Conseil de sécurité a établi une liste de 12 candidats aux charges de juge au Tribunal international. Le 25 mai, l'Assemblée générale a élu six juges pour siéger dans les chambres de jugement. Le 26 juin, le Tribunal doit tenir une séance spéciale à La Haye pour adopter son règlement intérieur et fixer les règles en matière de preuve.

35. Le Procureur du Tribunal international, le juge Goldstone, s'est rendu une deuxième fois au Rwanda, où il a séjourné du 18 au 20 mai. Il s'est entretenu avec de hauts fonctionnaires du Gouvernement ainsi qu'avec mon Représentant spécial et a étudié divers arrangements pratiques relatifs au Tribunal. Une conférence de donateurs, d'une durée d'un jour, a été convoquée le 19 mai pour examiner le soutien international à apporter au Tribunal, et en particulier la question de son financement. Je tiens à remercier les États Membres qui ont versé des contributions volontaires au Fonds d'affectation spéciale pour le Tribunal et je lance un appel aux donateurs éventuels pour qu'ils poursuivent

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leur aide et fournissent un appui supplémentaire afin de permettre au Tribunal de fonctionner de façon efficace.

VIII. ASPECTS HUMANITAIRES

36. Depuis mon dernier rapport, les efforts des organismes humanitaires ont visé essentiellement à faire face aux conséquences de la fermeture forcée des camps de personnes déplacées dans le sud-ouest du Rwanda. La réaction rapide et coordonnée de la MINUAR, du Bureau des Nations Unies pour les secours d'urgence au Rwanda, des organismes des Nations Unies, des organisations intergouvernementales, en particulier l'Organisation internationale pour les migrations (OIM), et des ONG ont sans aucun doute empêché que les événements ayant frappé les personnes déplacées ne fassent davantage de victimes et ne causent des souffrances encore plus grandes. Ces efforts ont été entrepris en coopération avec plusieurs ministères du Gouvernement à Kigali et dans les préfectures de Butare et de Gikongoro. Pour les transports, une assistance a été fournie par le HCR, l'OIM, la MINUAR et les ONG pour environ 70 000 personnes; des installations médicales d'urgence ont été aménagées pour soigner les malades et les blessés, essentiellement à Butare; des postes de secours et des centres d'aide d'urgence, gérés et aidés par les ONG, ont permis de fournir les premiers secours aux anciens occupants des camps et de leur distribuer des vivres, de l'eau et divers articles de première nécessité.

37. La phase initiale de la crise est maintenant terminée, mais il faut encore régler divers problèmes provoqués par la fermeture des camps. Au début, d'anciens occupants des camps auraient été, selon certaines informations, battus, lapidés et harcelés soit en route, soit dans leurs communes d'origine. Plus récemment, du fait de la présence accrue dans ces communes de personnel de la MINUAR et d'autre personnel international, du fait également de l'intercession du Ministre de l'intérieur, il semblerait que l'insertion des personnes déplacées se soit quelque peu améliorée. Toutefois, le retour massif de personnes déplacées, dont beaucoup ont été obligées d'abandonner dans les camps tout ce qu'elles possédaient ou ont été dévalisées pendant le voyage de retour, a beaucoup aggravé les conditions déjà difficiles qui existent dans de nombreuses communes. Il est de plus en plus urgent que la communauté internationale intensifie son aide en vue de la réinsertion dans les communes, en particulier dans les zones où les retours de personnes déplacées ont été les plus nombreux. À cet égard, des équipes d'évaluation, composées de fonctionnaires du Gouvernement, de personnel de l'Organisation des Nations Unies et de membres des ONG, se sont rendues dans la plupart des communes de la préfecture de Butare pour déterminer les besoins pressants et les domaines de priorité aux fins d'intervention. À Kigali, des cellules de secteur ont été créées, par l'intermédiaire du Centre d'opérations intégrées, qui est géré en commun par le Gouvernement, le Bureau des Nations Unies pour les secours d'urgence au Rwanda, les organismes des Nations Unies, la MINUAR et les ONG, afin d'assurer la planification et la coordination efficaces des activités de réinsertion.

38. Bien que le Programme alimentaire mondial (PAM) et le Comité international de la Croix-Rouge (CICR), ainsi que quelques ONG, aient commencé à distribuer des vivres aux rapatriés et aux personnes nécessiteuses dans les communes, de nombreuses personnes manquent des moyens nécessaires pour assurer leur

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subsistance jusqu'à la prochaine campagne agricole, de septembre 1995 à janvier 1996. Elles auront donc besoin de vivres, ainsi que d'outils et de semences pour planter les prochaines récoltes. Outre les rapatriés, d'autres groupes vulnérables devront également recevoir une aide alimentaire pendant un temps assez long. Il s'agit notamment des "nouveaux" et des "anciens" rapatriés, dont beaucoup n'ont pas encore été réinstallés et qui n'ont donc pas de terre à cultiver. Les autres groupes vulnérables sont notamment les malades hospitalisés, les orphelins et les enfants non accompagnés. En mai, le PAM envisage de distribuer 3 046 tonnes de céréales, 1 214 tonnes de légumineuses, 244 tonnes d'huile et 85 tonnes d'autres articles alimentaires à un total de 420 000 bénéficiaires appartenant aux groupes susmentionnés. Des articles non alimentaires, tels que bâches en matière plastique, casseroles, couvertures, savon et vêtements, ont déjà été distribués à d'anciens occupants des camps et ces distributions devront se poursuivre.

39. Les établissements sanitaires doivent de toute urgence être réaménagés et dotés de personnel supplémentaire dans l'ensemble du pays pour permettre la fourniture de services sanitaires satisfaisants, en particulier aux personnes déplacées rentrant chez elles. Dans le cadre de ses programmes d'assistance aux rapatriés, le HCR assure la remise en état de huit hôpitaux de district et de 42 centres sanitaires dans des zones où les rapatriés se sont installés en grand nombre. Un autre programme sanitaire organisé par l'Organisation mondiale de la santé (OMS) vise à donner à 20 agents sanitaires une formation en matière de surveillance épidémiologique et de lutte contre les épidémies, cependant qu'un autre programme destiné à 32 formateurs est mis en place par le Gouvernement, le FNUAP et l'OMS dans les domaines de la prévention VIH/sida et de la maternité sans risque.

40. En ce qui concerne l'alimentation en eau et l'assainissement, le Fonds des Nations Unies pour l'enfance (UNICEF) fournit une assistance destinée à remettre en état le réseau d'alimentation en eau dans la partie nord-est du pays, où la majorité des réfugiés du contingent "ancien" en provenance de l'Ouganda retournent avec leurs troupes. On travaille à la construction d'une vingtaine de puits peu profonds qui devraient être achevés avant la fin juillet et répondre aux besoins de plus de 20 000 personnes. Dans d'autres régions, 150 points d'eau environ auront été aménagés d'ici le 31 décembre 1995 et desserviront environ 30 000 personnes dans trois préfectures.

41. Du fait de la fermeture des camps, le nombre des mineurs non accompagnés a également augmenté, beaucoup d'entre eux ayant été soit abandonnés dans les camps, soit trouvés le long des routes. Selon l'UNICEF, il y a près de 2 000 mineurs non accompagnés, dont 70 % environ ont moins de 5 ans. La plupart sont gravement perturbés à la suite des événements qu'ils ont vécus et sont pris en charge par le groupe d'aide aux personnes traumatisées de l'UNICEF.

42. Pour exécuter les projets qui permettront d'offrir à ceux qui en ont besoin un accès satisfaisant en ce qui concerne les soins médicaux, l'eau potable, l'assainissement et l'enseignement, et qui leur permettront également de reprendre leurs activités agricoles, il est nécessaire que la communauté des donateurs continue à fournir un important financement. Comme je l'ai déclaré en avril, l'appel consolidé interinstitutions en faveur du Rwanda et de la sous-région n'a pas donné les résultats escomptés, ce qui a compromis

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l'organisation des secours et le début des activités de réinstallation et de reconstruction. Au 15 mai, le montant des promesses de contributions était de 80 millions de dollars, contre un montant total de 219 millions de dollars nécessaire pour le Rwanda. Pour la sous-région, les promesses de contributions s'élevaient à 34 millions de dollars, le montant total nécessaire étant de 587 millions.

43. Le montant total des contributions reçues jusqu'ici de divers pays et donateurs privés s'élève à 6,3 millions de dollars. Sur cette somme, les Pays-Bas ont versé une contribution de plus de 5,4 millions de dollars destinée à un programme de soutien au Gouvernement du PNUD. Des ressources ont aussi été attribuées spécialement au Ministère du relèvement et de l'intégration sociale pour faciliter l'octroi d'une assistance d'urgence aux communes. Cette assistance prévoit notamment l'achat de matériel et de fournitures à l'intention des autorités administratives locales et de l'appareil judiciaire.

44. Un certain nombre d'événements ont suscité des inquiétudes au sujet du respect des principes relatifs à la protection et au traitement des réfugiés et des personnes déplacées. À la fin mars, les autorités tanzaniennes ont fermé la frontière avec le Burundi à des milliers de demandeurs d'asile, y compris de nombreux réfugiés rwandais qui étaient partis de camps situés au Burundi à la suite des troubles survenus dans ce pays. Il semble également que certaines des personnes ayant quitté les camps du Rwanda après leur fermeture n'ont pas été autorisées à entrer au Burundi ou, si elles ont réussi à le faire, ont été refoulées contre leur gré au Rwanda. La fermeture forcée des camps de personnes déplacées pourrait susciter de nouveaux obstacles au rapatriement librement consenti des réfugiés se trouvant dans des pays voisins, comme le montre la diminution récente du nombre des rapatriements organisés à partir des camps se trouvant au Zaïre.

45. La décision du Gouvernement rwandais de fermer à la circulation la frontière avec le Zaïre, et notamment d'interdire le transport des vivres destinés aux camps de réfugiés dans la région de Bukavu au Zaïre, a rendu plus difficile encore l'organisation de la fourniture des secours et des transports. À Goma et à Bukavu, les distributions de vivres ont diminué et ne répondent plus qu'à 50 % environ des besoins normaux.

46. Pour ce qui est de la situation en matière de sécurité dans les camps de réfugiés au Zaïre, j'ai appris avec satisfaction que les 1 500 hommes du contingent zaïrois étaient maintenant entièrement déployés et que la situation s'était de ce fait considérablement améliorée dans les camps. On continue en même temps à étudier avec les autorités zaïroises la possibilité de déplacer les camps qui se trouvent trop près de la frontière.

47. Je demande instamment aux États Membres de ne pas perdre de vue les principes humanitaires sur lesquels repose l'action des Nations Unies. À cet égard, j'appuie la demande que le Conseil de sécurité a adressée récemment aux États pour qu'ils honorent les engagements qu'ils ont pris antérieurement et qu'ils accroissent leur assistance aux activités humanitaires au Rwanda, et j'appuie également l'appel que le Conseil a lancé à tous les gouvernements de la région pour qu'ils laissent leurs frontières ouvertes à cet effet. Je voudrais aussi rappeler la demande adressée par le Conseil de sécurité au Gouvernement

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rwandais pour qu'il facilite l'acheminement et la distribution des secours humanitaires aux réfugiés et aux personnes déplacées, conformément aux principes internationaux régissant ces questions (S/PRST/1995/22).

IX. ASPECTS ADMINISTRATIFS ET FINANCIERS

48. L'Assemblée générale, par sa décision du 6 avril 1995, m'a autorisé à engager des dépenses jusqu'à concurrence d'un montant brut de 19 342 000 dollars (soit un montant net de 18 989 000 dollars) pour la période allant du 10 juin au 9 juillet 1995, au cas où le mandat de la MINUAR serait prorogé après le 9 juin 1995. Si le Conseil décide de proroger le mandat de la MINUAR, je demanderai à l'Assemblée générale, à la reprise de sa quarante-neuvième session, d'ouvrir les crédits nécessaires pour assurer le fonctionnement de la mission.

49. Au 17 mai 1995, les quotes-parts non acquittées au Compte spécial de la MINUAR s'élevaient à 70,1 millions de dollars, et le montant total des quotes-parts restant dues au titre de l'ensemble des opérations de maintien de la paix se chiffrait à 1 854 100 000 dollars.

X. CONCLUSIONS ET RECOMMANDATIONS

50. Le peuple rwandais a enduré les indicibles souffrances de l'horreur absolue. Sur le plan politique, l'objectif de l'ONU au Rwanda est d'aider ce peuple à recouvrer la paix et l'équilibre et à reconstruire sa société conformément aux principes des accords de paix d'Arusha. Cela ne pourra se faire que si les coupables du génocide passent en jugement et que si le peuple rwandais et ses dirigeants ont la volonté politique qu'exige une réconciliation nationale faite de respect mutuel et de bonne intelligence. L'ONU est disposée à poursuivre ses efforts pour les seconder dans cette difficile entreprise. La part qui revient à la MINUAR dans le retour à la normale et à une stabilité relative que le Rwanda a connu l'année passée ne peut être sous-estimée. Pourtant, la situation complexe décrite dans les sections II et III ci-dessus a amené le Gouvernement rwandais à s'interroger sur le rôle que la Mission devait jouer à l'avenir.

51. Le mandat actuel de la MINUAR a été défini à l'heure où la marée dévastatrice du génocide et de la guerre civile battait son plein au Rwanda. La mission principale que le Conseil de sécurité lui a confiée dans sa résolution 918 (1994) du 17 mai 1994 consistait à assurer la sécurité et la protection des personnes déplacées, des réfugiés et des civils en danger dans le pays. La guerre et le génocide ont pris fin avec la mise en place du gouvernement actuel, le 19 juillet 1994. La situation a alors radicalement changé. Cette évolution appelle indéniablement à modifier le mandat de la MINUAR, pour adapter le rôle de celle-ci à la conjoncture actuelle.

52. Comme le mandat de la MINUAR expire le 9 juin 1995, mon Représentant spécial a procédé à titre préalable à des consultations très suivies avec le Gouvernement rwandais, afin de s'entendre avec lui sur le rôle que l'ONU pourrait utilement jouer à l'avenir. Dès le départ, le Gouvernement a bien marqué qu'il insisterait pour que l'on réduise considérablement non seulement l'étendue des fonctions mais aussi les effectifs militaires de la MINUAR.

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53. Au cours de ces consultations, mon Représentant spécial a étudié avec le Gouvernement un nouveau mandat composé des fonctions que la MINUAR doit à mon avis assurer pendant les six prochains mois. Ces fonctions seraient accomplies comme auparavant dans le plein respect de l'autorité souveraine du Gouvernement rwandais. Elles amèneraient à recentrer le mandat de la MINUAR, qui passerait du maintien de la paix à l'instauration de la confiance. La MINUAR serait ainsi chargée des fonctions suivantes :

a) Fonctions directement nécessaires au maintien de la présence de l'ONU au Rwanda, à Kigali surtout, aux fins du maintien de la paix : il s'agirait de protéger les locaux de l'ONU, le personnel du Tribunal international et, le cas échéant, celui des organismes des Nations Unies et des ONG, et notamment de tenir une réserve disponible et de s'assurer des moyens de commandement, de contrôle des opérations et d'appui nécessaires;

b) Fonctions consistant à aider le Gouvernement rwandais à instaurer la confiance et un climat de stabilité favorable au retour des réfugiés et des personnes déplacées : ces fonctions comprendraient la surveillance assurée par les observateurs militaires et les observateurs de police dans tout le pays en complément de la surveillance du respect des droits de l'homme; l'aide à la distribution des secours; la facilitation du retour et de la réinsertion des réfugiés dans les villes et les communes; la fourniture d'aide et de services spécialisés en matière de génie civil, de logistique, d'action médico-sanitaire et de déminage; le stationnement dans certaines provinces d'une petite réserve de soldats exercés. (Ces soldats n'auraient pas à patrouiller, mais ils aideraient au besoin à l'accomplissement des tâches ci-dessus.)

54. Il ressort des consultations avec mon Représentant spécial et le commandant de la force que pour assumer de telles fonctions la MINUAR aurait besoin d'environ 2 330 soldats formés, de 320 observateurs militaires et de 65 policiers civils. Soit une réduction substantielle de l'effectif autorisé, qui est actuellement de 5 500 soldats, 320 observateurs militaires et 120 policiers civils. On procéderait à cette compression de manière graduelle sur les deux ou trois prochains mois en commençant dès que possible, étant entendu qu'après le 9 juin 1995 les bataillons d'infanterie actuellement déployés en province cesseraient leurs activités présentes pour entreprendre les tâches définies ci-dessus.

55. La force envisagée serait composée de la manière suivante : un bataillon d'infanterie de 800 hommes, encadrement compris, stationné à Kigali et soutenu par les unités d'appui indispensables : services au siège (50 personnes), transmissions (50 personnes), génie (200 personnes), action médico-sanitaire (100 personnes), logistique (100 personnes) et police militaire (30 personnes). En outre, une compagnie d'infanterie indépendante serait déployée dans chacun des secteurs d'opération actuels de la MINUAR. Ces compagnies, d'un effectif total de 1 000 hommes, comprendraient du personnel des services d'appui ou des spécialistes, selon les besoins particuliers des tâches humanitaires à entreprendre.

56. Toutefois, au cours de ses consultations avec mon Représentant spécial, le Gouvernement rwandais a proposé de donner à la MINUAR un rôle différent, plus limité, en arguant que les conditions qui règnent actuellement sur le terrain justifiaient une réduction massive du nombre de soldats de l'ONU. Il a soutenu que la plupart des fonctions de maintien de la paix assumées jusqu'à présent par la MINUAR étaient désormais superflues. On ne pouvait plus accepter l'idée que la promotion de la sécurité et de la confiance passait par la présence de la MINUAR, puisque le Gouvernement avait pris la responsabilité d'assurer la sécurité dans tout le pays. La protection des convois humanitaires incombait également au Gouvernement, et la MINUAR ne devait plus avoir qu'une fonction de contrôle. Il a aussi été question de la surveillance des frontières, mais le Gouvernement a estimé que la MINUAR n'avait aucun rôle à jouer dans ce domaine au Rwanda. D'autre part, le programme de stages actuellement administré par la police civile de la MINUAR devait à son avis laisser place à des arrangements bilatéraux, et il ne pourrait se poursuivre que lorsque ces arrangements auraient été pris.

57. En résumé, le Gouvernement rwandais a proposé de réduire l'effectif de la MINUAR à un maximum de 1 800 soldats formés, qui seraient déployés à Kigali et en province. Le mandat de la MINUAR serait prorogé de six mois, étant entendu que ce serait la dernière fois et que l'on entreprendrait immédiatement de réduire la présence de la MINUAR hors de Kigali.

58. L'analyse de cette proposition a fait apparaître qu'avec 1 800 soldats formés et 65 policiers civils, la MINUAR ne serait plus assez nombreuse pour assumer convenablement les tâches définies au paragraphe 53 ci-dessus. Si je comprends la position du Gouvernement rwandais, je reste convaincu que la MINUAR est l'un des piliers de l'aide que la communauté internationale apporte au Gouvernement et au peuple rwandais et qu'elle doit avoir les moyens d'accomplir effectivement sa tâche. D'un autre côté, la MINUAR étant une opération de maintien de la paix lancée sous le couvert du Chapitre VI de la Charte, son maintien au Rwanda dépend du consentement et de la coopération active du Gouvernement de ce pays. J'ai donc l'intention de poursuivre mes consultations avec celui-ci, et j'informerai oralement le Conseil de mes résultats avant qu'il ne se prononce sur l'avenir de la MINUAR.

59. Sous réserve donc du rapport que je ferai à ce moment-là, je recommande au Conseil de sécurité de proroger le mandat de la MINUAR, en y apportant les modifications qu'appellent les fonctions définies au paragraphe 53 ci-dessus, pour une période de six mois se terminant le 9 décembre 1995. Pendant cette période, mon Représentant spécial continuera à user de ses bons offices pour favoriser, en consultation avec le Gouvernement rwandais, la réconciliation nationale conformément aux principes consacrés dans les accords de paix d'Arusha. La MINUAR participera également avec le PNUD, les institutions des Nations Unies et les ONG à la réalisation d'un plan d'action intégré à objectifs multiples dans le domaine de la rénovation, de la réinsertion sociale, de la réparation des infrastructures et de la restauration de l'appareil judiciaire. Les fonds fournis à cette fin par les pays donateurs devraient être acheminés par le Fonds d'affectation spéciale pour le Rwanda, ce qui permettrait une utilisation rapide, souple et efficace.

60. Comme prévu dans la Déclaration du Sommet de Nairobi de janvier 1995, dans la Déclaration de Bujumbura de février 1995 et dans les accords officiels signés par le Rwanda, il faut engager un effort majeur pour convaincre les 2 millions de réfugiés rwandais de retourner dans leurs foyers, en toute sécurité et dans la dignité. Cet effort ne devrait pas compromettre l'efficacité de l'action entreprise, avec toutes les garanties de la justice, contre les criminels accusés de génocide, conformément à la résolution 978 (1995) du Conseil de sécurité. À cet égard, la communauté internationale doit prendre des mesures immédiates pour favoriser l'entrée en fonctions du Tribunal international aussi tôt que possible et la restauration de l'appareil judiciaire rwandais. Il faut en même temps agir pour empêcher les Rwandais qui se trouvent dans des pays voisins de se fournir en armes ou de lancer des opérations militaires pour déstabiliser le Rwanda. Je crains particulièrement, si on ne met pas plus d'énergie à obvier à de tels agissements, de voir gravement dégénérer des incidents de frontière, qui pourraient ajouter une dimension de plus à la tragédie rwandaise et ouvrir sur d'imprévisibles conséquences.

61. Les mesures exposées aux paragraphes 59 et 60 ci-dessus vont dans le sens de la paix et de la sécurité au Rwanda. Il reste pourtant beaucoup à faire encore. Il faut intensifier l'aide internationale si l'on veut que les institutions du Rwanda aient quelque chance de se relever. Il faut trouver comment corriger des procédures qui ont retardé le déblocage de l'aide, afin de résoudre les cas qui appellent une attention immédiate. Pour ce qui est de la solution à long terme du problème des réfugiés et des questions qui lui sont liées dans les États des Grands Lacs, j'ai l'intention de nommer un envoyé spécial pour consulter les pays concernés et l'OUA à propos de la préparation et de la tenue à une date aussi rapprochée que possible d'une conférence régionale sur la sécurité, la stabilité et le développement.

62. Au moment de conclure ce rapport, je tiens à exprimer ma gratitude à mon Représentant spécial, M. Shaharyar Khan, au commandant de la force, le général de division Guy Tousignant, et à tout le personnel civil et militaire de la MINUAR, pour la contribution exceptionnelle qu'ils ont apportée à la cause des Nations Unies et à celle de la paix et de la stabilité au Rwanda.

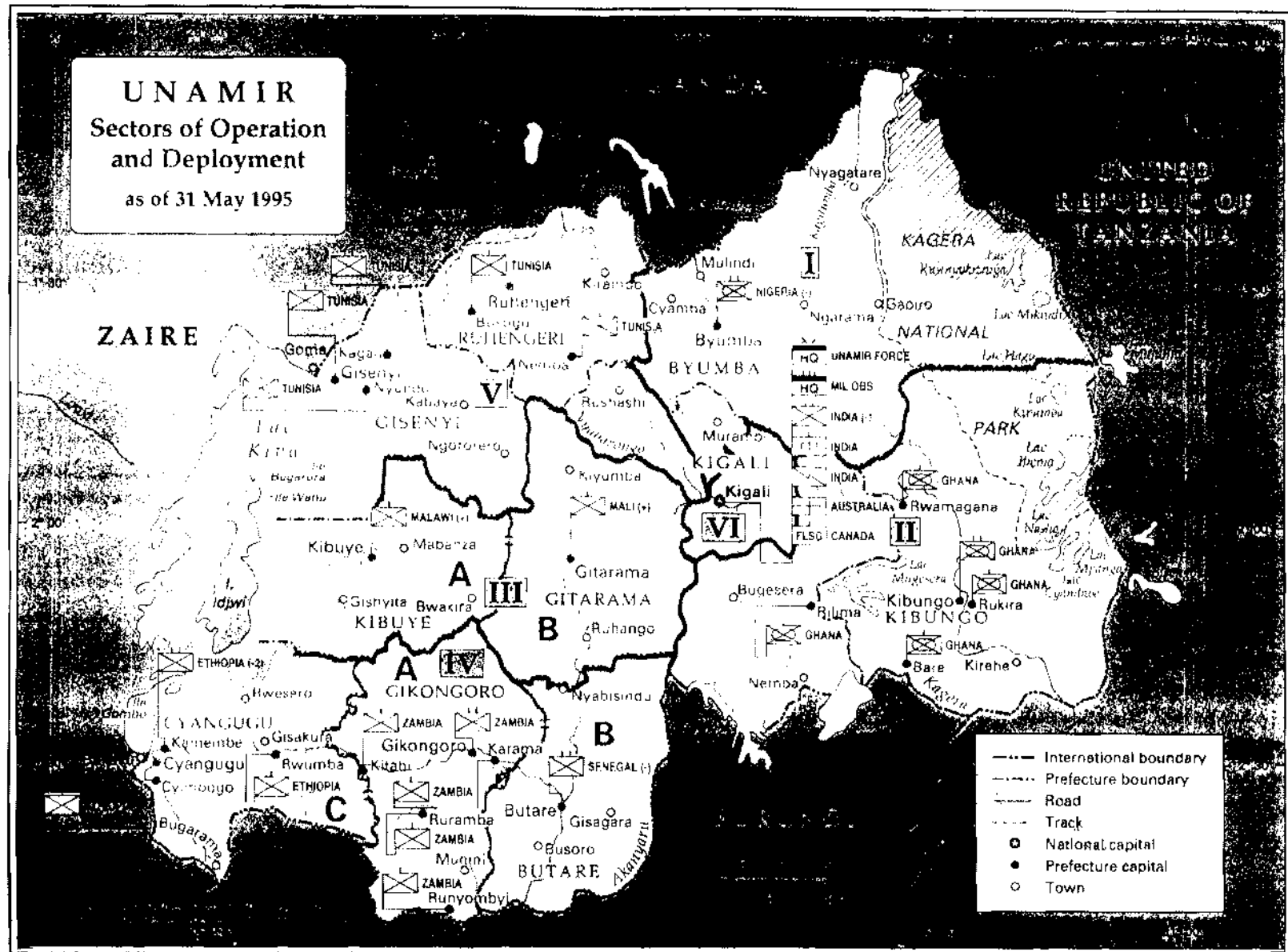
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Annexe

COMPOSITION DE LA MINUAR AU 31 MAI 1995

Pays	Personnel militaire			Police civile	Total général
	Soldats	Observateurs	Total		
Allemagne			0	9	9
Argentine		1	1		1
Australie	302		302		302
Autriche		15	15		15
Bangladesh	1	36	37		37
Canada	105	19	124		124
Congo		8	8		8
Djibouti			0	7	7
Éthiopie	834		834		834
Fédération de Russie		17	17		17
Fidji		1	1		1
Ghana	784	35	819	10	829
Guinée		17	17		17
Guinée-Bissau		2	2	5	7
Inde	934	20	954		954
Jordanie			0	3	3
Malawi	183	14	197		197
Mali	198	31	229	10	239
Nigéria	339	17	356	10	366
Pologne		2	2		2
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord	1		1		1
Sénégal	238	2	240		240
Tchad	2		2		2
Tunisie	834	10	844		844
Uruguay		26	26		26
Zambie	831	20	851	10	861
Zimbabwe		24	24		24
Total	5 586	317	5 903	64	5 967

UNAMIR
Sectors of Operation
and Deployment
as of 31 May 1995





Security
Council
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INTEROFFICE MEMORANDUM

To: See Distribution List

From: SRSG *Salvatore*

1 May 1995

Subject: Progress Report of the Secretary-General
to the Security Council on UNAMIR

As you are aware, the present mandate of UNAMIR is scheduled to end on 9 June 1995 and the Secretary-General is expected to report to the Security Council before then on UNAMIR's activities. In this connection, Headquarters has informed us that it expects our draft of the report to reach New York by 15 May, at the latest. Accordingly, you are kindly requested to submit your contributions covering your respective area(s) of responsibility to me, with a copy to the Acting Executive Director and Political Adviser, Mr. Sammy Kum Buo, no later than 10 a.m. on Tuesday 9 May.

Your contributions should cover developments since the Secretary-General's last progress report to the Security Council on 9 April 1995 (Document S/1995/297), and reflect progress made and/or difficulties encountered in the implementation of the mandate entrusted to UNAMIR under Security Council resolution 965 of 30 November 1994. Your contribution should also provide any justification of any adjustments which may, in your view, be required on the current military and civilian personnel level, deployment or concept of operations. You may also wish to suggest concluding observations on the overall situation in Rwanda and on the assistance the international community should provide to help promote peace and stability in the country. On the basis of the contributions, the Political Adviser should prepare a first draft of the report.

Your immediate attention to this matter would be greatly appreciated.

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International Tribunal for Rwanda

The establishment of the International Tribunal for Rwanda has proceeded in several stages following the adoption of Security Council resolution 955 (1994) and the Statute of the Tribunal on 8 November 1994. The first task was the establishment of the Office of the Prosecutor and the commencement of formal investigations for the preparation of indictments against persons who had committed serious acts of genocide and other crimes under the jurisdiction of the Tribunal. These investigations proceeded while arrangements were made to secure premises for the headquarters of the Tribunal, to elect the Judges of the Tribunal, and to prepare its budget and appoint its support staff.

The Office of the Prosecutor, which was established in Kigali in January 1995, announced in early April (on the eve of the one-year anniversary of the genocide) that it had at that point identified 400 suspects against whom indictments were being prepared for purposes of trial by the Tribunal. Most of these suspects had sought refuge in foreign countries, and were separate from the thousands of suspects currently in Rwandese jails who are to be tried in the courts of Rwanda under the country's domestic jurisdiction. Under the Statute of the Tribunal, once indictments are prepared and confirmed by a Judge of the Tribunal, Member States will be under an obligation to arrest suspects that are within their territory and hand them over to the Tribunal for trial.

In the meantime, following confirmation by the Government of Tanzania of its willingness to host the seat of the Tribunal at Arusha, consultations commenced between the United Nations and Tanzania on the preparation of a Headquarters Agreement as well as a Lease Agreement for the premises of the Tribunal. A technical-legal mission was due to visit Tanzania in the second half of May 1995 to survey the premises and to finalize the requisite legal instruments.

Furthermore, pursuant to Article 12 of the Statute of the Tribunal, the Security Council established a short-list of 12 candidates for election as Judges of the Tribunal, by its resolution 989 (1995) of 24 April 1995. The General Assembly is due to elect six out of the 12 candidates as the Judges of the two Trial Chambers of the Tribunal. Under Article 12 (2) of the Statute of the Tribunal, the Appeals Chamber of the Tribunal is the same as that of the International Tribunal for the former Yugoslavia.

III. LEGAL AND HUMAN RIGHTS ASPECTS

The Human Rights Field Operation in Rwanda continued to augment its monitoring activities and develop its programme of technical assistance to the Rwandese judicial system with the arrival of additional staffmembers during the reporting period. As of 5 May 1995, the Field Operation was composed of 124 staffmembers, including 49 professional staff; 36 United Nations Volunteers (UNVs); 32 human rights field officers from the European Union and 3 experts provided by the Governments of Norway and Switzerland. The rest are hired locally.

As a result of the sudden and forcible closure of IDP camps in southwestern Rwanda by Government troops in April, there was a massive influx of people into their home communes. In its efforts to cope with the crisis, the Field Operation set up an emergency coordination structure in Butare and deployed an additional 20 field officers and an emergency coordinator to cover the principally affected areas of Gikongoro, Butare and Bugesera. The Chief of the Field Operation also visited Kibeho with the Rwandese Ministers of Interior and Justice to discuss measures aimed at alleviating the degree of human suffering by facilitating the return of displaced persons to their communes and ensuring their security en route.

The situation in Rwandese prison facilities continues to worsen as a result of very serious overcrowding. Due to an increase in the number of arrests, there are now approximately 35,000 people detained in inhumane conditions throughout the country. By April 20, the population of Kigali prison had reached around 8,500 people, despite the fact that this facility was originally built to accommodate 1,500 detainees only. Efforts are underway to augment the capacity of Rwandese prisons, but unless those detained are brought to justice in a timely and effective manner, these efforts will only provide a token solution to what threatens to become an intractable problem.

The Technical Cooperation Unit of the Field Operation continues to work on its comprehensive programme aimed at rehabilitating the justice system and rebuilding civil society, particularly in the areas of administration of justice and human rights education. The Field Operation's activities in the area of technical assistance have been recently strengthened. These activities include the provision of advisory services on legislation and policy-making, the recruitment of 50 international legal professionals, the training of lawyers and judges, as well as increasing human rights awareness in the country by educating the military, police, other governmental institutions and the general population, particularly women's groups, on the importance of human rights.

An important part of the Field Operation's mandate has involved investigations into violations of human rights and humanitarian law in Rwanda, including the recent genocide. The Special Investigations Unit (recently renamed the Legal Analysis and Coordination Unit) has conducted numerous investigations and gathered information on alleged violations. The evidence gathered from the unit's inquiries has been made available to the International Tribunal for Rwanda with which it will continue to liaise and share information on the genocide.

Security-
Council file

M. Minto

18. In putting forward its proposals for a new mandate for UNAMIR as well as the specific tasks that the Mission could carry out under the mandate, the Rwandese government has explained that its thinking is based on the need to adapt the mandate to the current realities on the ground. Those realities, it points out, include the fact that the Government exercises sovereign authority over the national territory of Rwanda and is proceeding with efforts of stabilization and normalization nationwide. Consequently, the new mandate and resources required for its implementation, especially in the military component, should be modified to reflect the substantially reduced need for UNAMIR troops.

19. As a result of consultations between my Special Representative and the Rwandese government, I propose the following outlines of a new mandate for UNAMIR:

a) UNAMIR will contribute to the efforts of the government of Rwanda in the process of voluntary and safe repatriation and resettlement of refugees;

b) UNAMIR will provide protection and security to United Nations installations and personnel, including the International Tribunal and its personnel and the United Nations Human Rights Field Operation Headquarters, its field offices throughout Rwanda and their personnel;

c) UNAMIR will assist the government of Rwanda to provide security and support for the distribution of relief supplies and humanitarian relief operations;

d) The Special Representative of the Secretary-General will continue to exercise his good offices to assist the government of Rwanda in the process of national reconciliation within the framework of the Arusha Peace Agreement;

e) UNAMIR would assist the Rwandese government in de-mining operations, whenever called upon.

20. It is therefore recommended that a reduction of UNAMIR troops may be carried out in phases from 9 June over a period of 3/4 months. The remaining contingent may be deployed in Kigali and in agreed locations in Rwanda for the period until the mandate terminates on 9 December 1995.



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Distr.
GENERALS/PRST/1995/22
27 April 1995

ORIGINAL: ENGLISH

STATEMENT BY THE PRESIDENT OF THE SECURITY COUNCIL

At the 3526th meeting of the Security Council, held on 27 April 1995, in connection with the Council's consideration of the item entitled "The situation concerning Rwanda", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council has considered the Secretary-General's progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1995/297, of 9 April 1995) and his third report on security in the Rwandese refugee camps (S/1995/304, of 14 April 1995), as well as the oral briefings from the Secretariat on the tragic events on 22 April 1995 at the Kibeho camp for internally displaced persons.

"The Security Council condemns the killing of numerous civilians in the camp and is encouraged by the decision of the Government of Rwanda to carry out a full investigation of these events without delay and to bring to justice those responsible. In this regard it welcomes the decision of the Rwandese authorities to establish an independent inquiry with United Nations and other international participation to carry out this investigation of the events. The Council also requests the Secretary-General to report to it, without delay, on these events and on the role of UNAMIR.

"The Security Council is concerned by the generally deteriorating security situation in Rwanda. It underlines that the Government of Rwanda bears primary responsibility for maintaining security throughout the country and for the safety of internally displaced persons and returnees, as well as for ensuring respect for their basic human rights. In this context it reaffirms the need for coordination between the Government of Rwanda and UNAMIR and other agencies on these matters. The Council does, however, note with satisfaction that the Government of Rwanda has in previous months made considerable efforts directed at national reconciliation, rehabilitation and reconstruction, which are of crucial importance. The Council calls on the Government of Rwanda to intensify these efforts and on the international community to continue to support those efforts, in order to bring about a climate of trust and confidence

which would assist in the early and safe return of refugees. In this context, it underlines the importance it attaches to demining, including the United Nations proposal.

"The Security Council notes with deep concern disturbing reports of increased incursions into Rwanda from neighbouring countries, allegations of arms shipments into the Goma airport and of elements of the former Rwandese Government forces being trained in a neighbouring country. It calls upon all States, especially those neighbouring Rwanda, to refrain from any action that would further exacerbate the security situation in that country and to prevent incursions into Rwanda from their own territories. The Council invites States and organizations which have information on the transport of arms into countries neighbouring Rwanda for the purpose of their use in Rwanda in contravention of resolution 918 (1994) to pass that information to the Committee established under resolution 918 (1994) and requests the Committee to consider that information as a matter of urgency and to report thereon to the Security Council.

"The Security Council notes with satisfaction that the deployment of the Zairian Camp Security Contingent and the Civilian Security Liaison Group has had a positive effect on the security situation in refugee camps in Zaire.

"The Security Council pays tribute to all members of UNAMIR. It reaffirms that UNAMIR constitutes one essential factor for creating a climate of confidence and for promoting stability and security. In this context, it underlines the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country. It urges the Rwandese authorities to proceed with the exchange of letters supplementing the agreement on the status of UNAMIR and its personnel, reflecting the changes in UNAMIR's mandate following from Security Council resolution 918 (1994). The Council calls for increased cooperation and collaboration between the Government of Rwanda, its neighbouring countries and UNAMIR as well as other agencies, including in the humanitarian field.

"The security Council expresses grave concern at the situation created by the overcrowded prisons in Rwanda which has resulted in the death of numerous persons in custody and requests the Secretary-General to consider urgently measures which could be taken quickly in conjunction with the Government of Rwanda and humanitarian agencies to improve the conditions of those in detention or under investigation. The Council emphasizes that the development of the Rwandese justice system continues to be an important factor in creating conditions of security, law and order, conducive to the return of refugees from abroad and of displaced persons to their homes. The Council calls on the international community to assist the Government of Rwanda in re-establishing the justice system as a contribution to confidence-building and the maintenance of law and order.

"The Security Council expresses its appreciation for the action of those States which have arrested and detained persons following the

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Security Council

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GENERAL
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14 April

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ORIGINAL:

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THIRD REPORT OF THE SECRETARY-GENERAL ON SECURITY
IN THE RWANDESE REFUGEE CAMPS

I. INTRODUCTION

1. The present report is submitted in response to the statement by the President of the Security Council of 10 February 1995 (S/PRST/1995/7), which followed the Council's consideration of my second report, dated 25 January, on security in the Rwandese refugee camps (S/1995/65) and my letter of 1 February (S/1995/127). In paragraph 7 of that statement, the Council requested me to continue my exploration of options and to make further recommendations necessary for ensuring security in the camps. It also requested me to submit a further report on this subject in the light of the outcome of the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, hosted by the Organization of African Unity (OAU) and the Office of the United Nations High Commissioner for Refugees (UNHCR) in Bujumbura.
2. In my report of 25 January (S/1995/65), I informed the Council of my consultations with the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, regarding security in the refugee camps, especially those in Zaire. It was then decided that UNHCR would follow up with the Government of Zaire on the latter's earlier discussions with my Special Representative for Rwanda with a view to concluding appropriate arrangements, under UNHCR's mandate for refugee protection and humanitarian assistance, to enhance security in the camps.
3. On 27 January 1995, an aide-memoire was signed between the Government of Zaire and UNHCR outlining specific measures to

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prove security in the camps in Zaire. Under the agreement, the Government of Zaire was to deploy a contingent of 1,500 military and police personnel - the Zairian Camp Security Contingent - to provide security in the camps, including measures to prevent violence, escort repatriation convoys, maintain law and order and control the crowds at food distribution sites.

4. In early February 1995, the first group of 100 personnel of the Zairian Camp Security Contingent arrived in Goma. As of 11 April, the Contingent stood at 913 troops operating in Kibumba, Katale/Kahindo and Mugumba/Lac Vert. Deployment sites are being prepared in south Kivu and are expected to be ready

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by the end of the month. UNHCR has assessed the performance of the Contingent as very satisfactory and cooperative.

5. In addition to the Zairian Contingent, UNHCR requested Governments to provide 35 to 60 international experts to serve in the Civilian Security Liaison Group. On 24 February, an advance group of 12 experts from the Netherlands arrived in Goma, where a total of 16 Netherlands experts have been deployed to date. The Government of Switzerland has provided one expert and the Governments of Benin, Burkina Faso and Cameroon have each offered to provide between 10 and 20 experts to serve in the Liaison Group. UNHCR also requested the Department of Peace-keeping Operations to select a senior military officer to serve as the Commander of the Liaison Group, under the authority of the UNHCR civilian official who is heading the Group. On the recommendation of the Department of Peace-keeping Operations, UNHCR appointed Brigadier-General (retired) Ian Douglas of Canada, who has served in several peace-keeping operations. General Douglas took up his duties in Goma on 27 March 1995. The total cost of the security operation in Zaire, through the end of June, is estimated at \$9.7 million.

II. PRESENT SITUATION IN THE REFUGEE CAMPS

A. Refugees in Burundi

6. In early April 1995, there were 240,000 refugees in Burundi, mostly from southern Rwanda. The deteriorating security situation in Burundi has affected the refugees inside and outside the camps. In the northern part of the country, where all seven refugee camps are located, there are constant movements of refugees fleeing to and from neighbouring countries at great risk to themselves. The strict border control by the army and the presence of uncontrolled armed groups in border areas have resulted in acts of violence, which have claimed several lives outside the camps. Although the refugee camps are guarded by the army and movements of refugees are restricted, incidents have also taken place inside the camps.

7. In view of the general insecurity in recent weeks, several thousand Rwandese refugees and a large number of Burundians have left Burundi for the United Republic of Tanzania. Between 17 February and 10 March, 16,000 Burundians and 8,000 Rwandese arrived in the United Republic of Tanzania from

Burundi as refugees. In the last days of March, violence in Bujumbura unleashed a new exodus of refugees and sparked an outflow of 24,000 persons into Zaire. During the same period, some 70,000 Rwandese refugees left camps in northern Burundi for the United Republic of Tanzania; several thousand had slipped across the border before it was ordered closed by the Tanzanian Government. As of 5 April, 15,000 had been trucked back to two camps; the rest are scattered at various sites in northern Burundi.

B. Refugees in the United Republic of Tanzania

8. As of 26 March 1995, 600,000 refugees were in camps in the United Republic of Tanzania. The security situation in these camps remained relatively stable during the first two months of this year. In February, a joint UNHCR/United Republic of Tanzania/Netherlands mission made an assessment of the security requirements for the camps and estimated the total cost at \$3 million. It recommended an increase of police personnel by 90, bringing the total to 400; an improvement in transport and logistics capacity; and arrangements for the maintenance of security in the camps.

9. In February, Tanzanian police escorted 200 returnees under tight security from the Benaco camp to the border town of Rusumo. Incidents within the camps, mainly of a criminal nature, against aid workers, the local population and the police increased in March and registration for repatriation virtually stopped.

C. Refugees in Zaire

10. In early April, there were 1.1 million refugees in the camps in Zaire. The immediate effect of the deployment of the security forces (the Zairian Camp Security Contingent and the Civilian Security Liaison Group) was to facilitate organized repatriation. The number of refugees departing from the Goma camps rose from 2,000 in January 1995 to 10,000 a month later. Repatriation declined substantially in March, however, partly as a result of reports reaching the refugees about increased arrests and detentions inside Rwanda.

11. Further contributing to that decline was the reduction of rations in the camps, necessitated by overall shortages of relevant food items in the region, although it was perceived by the refugees as a deliberate measure to force their repatriation. On 31 March, the food situation in the Goma camps was described by the World Food Programme (WFP) as critical. Surveys indicated that malnutrition in these camps was increasing. Acute food shortages continue, but positive changes are expected by UNHCR in the coming weeks following a regional meeting on logistics in Nairobi. The militia of the former Rwandese Government are exploiting the food shortage to incite the refugee population and reinforce their campaign against repatriation.

III. REGIONAL CONFERENCE ON ASSISTANCE TO REFUGEES, RETURNEES AND DISPLACED PERSONS IN THE GREAT LAKES REGION

12. The OAU/UNHCR Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region took place from 15 to 17 February 1995 in Bujumbura. It adopted a plan of action with a primary focus on voluntary repatriation as the preferred durable solution to the refugee

problem. To achieve that goal, it underscored the roles to be played by the countries of origin, the countries of asylum and the international community. It also outlined specific measures to be taken in that regard.

13. In my message to the Conference, I stressed that there were both short-term and long-term solutions to the refugee problem. Security in the camps and eradication of intimidation and blackmail of refugees are among the short-term measures. I stated further that solving the refugee problem in the long term would require the combined efforts of African Governments and the international community with the full involvement of the civil society.

14. Among other short-term actions, the Conference urged the earliest possible implementation of the Zaire/UNHCR agreement of 27 January 1995, which is now being successfully implemented. The Conference expressed the hope that a broader United Nations conference on peace, security and stability, as called for by the Security Council, would soon be held. Consultations on the holding of such a conference are continuing.

15. In addition, the Conference recognized that the problem of refugees, returnees and displaced persons was a global responsibility and it emphasized the need for equitable burden-sharing, taking into consideration that the asylum countries and the countries of origin are among the least developed. The international community was therefore urged to assist them through the adoption of concrete measures aimed at alleviating and redressing the negative impact on the local communities directly caused by the presence of refugees and displaced persons. To this end, the Conference requested the United Nations Development Programme to convene a round-table meeting of donors on the countries of the region, in order to coordinate the actions to be undertaken. Active preparations for such a meeting are already under way.

16. I am concerned that recent developments, such as the closure of borders and attacks on refugee camps, are in blatant disregard of the agreement reached in Bujumbura. I believe that the early implementation of some of the key recommendations of the Bujumbura Conference will contribute to resolving the refugee problem in the region. I appeal to all States to act in accordance with those recommendations.

IV. OBSERVATIONS

17. At the beginning of the month, UNHCR warned that only half of the food needs of the Rwandese refugees were available for distribution in April. The reduction of rations has led to the beginnings of malnutrition among women and children, as well as to the belief on the part of refugees that the international community is using food as a weapon to force them to return to their country.

18. The deteriorating food situation in the camps is a sign of serious fatigue on the part of donors faced with an increasing number of refugees and displaced persons around the world. I appeal to donor nations to reverse this situation so as not to worsen the plight of these refugees.

19. Both the Government of Rwanda and the international community are seriously concerned by persistent reports about

arms shipments into Goma airport, allegedly for arming the former Rwandese government forces, as well as about the training of these forces on Zairian territory. These allegations have been rejected by the Charge d'affaires of the Permanent Mission of Zaire to the United Nations in a communication transmitted to the Security Council on 6 April 1995. . During the Bujumbura Conference, the Minister
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for Foreign Affairs of Zaire requested that an independent commission of inquiry be established to investigate and report on the matter. I therefore intend to hold consultations with the Governments of the countries concerned, as well as with OAU, on measures to respond to that request.

20. The deployment of the Zairian Camp Security Contingent and the Civilian Security Liaison Group in the refugee camps has so far proved to have had a positive effect. It is hoped that full deployment of the Zairian Contingent will further improve security conditions. Although this is strictly speaking beyond its mandate, its presence may also help in preventing unfortunate incidents such as the one that occurred on 11 April 1995, when unidentified men attacked the Birava camp, where the Zairian Contingent was about to be deployed. A total of 31 Rwandese refugees were killed in that attack.

21. However, the improvement of security conditions in the camps is not enough to ensure the voluntary repatriation of all the refugees. Ultimately, voluntary repatriation will depend on the efforts of the Government of Rwanda to promote genuine national reconciliation among all segments of Rwandese society and to ensure that refugees can return to their communities without fear of persecution. In that regard, I should like to stress once again that, in order to achieve that goal, more rapid and effective assistance from the international community is required.

22. Reports about numerous arrests and the overcrowded prisons in Rwanda have raised fears among the refugees and hindered the process of voluntary repatriation. This has resulted in the decline in the number of returnees from 200 persons a week to 200 a month.

23. Rebuilding the Rwandese justice system remains an important factor in contributing to the creation of conditions conducive to the return of refugees, and efforts by the Government of Rwanda in that direction should be supported. The international community has already pledged \$618 million to support the Government's rehabilitation and reconstruction programme, including rebuilding the justice system. Most of these pledges, however, have not yet been translated into actual assistance. Meanwhile, most of the contributions to the Trust Fund for Rwanda, amounting to \$4,710,857 as at 1 April, are buns>=support the Rwandese justice system.

24. In its resolution 978 (1995) of 27 February, the Security Council urged Member States to arrest and detain persons found within their territory against whom there was sufficient evidence of responsibility for acts within the jurisdiction of

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the International Tribunal for Rwanda. Implementation of that resolution by Member States will also enhance the process of national reconciliation and an early return of the refugees. 25. Only the combined efforts of the countries of origin, the countries of asylum and the international community can achieve the enormous task of ensuring that all the refugees and the displaced persons in the Great Lakes region voluntarily return to their homes and communities. I appeal to all Member States to take the actions that are so urgently required.

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Security Council

Distr.
GENERALS/1995/297
9 April 1995

ORIGINAL: ENGLISH

PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE
UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted in response to Security Council resolution 965 (1994) of 30 November 1994, by which the Council extended the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a period of six months, until 9 June 1995. Under that resolution, the Council requested me to report by 9 February and 9 April 1995 on the implementation of UNAMIR's mandate, the safety of populations at risk, the humanitarian situation and progress towards the repatriation of refugees. The present report covers developments since my report of 6 February (S/1995/107).

2. During the reporting period, a mission of Security Council members visited Rwanda on 12 and 13 February 1995 and submitted its findings to the Council in a report of 28 February (S/1995/164). The Mission stressed that, as long as 2 million Rwandese remained in camps in or outside their country, the situation in Rwanda would remain inherently unstable. In this connection, it underlined the interrelated issues facing the Government: repatriation, reconciliation, reconstruction and the need for justice. It called on the Government to intensify its efforts to create favourable conditions and an auspicious climate inside the country to encourage and facilitate repatriation.

II. POLITICAL ASPECTS

3. It has been a year since Rwanda was engulfed in a genocide that left at least 500,000 people dead. In the message I sent to the Government and people of Rwanda on the first anniversary of those horrors, I conveyed my deepest sympathy and stressed that never again should the perpetrators of such crimes be permitted to get away with impunity. I also pledged the continued support of the United Nations to the building of a new Rwandese society based on tolerance, harmony and justice.

4. In the nine months since the new Government of Rwanda assumed office, the overall situation in the country has improved considerably. The private sector has revived in an atmosphere of relative security; markets, shops and small

businesses have sprung up, agricultural activities have restarted and schools have reopened.

5. Radio UNAMIR commenced broadcasting on 16 February and is on the air seven days a week in three languages, in an effort to present objective information to the Rwandese people at home and in refugee camps abroad. Plans are in hand to increase Radio UNAMIR's broadcast time.

6. In my report of 6 February, I noted that, while Rwanda continued to face problems in regard to repatriation, reconciliation and rebuilding its administrative structures, the overall situation was evolving positively. Over the past two months, however, tensions and frustrations have surfaced and the security situation in the country has deteriorated. The Prefect of Butare was murdered in an ambush on 4 March; armed saboteurs have reportedly entered Rwanda; and more and more people are being detained by the Government.

7. These developments have contributed to a considerable decline in the repatriation of Rwandese refugees from Zaire, the United Republic of Tanzania and Burundi. In addition, over 200,000 internally displaced persons remain in camps because they fear insecure conditions in their home communes or because of intimidation by extremist elements in the camps.

8. There are reports that the armed forces of the former Rwandese Government are training and rearming. Over the past two months, soldiers of the forces of the former Government have reportedly been apprehended in Rwanda, carrying arms, grenades and anti-personnel mines. As a result, the Rwandese Patriotic Army has tightened security and strengthened its border patrols.

9. These measures against possible infiltrators have also led to incidents involving United Nations and international staff. United Nations vehicles and staff have been searched and supplies of goods and equipment have been stopped at Kigali airport. In addition, government authorities at the middle and lower levels are often uncooperative. Last month, Radio Rwanda initiated a propaganda campaign of surprising virulence and broadcast unfounded allegations of misconduct by UNAMIR personnel. After a protest by my Special Representative, however, Radio Rwanda has reverted to a more balanced attitude towards UNAMIR.

10. The relationship between UNAMIR and the Rwandese Patriotic Army has been discussed by my Special Representative with the President of Rwanda, Mr. Pasteur Bizimungu, and with the Vice-President and Minister of Defence, Major-General Paul Kagame. Both the President and the Vice-President reaffirmed their Government's support for UNAMIR and said minor incidents should be cleared up at fortnightly joint staff meetings. The Vice-President added that some of the frustrations, especially at the lower level, were the result of the perception that the Government could not exercise complete sovereign authority in Rwanda as long as there was a large UNAMIR military presence in the country. In this connection, both the President and the Vice-President felt that, at an appropriate time, UNAMIR's mandate and its possible phase-out from Rwanda should be discussed.

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III. LEGAL AND HUMAN RIGHTS ASPECTS

11. In response to the rise in tension in parts of the country, the Human Rights Field Operation in Rwanda strengthened its monitoring activities during the reporting period. As of 1 April 1995, the Field Operation was composed of 113 staff in 11 field offices, including 55 short-term staff; 30 United Nations Volunteers (UNVs); 12 human rights officers from the European Union and 8 experts provided by the Governments of the Netherlands, Norway and Switzerland. It is expected that a further contingent of some 28 human rights officers contributed by the European Union, as well as additional UNVs, will be deployed on 19 April.

12. The human rights officers work directly with the population, as well as with government officials and civic leaders throughout the country. They seek to promote respect for the rights of individual citizens and a sense of confidence and stability.

13. The establishment of an effective judicial system is one of the most pressing problems facing the Government. Although efforts are often made by the Government and its security forces to follow correct procedures, arrests are sometimes arbitrary. Many individuals are held without hope of timely trial proceedings. There are approximately 27,000 people in Rwanda's desperately overcrowded prisons. Kigali prison, for example, built to accommodate 1,500 detainees, currently houses over 7,000. On 16 March, 24 people died in a police detention cell.

14. The Technical Cooperation Unit of the Field Operation recently issued a comprehensive programme addressing the needs of the Government in establishing a civil society based on respect for human rights. This programme, which was developed in close consultation with the relevant government ministries, includes recommendations on measures to facilitate the prosecution of suspects accused of serious human rights violations. It also proposes a strategy for introducing human rights education in Rwandese schools and government institutions.

15. The United Nations High Commissioner for Human Rights, Mr. José Ayala-Lasso, has launched an international appeal with a view to assisting the Government of Rwanda to re-establish the judicial system. He has also appealed for funds to recruit more human rights monitors who, as part of their duties, would work closely with the judiciary. During his visit to Rwanda from 1 to 3 April, the High Commissioner had the opportunity to discuss many of the above issues with government officials.

IV. INTERNATIONAL TRIBUNAL

16. By its resolution 977 (1995) of 22 February 1995, the Security Council decided that the International Tribunal for Rwanda would have its seat at Arusha (United Republic of Tanzania). A team composed of experts from the United Nations Secretariat and the International Tribunal for the Former Yugoslavia will visit the United Republic of Tanzania shortly to secure premises for the

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International Tribunal for Rwanda and to negotiate the necessary agreements with the Tanzanian authorities.

17. On 7 March, I addressed a letter to all States Members of the United Nations, as well as to non-member States maintaining permanent observer missions at United Nations Headquarters, inviting them to nominate judges for the Tribunal. I requested that these nominations be made by 7 April 1995.

18. The Office of the Prosecutor for the International Tribunal was established in Kigali in January 1995 and the Deputy Prosecutor, Mr. Rakotomanana, took office on 20 March. In a statement issued by the Chief Prosecutor, Judge Goldstone, on 5 April, it was announced that the Tribunal was processing about 400 cases and that the first case for trial was expected in the second half of the year. Since January, Tribunal staff have been gathering information and evidence in Rwanda and other countries. In view of the importance and volume of the work involved, more expert personnel are required and efforts to secure the necessary staff are under way. I welcome the voluntary contributions pledged by some Member States to support the activities of the Tribunal and I appeal for more such assistance to enable the Tribunal to carry out its tasks.

V. MILITARY ASPECTS

19. As at 1 April, UNAMIR's force strength stood at 5,529 troops and 297 military observers (see annex). Since my report of 6 February, an Indian signals company has been deployed, the inter-African battalion has been replaced by a Senegalese battalion of 241 all ranks, the Malawi company of 181 and the Australian medical support group of 293 have both been rotated and the Canadian logistics support group of 95 has been fully deployed.

20. UNAMIR has been working under additional pressure as a result of the recent deterioration in security. Instances of harassment and intimidation directed at UNAMIR and other United Nations personnel, property and installations have, as noted earlier, increased during the reporting period.

21. On 15 February, UNAMIR headquarters at Mutura, east of Gisenyi, where the Tunisian battalion is located, was hit by grenades and small arms fire in a deliberate and unprovoked attack against a UNAMIR signals installation. The following day, while investigating the circumstances surrounding the attack, eight members of a UNAMIR patrol were injured by a land-mine probably planted by the attackers. On 5 March, three grenades were thrown at the Nigerian contingent's guardpost at Byumba, injuring two soldiers, one of them seriously.

22. These are the first incidents since the end of the civil war in which United Nations troops appear to have been deliberately targeted. My Special Representative and the Force Commander have informed the authorities of their serious concern and members of the Government have expressed regret for these attacks, indicating that they were isolated acts. Investigations are under way to determine the circumstances and the identities of those involved.

23. Mechanisms have been put in place to enable UNAMIR and the Rwandese Patriotic Army to liaise and exchange views at both the command and the staff

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officer levels. These arrangements facilitate the resolution of complaints and enhance cooperation and coordination. However, the worsening security situation has strained relations between UNAMIR and the Rwandese Patriotic Army. Indeed, the Rwandese Patriotic Army has frequently restricted the movement of UNAMIR personnel and denied it access to certain areas. This has affected UNAMIR's ability to discharge its mandated tasks fully and effectively.

24. Difficulties have also been encountered on the occasion of troop rotations, when UNAMIR personnel have been held up or denied entry at Kigali airport. It should be recalled, in this connection, that the Model Status of Forces Agreement (A/45/594), which reflects the customary principles and practices of United Nations peace-keeping operations, contains provisions regulating the entry, residence and departure of personnel of peace-keeping operations. The agreement on the status of UNAMIR and its personnel, concluded on 5 November 1993, contains identical provisions. Following the modification of UNAMIR's mandate under Security Council resolution 918 (1994) of 17 May 1994 and the installation of the present Government in July 1994, an exchange of letters to constitute an agreement between the United Nations and the Government of Rwanda was initiated. The purpose of this was not to reaffirm the applicability of the agreement concluded on 5 November 1993, which in accordance with well-established principles of international law is not in doubt, but to supplement it by reflecting the changes in UNAMIR's mandate. However, despite several reminders, the Government has not yet replied. It is my hope that this matter will be promptly resolved and that the Government will agree to honour its obligations under the agreement.

25. There is a pressing need for a comprehensive mine-clearance programme. However, the Government of Rwanda has not yet responded to the offers of the United Nations for assistance in mine clearance and minefield survey and marking. Such a programme would, among other things, open up many areas to returnees, including agricultural fields. A team of mine experts from the United States Department of Defense recently visited Rwanda and held discussions with UNAMIR concerning a possible plan of action in this area. In the meantime, UNAMIR explosives demolition teams continue to carry out limited mine-clearing operations, especially in urban areas.

VI. CIVILIAN POLICE

26. In my report of 6 February, I noted that UNAMIR was pursuing its efforts to assist the Government of Rwanda in training a new integrated national police force. The training of 300 gendarmes and 20 instructors, which started on 19 December 1994, is expected to conclude by the end of April. The Government has requested that UNAMIR train an additional 400 gendarmes before beginning the training programme for 100 instructors, which was scheduled to commence in June.

27. Following a request from the Government, a UNAMIR civilian police observer has been assigned to assist the Chief of Staff of the National Gendarmerie in determining operational requirements to ensure that, upon completion of their training, gendarmes are ready and properly equipped for deployment.

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28. Owing to financial and material constraints, the training programme for communal police, which was scheduled to begin in February, has been delayed. The Government has informed UNAMIR that it is intensifying its efforts to obtain the necessary resources to permit training to begin at the earliest opportunity. Once funding is secured, UNAMIR will begin a training programme for approximately 1,500 communal police.

29. As part of its monitoring and investigatory activities, the UNAMIR civilian police component has teams of 3 to 4 observers in each of the 11 prefectures in the country. These observers work in close cooperation with local authorities, United Nations agencies and non-governmental organizations, and assist human rights monitors and UNAMIR personnel in the performance of their respective duties.

30. UNAMIR continues to face an acute shortage of civilian police personnel, a situation which seriously impairs the discharge of its expanded tasks. While, in accordance with resolution 965 (1994), the strength of UNAMIR's civilian police component was increased to 120 police observers, only 58 are currently deployed. These observers are from Djibouti (7), Germany (9), Ghana (10), Guinea-Bissau (8), Mali (10), Nigeria (10) and Zambia (4).

31. As stressed in previous reports, there is a particularly urgent need for additional French-speaking civilian police observers. In this connection, on 22 February, I again approached Member States, including 13 French-speaking countries, to ascertain their interest in providing additional civilian police observers. I have not, so far, received any positive responses.

VII. HUMANITARIAN ASPECTS

32. At the United Nations Development Programme (UNDP) round-table conference, held at Geneva on 18 and 19 January 1995, the international donor community pledged some \$587 million to support the Government's rehabilitation and reconstruction programme. The slow process of turning donor pledges into actual support, however, has led to problems and growing frustration on the ground.

33. The humanitarian programme in Rwanda maintains its emphasis on the provision of emergency relief to the affected population, as well as on activities aimed at enabling the Government to function effectively. Progress in these areas, however, has been affected by the paucity of resources available. To date, a relatively small portion of the contributions pledged at the UNDP round-table conference has been converted into actual disbursements. This is also true of the response to the 1995 consolidated inter-agency humanitarian assistance appeal launched in January 1995. The Trust Fund for Rwanda totalled \$4,710,857 as at 1 April, most of it being disbursed to support the national judicial system.

34. There are substantial food shortages within the country and the subregion. The recent Food and Agriculture Organization of the United Nations (FAO)/World Food Programme (WFP) crop assessment indicates that the January 1995 harvest was significantly smaller than in previous years. If the threat of starvation and malnutrition is to be averted for some 3 million refugees and internally

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displaced persons from Rwanda and Burundi, rapid and substantial food aid from the international community is required. In the meantime, United Nations non-governmental organizations are distributing seeds and tools to the affected population. There is also a programme of seed and livestock protection for the benefit of vulnerable groups. The WFP food-for-work programmes seek to promote the rehabilitation of infrastructure and the strengthening of food security.

35. Problems affecting children continue to receive special attention. United Nations and non-governmental organizations are registering unaccompanied minors and attempting to reunite families. So far, approximately 3,000 children have been reunited with their families and psychosocial counselling and trauma recovery programmes are expected to be enlarged in the near future. Agreement has been reached with the Ministry of Justice to permit 400 children between the ages of 11 and 17, imprisoned for alleged involvement in the genocide, to be moved to a separate location for children only. As a result of consultations with the Ministry of Defence, some 4,000 "child soldiers" are expected to be demobilized shortly.

36. There have been some improvements in the health sector. Nearly half of the 280 vaccination centres which were operational before April 1994 have reopened and a programme to equip them has begun. Some 26 nutritional centres for unaccompanied children have reopened and receive supplementary food aid. It is planned to have 100 nutritional centres operational during 1995. Projects relating to family planning, maternal care and the human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) are being promoted vigorously.

37. The humanitarian agencies have intensified their efforts to ensure wider access to education. This has included the distribution of basic classroom resources and supplies and an emergency curriculum for over 140,000 primary schoolchildren. Teacher emergency packages have been distributed to over 7,000 teachers serving about 600,000 children in Rwanda. Moves are under way to adapt the packages for young people in prisons and for literacy and basic skill-training programmes, especially for youth and women. A pilot project for implementing teacher emergency packages in refugee camps was launched in February.

38. Activities are taking place, within the context of Opération Retour, to expedite the voluntary return of internally displaced persons. Six camps for internally displaced persons have been closed and some 40,000 people have been resettled in their home communities, where agencies are implementing rehabilitation projects. The remaining camps hold more than 200,000 displaced people. In certain quarters in Rwanda, these camps are viewed as breeding grounds for destabilization activities and the Government is anxious to close them as soon as possible.

39. The recent deterioration in the security situation, together with the lack of resources, has had a negative impact on the resettlement of returnees. The increased screening of them by the Rwandese authorities has also inhibited progress towards a faster rate of refugee repatriation. Recent arrangements made by the Office of the United Nations High Commissioner for Refugees with the Governments of the United Republic of Tanzania and Zaire, aimed at assuring

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security in Rwandese refugee camps in those countries, were expected to help reduce intimidation and thus permit a higher rate of repatriation. However, most of the estimated 60,000 refugees who returned to Rwanda during the first two months of the year were from the 1959 case-load. Most of the more recent refugees who have returned so far are women and children. United Nations organizations are facilitating their repatriation through reception and transport facilities.

40. Returnees from the 1959 case-load are currently estimated at over 600,000. Their resettlement has become a major problem for the authorities, since many of them have illegally occupied the homes and land of recently departed refugees, some of whom have also begun to return home. The Government urgently needs resources to accommodate both groups of returnees in a manner that ensures justice and promotes reconciliation. To facilitate their reintegration, returnees will have to be provided with assistance in education, housing and job training. A grave concern associated with the returnees from the 1959 case-load is the large number of cattle (estimated at 500,000) that they have brought with them. Lack of adequate grazing areas and water for these herds, combined with livestock diseases, threaten an ecological disaster.

41. Solutions to the humanitarian challenges faced by Rwanda are a vital element in international efforts to contribute to national reconciliation and economic recovery. Continued assistance is indispensable if progress is to be achieved, particularly in view of the disastrous consequences of the war and the continuing lack of resources available to the Government.

VIII. ADMINISTRATIVE AND FINANCIAL ASPECTS

42. The General Assembly, by its resolution 49/20 of 29 November 1994, authorized me to enter into commitments for a four-month period from 10 December 1994 to 9 April 1995, at a monthly rate not to exceed \$15 million gross, in connection with the maintenance of UNAMIR. This amount was based on the then authorized strength of 320 military observers, 5,500 troops, 90 civilian police and 398 civilian personnel. Subsequently, the Security Council authorized an increase in the strength of the civilian police component from 90 to 120 police observers. My report on the financing of UNAMIR for the period from 10 December 1994 to 9 June 1995 and for the maintenance of the mission on a monthly basis after 9 June 1995 (A/49/375/Add.2) has been submitted to the General Assembly for consideration at its current session.

43. As at March 1995, unpaid assessments to the UNAMIR Special Account amounted to \$46.5 million, and the total amount of outstanding assessed contributions for all peace-keeping operations was \$1,662.8 million.

IX. OBSERVATIONS

44. The progress achieved in Rwanda over the past nine months is threatened by renewed tensions. It is incumbent on the Government and the international community to take the steps necessary to put Rwanda back on the road to stability, national reconciliation and reconstruction.

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45. These goals are likely to remain elusive, however, as long as 2 million Rwandese remain in camps outside their country. The indignation and deep sense of injustice felt by many Rwandese after the genocide is certainly understandable, but it cannot be allowed to frustrate the healing process that must take place if Rwanda is to be restored to peace and harmony. The Government is therefore urged to make more determined efforts to foster a climate of trust and confidence and to create conditions that will encourage refugees and displaced persons not suspected of involvement in the genocide to believe that they can return to their homes in safety. At the same time, steps must be taken to bring to trial, at the earliest opportunity, those who are guilty of genocide.

46. I therefore welcome the adoption by the Security Council on 27 February of resolution 978 (1995), in which it called on Member States to arrest persons against whom sufficient evidence existed of criminal responsibility for genocide. It is my hope that Member States will take the necessary follow-up action and help ensure that the International Tribunal for Rwanda becomes operational as soon as possible. The need for such steps is underlined by the recent disturbing reports of military training and an arms build-up by elements of the armed forces of the former Government of Rwanda in neighbouring countries. The Governments on whose territory such activities may be taking place must ensure that their countries do not become bases for incursions into Rwanda.

47. Rwanda's needs with regard to the rehabilitation of its administrative structures and social and economic reconstruction are great. It is clear that limited resources mean that the Government cannot by itself address all the problems facing the country. It needs the assistance and cooperation of its neighbours and the international community. I therefore urge donors to do all they can to accelerate the flow of aid to Rwanda. In this connection, Member States may wish to consider channelling funds through the Trust Fund for Rwanda, which can disburse assistance quickly and effectively.

48. The increasing harassment of United Nations and international staff serving in Rwanda is another source of serious concern. UNAMIR remains an essential confidence-building mechanism and its presence adds an important dimension to the Government's efforts to promote a climate of stability, trust and security. UNAMIR's presence also helps to create conditions conducive to the resettlement of refugees and displaced persons and to the provision of reconstruction assistance. I therefore urge the Government to extend to UNAMIR the necessary cooperation without which the Mission will not be able to carry out its mandate and the international community will find it more difficult to respond to Rwanda's rehabilitation needs. I should also like to remind the Government of its responsibility for the safety and security of all UNAMIR personnel, as well as for ensuring that their freedom of movement and access throughout the country is respected.

49. UNAMIR's present mandate, as defined under Security Council resolutions 918 (1994) and 965 (1994), will expire on 9 June. Senior Rwandese officials have pointed out that the situation in the country has changed since last July and that, at the appropriate time, the mandate and role of UNAMIR should be reviewed. I have, accordingly, requested my Special Representative to consider,

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in consultation with the Government, adjustments which could be made to the Mission's mandate. On the basis of his advice, I will, in my next report, submit to the Security Council recommendations on the role which UNAMIR could play in Rwanda after 9 June 1995.

50. The Council has emphasized the need for an international conference on security, stability and peace in the region. In accordance with the Council's most recent call for States of the region to organize such a conference, I intend to carry out necessary consultations with those States with a view to determining the type of assistance they may require in this regard.

51. In closing, I should like to thank my Special Representative, Mr. Shaharyar M. Khan, the Force Commander, Major-General Guy Tousignant, and all UNAMIR civilian, military and civilian police personnel, for their contribution to peace and stability in Rwanda under very trying circumstances.

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AnnexComposition of the United Nations Assistance Mission for Rwanda
as at 31 March 1995

Country	<u>Military personnel</u>			Civilian police	Grand total
	Troops	Observers	Total		
Argentina		1	1		1
Australia	302		302		302
Austria		15	15		15
Bangladesh	1	33	34		34
Canada	105	20	125		125
Chad	2		2		2
Djibouti			-	7	7
Ethiopia	811		811		811
Fiji		1	1		1
Germany			-	9	9
Ghana	842	35	877	10	887
Guinea		17	17		17
Guinea-Bissau			-	5	5
India	833	17	850		850
Jordan			-	3	3
Malawi	185	14	199		199
Mali	199	31	230	10	240
Nigeria	333	17	350	10	360
Poland		2	2		2
Russian Federation		17	17		17
Senegal	241		241		241
Tunisia	840	10	850		850
United Kingdom	2		2		2
Uruguay		23	23		23
Zambia	833	20	853	4	857
Zimbabwe		24	24		24
Total	5 529	297	5 826	58	5 884

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Secretariat

ST/AI/143/Rev.26/Amend.12
7 March 1995

ADMINISTRATIVE INSTRUCTION

To: Members of the staff

From: The Assistant Secretary-General for Human Resources Management

Subject: ASSIGNMENT OF STAFF TO A DUTY STATION OTHER THAN
THEIR OFFICIAL DUTY STATION FOR PERIODS OF LESS
THAN ONE YEAR*

The annex to administrative instruction ST/AI/143/Rev.26 is hereby amended to take into account the revised rates of daily subsistence allowance established by the International Civil Service Commission for Geneva effective 1 February 1995 and for Vienna effective 1 January 1995. The rates for New York effective 1 January 1995 remain unchanged.

* Personnel manual index No. 7151.



Security Council file

**TENTATIVE PROGRAMME FOR THE VISIT OF THE SECURITY COUNCIL DELEGATION
TO KIGALI
11 - 13 FEBRUARY 1994**

Composed of:

M. Ibrahim GAMBARI (Head of Mission)	-	Nigeria
M. Li Zhaoxing	-	Chine
M. Karel Kovanda	-	République Czech
M. Gerhard Henze	-	Allemagne
M. Julio Rendon	-	Honduras
M. Nugroho Wisnumurti	-	Indonesie
M. Karl Inderfurth	-	Etats unis d'Amérique

Date	Time	Activity	Responsible
11/02/95 (Saturday)	1900 hrs	Departure for Kigali from Bujumbura	
11/02/95	1930 hrs	Arrival in Kigali Met at the airport by: SRSB FC	PROTOCOL SECURITY
	1945 hrs	Transfer to Hotel Des Mille Collines	PROTOCOL SECURITY
	2000 hrs	Cocktail by the Chinese Embassy	PROTOCOL SECURITY CTD

12/02/95 (Sunday)	0900 hrs	Meeting with UN Agencies	PROTOCOL UNDP RES. REP
	1000 hrs	Meeting with NGOs	HUMANITARIAN OFFICE SECURITY CTO
	1100 hrs	Briefing by the SRSG/FC	PROTOCOL MILITARY
	1200 hrs	A visit to the Operations Room (Operation Retour)	PROTOCOL MILITARY
		LUNCH	
	1500 hrs	Meeting with the Diplomatic Corps	PROTOCOL SECURITY CTO
	1700 hrs	Ambassador Gambari to meet with the Nigerian Contingent (Nigerian House)	Col. Iliya (HAC) CTO
	1930 hrs	Buffet Dinner with Ambassadors/Ministers/ Mr. Kouyate	PROTOCOL SECURITY

13/02/95 (Monday)			
	Time to be confirmed	Meeting with the Prime Minister Accompanied by the SRSG	
		L U N C H	
	Time to be confirmed	Meeting with the V-P and Minister of Defence. Accompanied by the SRSG	PROTOCOL
	17h00	Meeting with the President Accompanied by the SRSG	PROTOCOL
	20h00	Press Conference at the Airport	PROTOCOL
13/02/95	21h10	Departure from Kigali on SN 565	MOVCON/ AIROPS

UNITED
NATIONS



Security Council

Distr.
GENERAL

S/1995/134
13 February 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 5 OF SECURITY COUNCIL RESOLUTION 955 (1994)

I. INTRODUCTION

1. Resolution 955 (1994) of 8 November 1994, by which the Security Council established an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandese citizens responsible for genocide and other such violations committed in the territory of neighbouring States, represented the culmination of a series of resolutions in which the Council had condemned the systematic and widespread violations of international humanitarian law in Rwanda and, in particular, the mass killing of tens of thousands of civilians with impunity.

2. In resolution 918 (1994) of 17 May 1994, the Secretary-General was requested to present a report on the investigation of serious violations of international humanitarian law committed in Rwanda. In my report to the Council of 31 May 1994 (S/1994/640), I noted that massacres and killings had continued in a systematic manner throughout Rwanda and that only a proper investigation could establish the facts in order to determine responsibility.

3. By resolution 935 (1994) of 1 July 1994, the Secretary-General was requested to establish an impartial commission of experts. In its interim report (S/1994/1125), the Commission submitted its preliminary conclusions on serious breaches of international humanitarian law and acts of genocide committed in Rwanda, and recommended that the individuals responsible for those acts be brought to justice before an independent and impartial international criminal tribunal. In its final report (S/1994/1405) the Commission concluded that there existed overwhelming evidence to prove that acts of genocide against the Tutsi ethnic group had been committed by Hutu elements in a concerted, planned, systematic and methodical way, in violation of article II of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948¹ (hereinafter "the Genocide Convention"); that crimes against humanity and serious violations of international humanitarian law were committed by individuals on both sides of the conflict, but there was no evidence to suggest that acts committed by Tutsi elements were perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention.

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4. The present report is submitted pursuant to paragraph 5 of resolution 955 (1994), by which the Security Council requested the Secretary-General to implement the resolution urgently and to make practical arrangements for the effective functioning of the Tribunal, including recommendations to the Council as to possible locations for the seat of the Tribunal, and to report periodically to the Council.

5. While the Council has been periodically informed of the implementation of resolution 955 (1994), through letters from the Secretary-General, oral briefings and recently through the progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1995/107, paras. 19-22), this is the first time that the Secretary-General is submitting a formal report on the Tribunal. Accordingly, I have decided that it would be useful to provide the Council with a comprehensive report. The first section analyses the legal basis for the establishment of the International Tribunal for Rwanda (hereinafter also referred to as "the Rwanda Tribunal") and its legal status. The second contains a succinct review of the main provisions of the statute of the Rwanda Tribunal where they differ from the provisions of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia (hereinafter "the Yugoslav Tribunal") (see S/25704). The third section of the report outlines the two-stage approach to the establishment of the Rwanda Tribunal and the practical arrangements made thus far for its functioning. Finally, in the fourth section of the report, the Secretary-General examines the various options for the location of the seat of the Tribunal in the light of the criteria set out in paragraph 6 of resolution 955 (1994) and makes his recommendation for the location of the seat of the Tribunal.

II. LEGAL BASIS FOR THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

6. Having determined on two previous occasions that the situation in Rwanda constituted a threat to peace and security in the region, 2/ the Council, in its resolution 955 (1994), determined that the situation in Rwanda continued to constitute a threat to international peace and security and, accordingly, decided to establish the International Tribunal for Rwanda under Chapter VII of the Charter of the United Nations. The establishment of the International Tribunal under Chapter VII, notwithstanding the request received from the Government of Rwanda, 3/ was necessary to ensure not only the cooperation of Rwanda throughout the life-span of the Tribunal, but the cooperation of all States in whose territory persons alleged to have committed serious violations of international humanitarian law and acts of genocide in Rwanda might be situated. A Tribunal based on a Chapter VII resolution was also necessary to ensure a speedy and expeditious method of establishing the Tribunal.

7. Unlike the establishment of the Yugoslav Tribunal, which was done in a two-stage process of two Security Council resolutions (resolutions 808 (1993) and 827 (1993)), the Security Council decided that, in drawing upon the experience

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gained in the Yugoslav Tribunal, a one-step process and a single resolution would suffice to establish the International Tribunal for Rwanda.

8. The International Tribunal for Rwanda is a subsidiary organ of the Security Council within the meaning of Article 29 of the Charter. As such, it is dependent in administrative and financial matters on various United Nations organs; as a judicial body, however, it is independent of any one particular State or group of States, including its parent body, the Security Council.

9. The establishment of the Rwanda Tribunal at a time when the Yugoslav Tribunal was already in existence, dictated a similar legal approach to the establishment of the Tribunal. It also mandated that certain organizational and institutional links be established between the two Tribunals to ensure a unity of legal approach, as well as economy and efficiency of resources. The statute of the Rwanda Tribunal, which was an adaptation of the statute of the Yugoslav Tribunal to the circumstances of Rwanda, was drafted by the original sponsors of Security Council resolution 955 (1994) and discussed among members of the Council. Rwanda, as a member of the Security Council at the time that resolution 955 (1994) was adopted, thus participated fully in the deliberations on the statute and the negotiations leading to the adoption of the resolution.

III. MAIN PROVISIONS OF THE STATUTE OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

A. Competence of the International Tribunal

10. The competence of the International Tribunal for Rwanda is circumscribed in time, place and subject-matter jurisdiction. Article 1 of the statute provides that the International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandese citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994. The crimes in respect of which the Tribunal is competent are set out in articles 2 to 4 of the statute.

1. Subject-matter jurisdiction

11. Given the nature of the conflict as non-international in character, the Council has incorporated within the subject-matter jurisdiction of the Tribunal violations of international humanitarian law which may either be committed in both international and internal armed conflicts, such as the crime of genocide ^{4/} and crimes against humanity, ^{5/} or may be committed only in internal armed conflict, such as violations of article 3 common to the four Geneva Conventions, ^{6/} as more fully elaborated in article 4 of Additional Protocol II. ^{7/}

12. In that latter respect, the Security Council has elected to take a more expansive approach to the choice of the applicable law than the one underlying the statute of the Yugoslav Tribunal, and included within the subject-matter jurisdiction of the Rwanda Tribunal international instruments regardless of

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whether they were considered part of customary international law or whether they have customarily entailed the individual criminal responsibility of the perpetrator of the crime. Article 4 of the statute, accordingly, includes violations of Additional Protocol II, which, as a whole, has not yet been universally recognized as part of customary international law, and for the first time criminalizes common article 3 of the four Geneva Conventions. 8/

2. Territorial and temporal jurisdiction

13. The territorial jurisdiction of the International Tribunal extends beyond the territory of Rwanda to that of neighbouring States, in respect of serious violations of international humanitarian law committed by Rwandese citizens. In extending the territorial jurisdiction of the Tribunal beyond the territorial bounds of Rwanda, the Council envisaged mainly the refugee camps in Zaire and other neighbouring countries in which serious violations of international humanitarian law are alleged to have been committed in connection with the conflict in Rwanda.

14. The temporal jurisdiction of the Tribunal is limited to one year, beginning on 1 January 1994 and ending on 31 December 1994. Although the crash of the aircraft carrying the Presidents of Rwanda and Burundi on 6 April 1994 is considered to be the event that triggered the civil war and the acts of genocide that followed, the Council decided that the temporal jurisdiction of the Tribunal would commence on 1 January 1994, in order to capture the planning stage of the crimes.

B. Organization and structure of the International Tribunal

15. The International Tribunal for Rwanda consists of three organs:

(a) The chambers, comprising two trial chambers and an appeals chamber; each Trial Chamber is composed of three judges and the Appeals Chamber is composed of five;

(b) A Prosecutor; and

(c) A Registry.

16. Under article 12, paragraph 2, of the statute, the members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda. In providing for a common Appeals Chamber for the two Tribunals, the Council was aware of the fact that, if no restrictions are put on the nationalities of nominees for judges, there could be a situation where more than one judge of the Rwanda Tribunal will have the same nationality. In order to prevent such an eventuality, article 12, paragraph 3 (b), of the Rwanda statute provides in its relevant part that:

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"... each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge of the Appeals Chamber".

17. Article 15, paragraph 3 of the Statute of the Rwanda Tribunal provides that the Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda, with such additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. The statute thus envisages commonality not only in the person of the Prosecutor, but also in the staff of the Prosecutor's Office.

C. Other statutory provisions

18. Article 14 of the statute of the Rwanda Tribunal provides that the judges of the International Tribunal shall adopt the rules of procedure and evidence for the conduct of the pretrial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia, with such changes as they deem necessary. It was thus the intention of the Council that, although the rules of procedure and evidence of the Yugoslav Tribunal should not be made expressly applicable to the Rwanda Tribunal, they should nevertheless serve as a model from which deviations will be made when the particular circumstances of Rwanda so warrant.

19. Imprisonment shall, according to article 26 of the statute, be served in Rwanda, or in any of the States on a list of States that have indicated to the Security Council their willingness to accept convicted persons. Unlike the former Yugoslavia, Rwanda is not excluded from the list of States where prison sentences pronounced by the International Tribunal for Rwanda may be served.

20. Article 30 of the statute provides that the expenses of the Tribunal shall be the expenses of the Organization in accordance with Article 17 of the Charter. In clearly distinguishing between the competence of the Security Council to establish the International Tribunal and the budgetary authority of the General Assembly to decide on its financing, the Security Council did not pronounce itself on the mode of financing, i.e., regular budget or a special account.

III. PRACTICAL IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 955 (1994)

21. The urgent need to start up the operation of the International Tribunal for Rwanda immediately necessitated a phased approach to the establishment of the Tribunal in accordance with the chronological order of the legal process, from the stage of the investigation and the preparation of indictments to the conduct of trial proceedings. A phased approach also facilitated more accurate estimates of the full financial requirements of the Tribunal over time and as information became gradually available.

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22. I, therefore, approved a plan for the establishment of the Tribunal in two phases. The first phase envisaged the establishment of an investigative/prosecutorial unit, the appointment of the Deputy Prosecutor and a core unit of investigators, prosecutors and interpreters, the retention of office premises for the Investigative/prosecutorial Unit, the establishment of an Administrative unit and a secretariat, and the preparation of a request for initial funding. In the second phase, judges will be elected, practical arrangements for the establishment of the seat will be put in place, the staffing will be completed and the Tribunal, as a whole, will be fully operational.

A. First phase of the operation of the International Tribunal

23. The first phase of the operation of the International Tribunal for Rwanda began with the establishment of the Investigative/prosecutorial Unit in Kigali. The main functions of the Unit are to establish the Prosecutor's Office and recruit staff, gather documents and information from Governments, intergovernmental and non-governmental organizations, transfer all information collected from the Commission of Experts established pursuant to Security Council resolution 935 (1994) and the Special Investigative Unit established by the High Commissioner for Human Rights, develop the investigative strategy and field operational procedures and initiate the process of investigations and the preparation of indictments.

24. With a view to utilizing, to the extent possible, existing human and financial resources and drawing upon the experience already gained by the Prosecutor and the High Commissioner for Human Rights in the investigations of serious violations of international humanitarian law, it was decided that the core Investigative Unit would consist of investigators of the Prosecutor's Office of the International Tribunal for the Former Yugoslavia and of the Special Investigative Unit established by the High Commissioner for Human Rights.

25. In accordance with article 15, paragraph 3, of the statute of the Rwanda Tribunal, I appointed Mr. Honoré Rakotomanana (Madagascar) as the Deputy Prosecutor. Mr. Rakotomanana has already initiated the operation of the Unit in Kigali and is engaged in staffing his Office.

26. Temporary office space for the initial phase of the operation of the Investigative/Prosecutorial Unit has been identified in the UNICEF Building in Kigali, where the core investigative Unit is currently located. Office premises in the UNAMIR compound have also been identified as a possible permanent location for the Unit.

27. Security for the Investigative/Prosecutorial Unit, its premises and investigators while on mission, will be provided by UNAMIR, in accordance with Security Council resolution 965 (1994).

28. A small Administrative Unit has been established, initially within the Office of Legal Affairs, to support the start-up operations of the Prosecutor's Office in Rwanda. The Administrative Unit, which forms the core registry, is

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presently handling all administrative, financial and personnel matters pertaining to the commencement of the operation of the Tribunal.

29. A trust fund to assist in the activities of the International Tribunal for Rwanda was established by the Secretary-General pursuant to Security Council resolution 955 (1994), and a letter inviting States, intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel, was sent out on 9 January 1995. Contributions to the Trust Fund have already been received from several States, including a pledge to donate equipment in the equivalent amount of \$1 million.

30. Pending the preparation of a full budgetary submission to the General Assembly of the estimated financial requirements of the International Tribunal for Rwanda for the biennium 1994-1995, a request has been submitted to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the initial funding of the first phase of the operation, i.e., 1 January-31 March 1995. The estimated requirements, based on the anticipated activities to be carried out during that period are in the amount of \$3,951,200. They include recruitment of the core investigative and administrative staff, retention of office premises, procurement and establishment of computer and communications systems, administrative costs, costs of transfer of materials between Rwanda, Geneva and The Hague in connection with the Commission of Experts and travel costs on official business between these locations and within Rwanda.

31. Pending consideration of the request by ACABQ, resources have been made available from the Trust Fund to permit initial recruitment and travel of staff from the Yugoslav Tribunal to Rwanda. In addition, the Secretary-General has authorized expenditures up to a maximum of \$191,600 for the period 15 January to 14 February 1995.

B. Second phase of the operation of the International Tribunal

32. *why not earlier ?*
Once the Security Council has made a determination as to the seat of the Tribunal, the process of electing judges will commence. With a common Appeals Chamber composed of five judges already in place, only six trial judges will have to be elected. Since the judges have to adopt rules of procedure and evidence, it is essential that they are elected as soon as possible. At the same time it is important that the judges take office shortly before the commencement of trial proceedings to avoid the financial implications entailed in their taking office too early. I therefore envisage a special session of the judges to be convened for the sole purpose of adopting the rules of procedure and evidence.

33. Upon the determination of the seat, negotiations will be undertaken by the Office of Legal Affairs with the host country to conclude a headquarters agreement and a lease agreement for the premises of the Tribunal.

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34. During the second stage of the operation of the Tribunal, the process of the staffing of the Prosecutor's Office and the Registry will be completed and the Tribunal, as a whole, will be fully operational.

IV. LOCATION OF THE SEAT OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

A. Guidelines for the determination of the seat

35. By paragraph 6 of its resolution 955 (1994), the Security Council decided that the seat of the International Tribunal would be determined by the Council, having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat acceptable to the Council, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions. The Council furthermore decided that an office will be established and proceedings will be conducted in Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements.

36. In examining the question of the seat for the purpose of paragraph 6 of Security Council resolution 955 (1994), a flexible approach was adopted. Although normally, the seat of a tribunal would indicate the place where all its organs are located, in the present case the "seat" of the International Tribunal for Rwanda is interpreted to mean the place where trial proceedings are held and trial chambers are located. With a common Appeals Chamber and a common Prosecutor already located in The Hague and the Investigative/Prosecutorial Unit already established in Kigali, the operations of the Rwanda Tribunal, ranging from investigation, preparation of indictments and trial proceedings, both in the Trial Chambers and in the Appeals Chamber, will most probably be carried out in three different locations. It may be noted, however, that, although the various organs of the International Tribunal, wherever located, form part of the Tribunal, a determination of the seat is required by paragraph 6 of resolution 955 (1994) only in respect of the location of trial proceedings.

37. In examining the possible locations for the seat of the Tribunal in the light of the criteria set out in paragraph 6 of resolution 955 (1994), the Secretary-General has been guided by the preference expressed for Rwanda as the location of the seat if feasible and appropriate, or for any other location meeting the criteria set out in the resolution, including, in particular, "access to witnesses". A preference for an "African seat" was thus indicated by the Security Council. Based on this preference the Secretary-General decided that a technical mission to identify suitable premises for the seat of the International Tribunal would visit Rwanda and two of its neighbouring countries, Kenya and the United Republic of Tanzania.

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B. Various options for the location of the seat

1. Technical mission report

38. A technical mission headed by the Chief, Administrative and Operations Section, Buildings Management Service of the United Nations Secretariat, visited Rwanda, Kenya and the United Republic of Tanzania during the second half of December 1994. In surveying available premises for the seat of the Tribunal in all three locations, the mission concluded that:

(a) There is a severe shortage of premises in Kigali that could accommodate the needs of the Tribunal properly and provide adequate security. Most buildings suffered heavy damage as a result of the war and extensive and costly repairs would be needed to make them operational again;

(b) Nairobi, as a possible location for the seat of the Tribunal, has the advantage of having the necessary infrastructure, support facilities and communication systems and, more importantly, it has a large United Nations presence. Government officials initially indicated that they would be willing to assist in identifying suitable premises if requested to do so by their Government;

(c) Unlike Nairobi, Arusha lacks adequate infrastructure, and a great number of support facilities would have to be imported. The Government of the United Republic of Tanzania, however, indicated its willingness to support the International Tribunal and assist in its accommodation in Arusha. In that connection a concrete offer was made for the Tribunal to use the premises of the Arusha International Conference Centre for its seat. The mission concluded that, with the necessary construction work, the Centre, which is a self-contained complex equipped with a developed communication system and other facilities, could constitute suitable premises for the seat of the Tribunal.

39. Following the submission of the technical report, a formal request was addressed by the Legal Counsel to the Kenyan Mission to the United Nations to assist in identifying suitable premises for the seat of the Tribunal. In response, the Permanent Representative of Kenya informed the Legal Counsel that, after careful consideration of the various aspects relating to the location of the Tribunal, the Kenyan Government decided that it would not be in a position to provide a seat for the Tribunal.

40. The question of the seat was also raised in a meeting between the Director and Deputy to the Under-Secretary-General, Office of the Legal Counsel, and the Permanent Representative of Rwanda to the United Nations. The Rwandan Ambassador reiterated his Government's position that the seat of the Tribunal should be located in Kigali for the moral and educational value that its presence there would have for the local population. In a spirit of compromise and cooperation, however, he indicated that his Government would raise no objection to the seat of the Tribunal being established in a location easily accessible to Rwanda in a neighbouring State

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2. Criteria for determination of the seat

41. Against this background the Secretary-General has undertaken an examination of the criteria set out in paragraph 6 of resolution 955 (1994) in respect of two countries: Rwanda and the United Republic of Tanzania.

"Justice and fairness"

42. In the view of the Secretary-General, the criterion of "justice and fairness" in the context of selecting a location for the seat means the conduct of trial proceedings in an environment that would ensure justice and fairness to both victims and accused. Although the international character of the Rwanda Tribunal is a guarantee of the just and fair conduct of the legal process, it is nevertheless necessary to ensure not only the reality but also the appearance of complete impartiality and objectivity in the prosecution of persons responsible for crimes committed by both sides to the conflict. Justice and fairness, therefore, require that trial proceedings be held in a neutral territory.

43. In this connection, the Secretary-General notes that, in the atmosphere now prevailing in Rwanda, there are serious security risks in bringing into the country leaders of the previous regime alleged to have committed acts of genocide to stand trial before the International Tribunal.

"Administrative efficiency and economy"

44. On the basis of the technical report, the choice of Kigali as the seat of the Tribunal, even if premises were available, would have entailed extensive and costly repairs to make them operational again. Arusha, on the other hand, has the advantage of having readily available premises, which may be offered either rent-free, or at a very low rate. Furthermore, the proximity of Arusha to victims, witnesses and potential accused persons situated in Rwanda and neighbouring States, and its accessibility by air to and from all of these locations, will considerably reduce the travel costs that would be otherwise entailed in the choice of a more distant location.

3. Recommendation for the seat

45. On the basis of the foregoing and given the positions of the Governments of Rwanda, Kenya and the United Republic of Tanzania and having, in addition, examined the considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy, as mandated by paragraph 6 of Security Council resolution 955 (1994), it is my conclusion that the choice of Rwanda as the location of the seat would not be feasible or appropriate and that Arusha, the United Republic of Tanzania, should be selected as the seat of the Tribunal. I, therefore, recommend to the Security Council that, subject to appropriate arrangements between the United Nations and the Government of the United Republic of Tanzania acceptable to the Council, Arusha be determined as the seat of the International Tribunal for Rwanda.

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Notes

1/ General Assembly resolution 260 (A) (III).

2/ In resolution 918 (1994), the Council decided to impose sanctions against Rwanda and, in resolution 929 (1994), it authorized a temporary humanitarian operation under the command and control of a Member State ("Operation Turquoise").

3/ In its letter to the Secretary-General of 6 August 1994, the Government of Rwanda stated that an international tribunal, along the lines of the Yugoslav Tribunal, would help to promote peace and reconciliation among the parties and remove destabilizing elements from Rwanda and neighbouring States. The Government undertook to prevent summary executions and to hold in custody persons alleged to have committed acts of genocide pending prosecution by the International Tribunal. In addition, in a statement dated 28 September 1994 on the question of refugees and security in Rwanda (S/1994/1115, annex), the Government of Rwanda called for the setting up, as soon as possible, of an international tribunal to try persons alleged to have committed genocide.

4/ Genocide, according to article I of the Genocide Convention, is a crime under international law whether committed in time of peace or in time of war.

5/ Crimes against humanity were described in article 5 of the statute of the Yugoslav Tribunal as those enumerated in the article, "when committed in armed conflict, whether international or internal in character". Article 3 of the Rwanda statute makes no reference to the temporal scope of the crime; there is, therefore, no reason to limit its application in that respect.

6/ Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949, Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949, Convention relative to the Treatment of Prisoners-of-War of 12 August 1949, Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (United Nations, Treaty Series, vol. 75, No. 970-973).

7/ Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) of 8 June 1977, (United Nations, Treaty Series, vol. 1125, No. 17513).

8/ Although the question of whether common article 3 entails the individual responsibility of the perpetrator of the crime is still debatable, some of the crimes included therein, when committed against the civilian population, also constitute crimes against humanity and as such are customarily recognized as entailing the criminal responsibility of the individual.

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February 1995

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REPORT OF THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 5
OF SECURITY COUNCIL RESOLUTION 955 (1994)

I. INTRODUCTION

1. Resolution 955 (1994) of 8 November 1994, by which the Security Council established an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandese citizens responsible for genocide and other such violations committed in the territory of neighbouring States, represented the culmination of a series of resolutions in which the Council had condemned the systematic and widespread violations of international humanitarian law in Rwanda and, in particular, the mass killing of tens of thousands of civilians with impunity.

2. In resolution 918 (1994) of 17 May 1994, the Secretary-General was requested to present a report on the investigation of serious violations of international humanitarian law committed in Rwanda. In my report to the Council of 31 May 1994 (S/1994/640), I noted that massacres and killings had continued in a systematic manner throughout Rwanda and that only a proper investigation could establish the facts in order to determine responsibility.

3. By resolution 935 (1994) of 1 July 1994, the Secretary-General was requested to establish an impartial commission of experts. In its interim report (S/1994/1125), the Commission submitted its preliminary conclusions on serious breaches of international humanitarian law and acts of genocide committed in Rwanda, and recommended that the individuals responsible for those acts be brought to justice before an independent and impartial international criminal tribunal. In its final

existed overwhelming evidence to prove that acts of genocide against the Tutsi ethnic group had been committed by Hutu elements in a concerted, planned, systematic and methodical way, in violation of article II of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 1/ (hereinafter "the Genocide Convention"); that crimes against humanity and serious violations of international humanitarian law were committed by individuals on both sides of the conflict, but there was no evidence to suggest that acts committed by Tutsi elements were perpetrated with an intent to destroy the Hutu ethnic group as such, within the meaning of the Genocide Convention.

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~~4. The present report is submitted pursuant to paragraph 5 of~~

~~the Secretary-General to implement the resolution urgently and to make practical arrangements for the effective functioning of the Tribunal, including recommendations to the Council as to possible locations for the seat of the Tribunal, and to report periodically to the Council.~~

5. While the Council has been periodically informed of the implementation of resolution 955 (1994), through letters from the Secretary-General, oral briefings and recently through the progress report on the United Nations Assistance Mission for Rwanda (UNAMIR) (S/1995/107, paras. 19-22), this is the first time that the Secretary-General is submitting a formal report on the Tribunal. Accordingly, I have decided that it would be useful to provide the Council with a comprehensive report.

The first section analyses the legal basis for the establishment of the International Tribunal for Rwanda (hereinafter also referred to as "the Rwanda Tribunal") and its legal status. The second contains a succinct review of the main provisions of the statute of the Rwanda Tribunal where they differ from the provisions of the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia (hereinafter "the Yugoslav Tribunal") (see S/25704). The third section of the report outlines the two-stage approach to the establishment of the Rwanda Tribunal and the practical arrangements made thus far for its functioning. Finally, in the fourth section of the report, the Secretary-General examines the various options for the location of the seat of the Tribunal in the light of the criteria set out in paragraph 6 of resolution 955 (1994) and makes his recommendation for the location of the seat of the Tribunal.

II. LEGAL BASIS FOR THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

6. Having determined on two previous occasions that the situation in Rwanda constituted a threat to peace and security in the region, 2/ the Council, in its resolution 955 (1994), determined that the situation in Rwanda continued to constitute a threat to international peace and security and, accordingly, decided to establish the International Tribunal.

Nations. The establishment of the International Tribunal under Chapter VII, notwithstanding the request received from the Government of Rwanda, 3/ was necessary to ensure not only the cooperation of Rwanda throughout the life-span of the Tribunal, but the cooperation of all States in whose territory persons alleged to have committed serious violations of international humanitarian law and acts of genocide in Rwanda might be situated. A Tribunal based on a Chapter VII resolution was also necessary to ensure a speedy and expeditious method of establishing the Tribunal.

7. Unlike the establishment of the Yugoslav Tribunal, which was done in a two-stage process of two Security Council resolutions (resolutions 808 (1993) and 827 (1993)), the Security Council decided that, in drawing upon the experience gained in the Yugoslav Tribunal, a one-step process and a

8. The International Tribunal for Rwanda is a subsidiary organ of the Security Council within the meaning of Article 29 of the Charter. As such, it is dependent in administrative and financial matters on various United Nations organs; as a judicial body, however, it is independent of any one particular State or group of States, including its parent body, the Security Council.

9. The establishment of the Rwanda Tribunal at a time when the Yugoslav Tribunal was already in existence, dictated a similar legal approach to the establishment of the Tribunal. It also mandated that certain organizational and institutional links be established between the two Tribunals to ensure a unity of legal approach, as well as economy and efficiency of resources. The statute of the Rwanda Tribunal, which was an adaptation of the statute of the Yugoslav Tribunal to the circumstances of Rwanda, was drafted by the original sponsors of Security Council resolution 955 (1994) and discussed among members of the Council. Rwanda, as a member of the Security Council at the time that resolution 955 (1994) was adopted, thus participated fully in the deliberations on the statute and the negotiations leading to the adoption of the resolution.

III. MAIN PROVISIONS OF THE STATUTE OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

A. Competence of the International

Tribunal

10. The competence of the International Tribunal for Rwanda is circumscribed in time, place and subject-matter jurisdiction. Article 1 of the statute provides that the International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandese citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994. The crimes in respect of which the Tribunal is competent are set out in articles 2 to 4 of the statute.

1. Subject-matter jurisdiction

11. Given the nature of the conflict as non-international, in

~~character; the Council has incorporated within the subject-matter jurisdiction of the Tribunal violations of international humanitarian law which may either be committed in both international and internal armed conflicts, such as the crime of genocide 4/ and crimes against humanity, 5/ or may be committed only in internal armed conflict, such as violations of article 3 common to the four Geneva Conventions, 6/ as more fully elaborated in article 4 of Additional Protocol II. 7/~~

12. In that latter respect, the Security Council has elected to take a more expansive approach to the choice of the applicable law than the one underlying the statute of the Yugoslav Tribunal, and included within the subject-matter jurisdiction of the Rwanda Tribunal international instruments regardless of whether they were considered part of customary international law or whether they have customarily entailed

~~the individual criminal responsibility of the perpetrator of the crime. Article 4 of the statute, accordingly, includes violations of Additional Protocol II, which, as a whole, has not yet been universally recognized as part of customary international law, and for the first time criminalizes common article 3 of the four Geneva Conventions. 8/~~

2. Territorial and temporal jurisdiction

13. The territorial jurisdiction of the International Tribunal extends beyond the territory of Rwanda to that of neighbouring States, in respect of serious violations of international humanitarian law committed by Rwandese citizens. In extending the territorial jurisdiction of the Tribunal beyond the territorial bounds of Rwanda, the Council envisaged mainly the refugee camps in Zaire and other neighbouring countries in which serious violations of international humanitarian law are alleged to have been committed in connection with the conflict in Rwanda.

14. The temporal jurisdiction of the Tribunal is limited to one year, beginning on 1 January 1994 and ending on 31 December 1994. Although the crash of the aircraft carrying the Presidents of Rwanda and Burundi on 6 April 1994 is considered to be the event that triggered the civil war and the acts of genocide that followed, the Council decided that the temporal jurisdiction of the Tribunal would commence on 1 January 1994, in order to capture the planning stage of the crimes.

B. Organization and structure of the International Tribunal

15. The International Tribunal for Rwanda consists of three organs:

(a) The chambers, comprising two trial chambers and an appeals chamber; each Trial Chamber is composed of three judges and the Appeals Chamber is composed of five;

(b) A Prosecutor; and

(c) A Registry.

16. Under article 12, paragraph 2, of the statute, the members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda. In providing for a common Appeals Chamber for the two Tribunals, the Council was aware of the fact that, if no restrictions are

~~put on the nationalities of nominees for judges, there could~~
be a situation where more than one judge of the Rwanda
Tribunal will have the same nationality. In order to prevent
such an eventuality, article 12, paragraph 3 (b), of the
Rwanda statute provides in its relevant part that:

"... each State may nominate up to two candidates meeting

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the qualifications set out in paragraph 1 above, no two of
them shall be of the same nationality and neither of whom

17. Article 15, paragraph 3 of the Statute of the Rwanda Tribunal provides that the Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda, with such additional staff, including an additional Deputy Prosecutor, to assist with prosecutions before the International Tribunal for Rwanda. The statute thus envisages commonality not only in the person of the Prosecutor, but also in the staff of the Prosecutor's Office.

C. Other statutory provisions

18. Article 14 of the statute of the Rwanda Tribunal provides that the judges of the International Tribunal shall adopt the rules of procedure and evidence for the conduct of the pretrial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia, with such changes as they deem necessary. It was thus the intention of the Council that, although the rules of procedure and evidence of the Yugoslav Tribunal should not be made expressly applicable to the Rwanda Tribunal, they should nevertheless serve as a model from which deviations will be made when the particular circumstances of Rwanda so warrant.

19. Imprisonment shall, according to article 26 of the statute, be served in Rwanda, or in any of the States on a list of States that have indicated to the Security Council their willingness to accept convicted persons. Unlike the former Yugoslavia, Rwanda is not excluded from the list of States where prison sentences pronounced by the International Tribunal for Rwanda may be served.

20. Article 30 of the statute provides that the expenses of the Tribunal shall be the expenses of the Organization in accordance with Article 17 of the Charter. In clearly distinguishing between the competence of the Security Council to establish the International Tribunal and the budgetary authority of the General Assembly to decide on its financing, the Security Council did not pronounce itself on the mode of financing, i.e., regular budget or a special account

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RESOLUTION 955 (1994)

21. The urgent need to start up the operation of the International Tribunal for Rwanda immediately necessitated a phased approach to the establishment of the Tribunal in accordance with the chronological order of the legal process, from the stage of the investigation and the preparation of indictments to the conduct of trial proceedings. A phased approach also facilitated more accurate estimates of the full financial requirements of the Tribunal over time and as information became gradually available.

22. I, therefore, approved a plan for the establishment of the Tribunal in two phases. The first phase envisaged the establishment of an investigative/prosecutorial unit, the

~~prosecutorial unit of the Tribunal and a core unit of~~
~~office premises for the investigative/prosecutorial unit,~~
establishment of an Administrative unit and a secretariat, and the preparation of a request for initial funding. In the second phase, judges will be elected, practical arrangements for the establishment of the seat will be put in place, the staffing will be completed and the Tribunal, as a whole, will be fully operational.

A. First phase of the operation of the International Tribunal

23. The first phase of the operation of the International Tribunal for Rwanda began with the establishment of the Investigative/prosecutorial Unit in Kigali. The main functions of the Unit are to establish the Prosecutor's Office and recruit staff, gather documents and information from Governments, intergovernmental and non-governmental organizations, transfer all information collected from the Commission of Experts established pursuant to Security Council resolution 935 (1994) and the Special Investigative Unit established by the High Commissioner for Human Rights, develop the investigative strategy and field operational procedures and initiate the process of investigations and the preparation of indictments.

24. With a view to utilizing, to the extent possible, existing human and financial resources and drawing upon the experience already gained by the Prosecutor and the High Commissioner for Human Rights in the investigations of serious violations of international humanitarian law, it was decided that the core Investigative Unit would consist of investigators of the Prosecutor's Office of the International Tribunal for the Former Yugoslavia and of the Special Investigative Unit established by the High Commissioner for Human Rights.

25. In accordance with article 15, paragraph 3, of the statute of the Rwanda Tribunal, I appointed Mr. Honore Rakotomanana (Madagascar) as the Deputy Prosecutor. Mr. Rakotomanana has already initiated the operation of the Unit in Kigali and is engaged in staffing his Office.

26. Temporary office space for the initial phase of the operation of the Investigative/Prosecutorial Unit has been identified in the UNICEF Building in Kigali, where the core investigative Unit is currently located. Office premises in

permanent location for the Unit.

27. Security for the Investigative/Prosecutorial Unit, its premises and investigators while on mission, will be provided by UNAMIR in accordance with Security Council resolution 965 (1994).

28. A small Administrative Unit has been established, initially within the Office of Legal Affairs, to support the start-up operations of the Prosecutor's Office in Rwanda. The Administrative Unit, which forms the core registry, is presently handling all administrative, financial and personnel matters pertaining to the commencement of the operation of the Tribunal.

29. A trust fund to assist in the activities of the International Tribunal for Rwanda was established by the Secretary-General pursuant to Security Council resolution 955 (1994).

non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel, was sent out on 9 January 1995. Contributions to the Trust Fund have already been received from several States, including a pledge to donate equipment in the equivalent amount of \$1 million.

30. Pending the preparation of a full budgetary submission to the General Assembly of the estimated financial requirements of the International Tribunal for Rwanda for the biennium 1994-1995, a request has been submitted to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the initial funding of the first phase of the operation, i.e., 1 January-31 March 1995. The estimated requirements, based on the anticipated activities to be carried out during that period are in the amount of \$3,951,200. They include recruitment of the core investigative and administrative staff, retention of office premises, procurement and establishment of computer and communications systems, administrative costs, costs of transfer of materials between Rwanda, Geneva and The Hague in connection with the Commission of Experts and travel costs on official business between these locations and within Rwanda.

31. Pending consideration of the request by ACABQ, resources have been made available from the Trust Fund to permit initial recruitment and travel of staff from the Yugoslav Tribunal to Rwanda. In addition, the Secretary-General has authorized expenditures up to a maximum of \$191,600 for the period 15 January to 14 February 1995.

B. Second phase of the operation of the International Tribunal

32. Once the Security Council has made a determination as to the seat of the Tribunal, the process of electing judges will commence. With a common Appeals Chamber composed of five judges already in place, only six trial judges will have to be elected. Since the judges have to adopt rules of procedure and evidence, it is essential that they are elected as soon as possible. At the same time it is important that the judges take office shortly before the commencement of trial proceedings to avoid the financial implications entailed in

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session of the judges to be convened for the sole purpose of adopting the rules of procedure and evidence.

33. Upon the determination of the seat, negotiations will be undertaken by the Office of Legal Affairs with the host country to conclude a headquarters agreement and a lease agreement for the premises of the Tribunal.

34. During the second stage of the operation of the Tribunal, the process of the staffing of the Prosecutor's Office and the Registry will be completed and the Tribunal, as a whole, will be fully operational.

IV. LOCATION OF THE SEAT OF THE INTERNATIONAL TRIBUNAL FOR RWANDA

A. Guidelines for the determination of the seat

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36. In examining the question of the seat for the purpose of paragraph 6 of Security Council resolution 955 (1994), a flexible approach was adopted. Although normally, the seat of a tribunal would indicate the place where all its organs are located, in the present case the "seat" of the International Tribunal for Rwanda is interpreted to mean the place where trial proceedings are held and trial chambers are located. With a common Appeals Chamber and a common Prosecutor already located in The Hague and the Investigative/Prosecutorial Unit already established in Kigali, the operations of the Rwanda Tribunal, ranging from investigation, preparation of indictments and trial proceedings, both in the Trial Chambers and in the Appeals Chamber, will most probably be carried out in three different locations. It may be noted, however, that, although the various organs of the International Tribunal, wherever located, form part of the Tribunal, a determination of the seat is required by paragraph 6 of resolution 955 (1994) only in respect of the location of trial proceedings.

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B. Various options for the location of the seat
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1. Technical mission report

38. A technical mission headed by the Chief, Administrative and Operations Section, Buildings Management Service of the ~~United Nations Secretariat~~, visited Rwanda, Kenya and the United Republic of Tanzania during the second half of December 1994. In surveying available premises for the seat of the Tribunal in all three locations, the mission concluded that:

(a) There is a severe shortage of premises in Kigali that could accommodate the needs of the Tribunal properly and provide adequate security. Most buildings suffered heavy damage as a result of the war and extensive and costly repairs would be needed to make them operational again;

(b) Nairobi, as a possible location for the seat of the Tribunal, has the advantage of having the necessary infrastructure, support facilities and communication systems and, more importantly, it has a large United Nations presence. Government officials initially indicated that they would be willing to assist in identifying suitable premises if requested to do so by their Government;

(c) Unlike Nairobi, Arusha lacks adequate infrastructure, and a great number of support facilities would have to be imported. The Government of the United Republic of Tanzania, however, indicated its willingness to support the International Tribunal and assist in its accommodation in Arusha. In that connection a concrete offer was made for the Tribunal to use the premises of the Arusha International Conference Centre for its seat. The mission concluded that, with the necessary construction work, the Centre, which is a self-contained complex equipped with a developed communication system and other facilities, could constitute suitable premises for the seat of the Tribunal.

39. Following the submission of the technical report, a formal request was addressed by the Legal Counsel to the Kenyan Mission to the United Nations to assist in identifying suitable premises for the seat of the Tribunal. In response, the Permanent Representative of Kenya informed the Legal Counsel that, after careful consideration of the various aspects relating to the location of the Tribunal, the Kenyan Government decided that it would not be in a position to provide a seat for the Tribunal.

40. The question of the seat was also raised in a meeting between the Director and Deputy to the Under-Secretary-General, Office of the Legal Counsel, and the Permanent

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~~Reprewe-tal of Rwanda at the United Nations.~~ The Rwandan

Ambassador reiterated his Government's position that the seat of the Tribunal should be located in Kigali for the moral and educational value that its presence there would have for the local population. In a spirit of compromise and cooperation, however, he indicated that his Government would raise no objection to the seat of the Tribunal being established in a location easily accessible to Rwanda in a neighbouring State.

2. Criteria for determination of the seat

41. Against this background the Secretary-General has undertaken an examination of the criteria set out in paragraph 6 of resolution 955 (1994) in respect of two countries: Rwanda and the United Republic of Tanzania.

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42. In the view of the Secretary-General, the criterion of "justice and fairness" in the context of selecting a location ~~for the seat means the conduct of trial proceedings in an~~ environment that would ensure justice and fairness to both victims and accused. Although the international character of the Rwanda Tribunal is a guarantee of the just and fair conduct of the legal process, it is nevertheless necessary to ensure not only the reality but also the appearance of complete impartiality and objectivity in the prosecution of persons responsible for crimes committed by both sides to the conflict. Justice and fairness, therefore, require that trial proceedings be held in a neutral territory.

43. In this connection, the Secretary-General notes that, in the atmosphere now prevailing in Rwanda, there are serious security risks in bringing into the country leaders of the previous regime alleged to have committed acts of genocide to stand trial before the International Tribunal.

"Administrative efficiency and economy"

44. On the basis of the technical report, the choice of Kigali as the seat of the Tribunal, even if premises were available, would have entailed extensive and costly repairs to make them operational again. Arusha, on the other hand, has the advantage of having readily available premises, which may be offered either rent-free, or at a very low rate. Furthermore, the proximity of Arusha to victims, witnesses and potential accused persons situated in Rwanda and neighbouring States, and its accessibility by air to and from all of these locations, will considerably reduce the travel costs that would be otherwise entailed in the choice of a more distant location.

3. Recommendation for the seat

45. On the basis of the foregoing and given the positions of the Governments of Rwanda, Kenya and the United Republic of Tanzania and having, in addition, examined the considerations of justice and fairness as well as administrative efficiency, including access to witnesses, and economy, as mandated by paragraph 6 of Security Council resolution 955 (1994), it is my conclusion that the choice of Rwanda as the location of the seat would not be feasible or appropriate and that Arusha, the United Republic of Tanzania, should be selected as the seat of the Tribunal. I, therefore, recommend to the Security Council that, subject to appropriate arrangements between the United

~~Nations and the Government of the United Republic of Tanzania~~
~~acceptable to the Council, Arusha be determined as the seat of~~
~~the International Tribunal for Rwanda.~~

Notes

1/ General Assembly resolution 260 (A) (III).

2/ In resolution 918 (1994), the Council decided to impose sanctions against Rwanda and, in resolution 929 (1994), it authorized a temporary humanitarian operation under the command and control of a Member State ("Operation Turquoise").

3/ In its letter to the Secretary-General of 6 August 1994, the Government of Rwanda stated that an international tribunal, along the lines of the Yugoslav Tribunal, would help to promote peace and reconciliation among the parties and remove destabilizing elements from Rwanda and neighbouring States. The Government undertook to prevent summary executions and to hold in custody persons alleged to have

~~committed acts of genocide pending prosecution by the~~
~~International Tribunal.~~ In addition, in a statement dated 28 September 1994 on the question of refugees and security in Rwanda (S/1994/1115, annex), the Government of Rwanda called for the setting up, as soon as possible, of an international tribunal to try persons alleged to have committed genocide.

4/ Genocide, according to article I of the Genocide Convention, is a crime under international law whether committed in time of peace or in time of war.

5/ Crimes against humanity were described in article 5 of the statute of the Yugoslav Tribunal as those enumerated in the article, "when committed in armed conflict, whether international or internal in character". Article 3 of the Rwanda statute makes no reference to the temporal scope of the crime; there is, therefore, no reason to limit its application in that respect.

6/ Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12 August 1949, Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12 August 1949, Convention relative to the Treatment of Prisoners-of-War of 12 August 1949, Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (United Nations, Treaty Series, vol. 75, No. 970-973).

7/ Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) of 8 June 1977, (United Nations, Treaty Series, vol. 1125, No. 17513).

8/ Although the question of whether common article 3 entails the individual responsibility of the perpetrator of the crime is still debatable, some of the crimes included therein, when committed against the civilian population, also constitute crimes against humanity and as such are customarily recognized as entailing the criminal responsibility of the individual.

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**SECOND REPORT OF THE SECRETARY-GENERAL ON SECURITY
IN THE RWANDESE REFUGEE CAMPS**

I. INTRODUCTION

1. The present report is submitted in pursuance of the statement by the President of the Security Council dated 30 November 1994 (S/PRST/1994/75), in which the Security Council stressed that a determined effort must be made by the international community to promote the repatriation of the Rwandese refugees, to reduce intimidation of prospective returnees and to improve security in the Rwandese refugee camps, especially those in Zaire. To that end, the Security Council requested me, inter alia, to continue to explore, as appropriate, all possible means of addressing the problems of security in the Rwandese refugee camps.
2. While there have been some positive developments since my report of 18 November 1994 (S/1994/1308) in respect of the creation of conditions conducive to repatriation, the continuing presence of nearly 2 million Rwandese refugees in Burundi, the United Republic of Tanzania and Zaire is a matter of serious concern. The general security situation in the camps remains dangerous for both refugees and relief workers. The situation is also potentially destabilizing for the host countries and for the subregion as a whole. The only effective solution to this problem remains the safe and voluntary repatriation of the refugees. Accordingly, and taking into account the improving situation within Rwanda, the Office of the United Nations High Commissioner for Refugees (UNHCR) reiterated, in December 1994, that it would assist, wherever possible, the voluntary return of those refugees who wished to go back to Rwanda.
3. The Government of Rwanda has signed tripartite agreements with UNHCR and the Governments of Burundi and Zaire respectively on the voluntary repatriation of refugees. These agreements define the conditions for repatriation, including returnee protection and land tenure. The Governments of Rwanda and the United Republic of Tanzania are also involved in an ongoing dialogue on issues affecting the refugees in the latter country and their repatriation to Rwanda.

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4. So far, only 200,000 refugees out of those who left the country after 6 April 1994 have returned to Rwanda. As indicated in my report of 18 November, the combined factors of intimidation by the former government leaders, military

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and militia of refugees who wish to return to Rwanda and the concern on the part of the refugees that they may face reprisals and/or may not be able to regain their property once they do return to the country continue to be the main factors impeding repatriation.

5. In pursuance of the Security Council's presidential statement of 30 November, I dispatched a joint technical team from the Department of Peace-keeping Operations and UNHCR, to Rwanda, the United Republic of Tanzania and Zaire from 11 to 19 December to review the situation prevailing in the refugee camps. The team's findings are summarized below.

II. PRESENT SITUATION

A. Refugees in Burundi

6. There are approximately 200,000 refugees, mostly from southern Rwanda, in Burundi, primarily in the northern region of the country. There is constant movement of refugees in this area, as Rwandese continue to seek security in Burundi and both Rwandese and Burundi nationals continue to move to the United Republic of Tanzania in search of more secure conditions.

7. Considering the very sensitive nature of the security problems in Burundi, UNHCR's efforts to address security in the refugee camps essentially have centred around improved monitoring of the prevailing conditions, through an effective field presence and vigorous demarches with the civilian and military authorities. UNHCR plans to continue to pursue this course of action, and is assigning an increased number of experienced officers not only to the regions of Burundi hosting refugees but also to the capital.

B. Refugees in the United Republic of Tanzania

8. There are approximately 600,000 Rwandese refugees living in eight camps in the United Republic of Tanzania. While the population of these camps continues to increase, this influx, as noted above, consists mostly of Rwandese refugees from Burundi and Burundi nationals seeking more secure conditions.

9. The camps in the United Republic of Tanzania are relatively more secure and better organized than those in Zaire, mostly because fewer refugees fled to this area and the relief community was already established in the area before the influx took place. As in Zaire, the refugees have created governing structures similar to those that existed in Rwanda, beginning at the prefecture level and extending down to the commune level. They have chosen leaders who exercise authority at all levels of this hierarchy. (Some of these leaders held the same positions before the war.) As in refugee camps elsewhere, the local governing structure in the Rwandese camps in Zaire and the United Republic of Tanzania provides a sense of organization in the camps, as well as a security mechanism, and facilitates the delivery of relief assistance.

10. The refugees in the Tanzanian camps have been registered, and assistance is therefore delivered directly to them. Hence, there is no scope for the misuse of assistance by refugee leaders, as has been the case in Zaire. However.

extremist elements in the camps in the United Republic of Tanzania are reported to have considerable influence over the refugee population, though to a lesser extent than in Zaire.

11. The Tanzanian Government and UNHCR have determined that security in the camps can be enhanced through the deployment of Tanzanian police personnel. These personnel not only must be sufficient in number but must also be adequately equipped to maintain law and order. So far, 310 Tanzanian police, both general duty and special forces, have been assigned to the refugee camps. They are currently receiving assistance from UNHCR, covering such items as tents and food rations, as well as incentive allowances. UNHCR has also made vehicles and communications equipment available to the Tanzanian police force.

12. The refugee population has also created its own security force, the "refugee guardians", which cooperates with the Tanzanian police force. While conditions are currently stable in the camps, it is nevertheless felt that, given the degree of control the leaders have over the camp population, they could easily allow the security situation to deteriorate, should it be in their interest to do so.

C. Refugees in Zaire

13. There are approximately 1.4 million Rwandese refugees living in the camps in Zaire. These camps continue to be the most potentially explosive, with the most acute security situation in the camps north of Lake Kivu, in the Goma region, where approximately 850,000 refugees are located. It is therefore considered that, while further steps need to be taken to increase security in the camps in the United Republic of Tanzania and Burundi, priority should be accorded to increasing security in the camps in Zaire, especially in the Goma region.

14. For the most part, the refugees in the Goma area of Zaire fled Rwanda in mid-1994. The political leaders of the former Government, as well as their armed forces and the militia, fled to this area together with countless civilians as the Rwandese Patriotic Front (RPF) gained control over the western part of Rwanda in the last days of the war. As a result, the refugee population in Zaire tends to include more political, military and militia elements of the former Government than the camps in the United Republic of Tanzania or Burundi and their hostility towards the Government in Kigali is reflected in actions that have led to insecure conditions in the camps.

15. More specifically, the refugees are intimidated from publicly expressing their desire to return to Rwanda. The lives of such people, as well as the lives of politically moderate refugees or those who may have intermarried or are suspected of being infiltrators are seriously threatened and some of them are known to have been killed. There is also a significant threat of civil disturbances in the camps. This threat is especially acute when refugees congregate together, for example, when relief supplies are distributed. In addition, as in any area containing a large number of people living in highly dense and impoverished conditions, common crime is prevalent in the camps.

16. The threat to the safety of international relief workers is also significant. There are now 45 non-governmental organizations (NGOs) and about 1,600 international relief workers in the Goma area alone. A large number of local Zairian and Rwandese relief personnel also work in the camps.

The security threat to these relief workers includes harassment, especially on their way to and from the camps when they are frequently stopped, in some cases at gunpoint, and asked to pay tolls or are threatened for other reasons. There is also a significant risk that relief workers can be caught up in civil disturbances or incidents between refugees themselves. Some relief workers have been threatened by refugees who for some reason wrongly perceive them to be opposed to their interests.

17. Initially, the leaders in the camps were called upon to facilitate the delivery of relief assistance. Unfortunately, they misused this responsibility by using the delivery of assistance to persuade refugees to behave according to their interests and by hoarding and/or selling such assistance rather than distributing it. As a result, the incidence of malnutrition, especially in the most vulnerable groups, including women, children and the elderly, was initially much higher than it should have been given the level of assistance provided. Recently, it has however been possible to provide assistance more directly to the beneficiaries and, as a result, both the negative influence of the camp leaders and levels of malnutrition have been reduced. In addition, UNHCR is about to proceed with the registration of refugees in the camps, which will also help to ensure more effective delivery of relief assistance.

18. The Government of Zaire has taken steps in recent months to enhance the security situation in the camps. As a result, the security situation has improved somewhat since my last report. However, it is assessed that the potential for serious disturbances remains extremely high.

19. Recently, Japanese and United States seismologists have detected new signs of a possible volcanic eruption in the seismically active area of Goma. A UNHCR task force is preparing contingency plans for evacuation from camps that might be affected, including the identification of temporary sites for the relocation of the refugee population concerned. In the meantime, seismic activity is being monitored on a regular basis.

20. The majority of refugees are aware that their long-term interests will be served only by returning to Rwanda and that assistance cannot be provided to them indefinitely in the camps. It is assumed that at least 25 per cent of the refugees would not face land tenure problems upon their return to Rwanda and that, under present conditions, 25 to 50 per cent of the refugees could return in the next 6 to 12 months. UNHCR also considers that, if security is provided for repatriation, the rate of voluntary return to Rwanda would increase.

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III. MEASURES FOR THE ESTABLISHMENT OF SECURE
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IN THE CAMPS

A. Peace-keeping operation

21. In its presidential statement of 30 November, the Security Council requested me to consult with potential troop-contributing countries to assess their willingness to participate in a possible peace-keeping operation to enhance security in the camps modelled along the lines described in paragraphs 18 to 25 of my report of 18 November. The Council also requested me to provide a detailed description of the objectives, rules of engagement and costs of such an operation. Accordingly, the joint Department of Peace-Keeping Operations/UNHCR technical team was asked to collect pertinent information for use in the formulation of recommendations along the lines requested by the Security Council.

22. It will be recalled that the objective of the peace-keeping operation outlined in paragraphs 18 to 25 of my 18 November report was to provide security for international relief workers, protection for the storage and delivery of humanitarian assistance and safe passage to the Rwandese border for those refugees who wish to return to Rwanda. It was estimated that a force size of approximately 3,000 all ranks would be required to carry out these tasks in the camps north of Lake Kivu. A parallel operation, launched simultaneously in the area south of Lake Kivu, where conditions are marginally more secure, would require an additional 2,000 troops.

23. The proposed peace-keeping operation was to be conducted in two phases. During the first phase, two mechanized battalions would cordon off and establish secure areas in the camps, within which local security units would be formed and trained by international security experts. During the second phase of the operation, once reasonably secure conditions were deemed to have been created, the local forces would take over the security functions being performed by the peace-keeping troops, with back-up support provided by a smaller group of United Nations military personnel. The mechanized battalions would then move forward to create similar secure areas in other locations.

24. The joint technical mission confirmed the feasibility of such an approach, but considered that the operation would require more than the originally estimated 3,000 to 5,000 troops. It estimated that the tasks in the north Kivu region alone would require a force of 4,100, including military logistic support units, instead of 3,000 as indicated in my report of 18 November. The mission further concluded that a similar operation in the south Kivu region also would require a substantially stronger force than originally anticipated. The rules of engagement for such an operation would, in

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1. accordance with normal practice, authorize the use of force in self-defence, including against forcible attempts to impede the discharge of the operation's mandate. In addition, as foreseen for the United Nations Assistance Mission in Rwanda (UNAMIR) under resolution 918 (1994), the force would be
2. authorized to take action against persons or groups who threaten/protected sites and populations/ United Nations/ and other humanitarian personnel/ or the means of delivery and distribution of humanitarian relief/

25. Since the adoption of the presidential statement of 30 November, I have consulted with about 60 potential troop-contributing countries to ascertain their readiness to make available the troops necessary to undertake such an operation. As of 23 January, only one country had formally offered a unit. Under these circumstances, it is clear that the option of deploying a peace-keeping force to address the security issues in the refugee camps in Zaire is not feasible. Accordingly, it has not been considered necessary to prepare cost estimates for this option.

E. Alternative measures

1. An international police/military observer group

26. In its presidential statement of 30 November, the Security Council also requested me to assess the possibility of interim measures aimed at providing immediate assistance to the Zairian security forces in protecting humanitarian operations in the camps, including the possibility of deploying security experts, from member Governments or through contractual arrangements, to train and monitor the local security forces. Towards this end, the joint Department of Peace-Keeping Operations/UNHCR technical mission explored the possibility of an approach based on the deployment of Zairian security forces, which would assume responsibility for improving security in the camps, with the support of a group of United Nations civilian police and military observers.

27. In order to enhance security in the camps, it was considered that the local security forces should perform the following tasks:

(a) Patrolling. As noted above, refugees suffer from the high incidence of common crime, in addition to intimidation. Relief workers can also be easily caught up in civil disturbances. A 24-hour patrolling presence of security personnel could help to maintain law and order, thus alleviating such threats. These personnel would gradually develop relations with the refugees and their governing structures and would work with them in controlling and abating the incidence of common crime;

(b) Escort and guarding of static points. Given the risks present in travelling to and from Goma, an escort capacity should be created to accompany relief workers when travelling at night and in the early morning. A security presence would also be of benefit at static positions in the camps, including, for example, at aid-distribution points, UNHCR and NGO focal sites, hospitals, feeding centres and dispensaries. A security presence would also be required to keep a sense of order and calm during the census and registration of the refugees, which UNHCR is planning to conduct in the camps in the near future;

(c) Storage and transport of humanitarian assistance. The main security issue related to the storage of relief assistance is the looting of warehouses. While these areas

are currently guarded, the problem of looting has not been alleviated. An additional security presence, as well as increased lighting and fencing, are therefore required. The transport of assistance to and from the warehouses is deemed to be threatened at this time;

(d) Security for repatriation. Enhanced security is of particular importance to facilitate the repatriation of refugees who have expressed the wish to return to Rwanda. At present, just indicating a desire to return to Rwanda can put refugees in considerable danger. It is therefore considered essential that, upon indicating to relief workers their desire to return to Rwanda, refugees should be offered security, including immediate transfer to transit camps. Such camps would be established in Zaire at some distance from the refugee camps to house refugees until they can be transported to the border. These camps would require a 24-hour security presence. Security for the transportation of refugees to the border, which is now provided, should be strengthened.

28. As indicated above, it was envisaged that these tasks could be carried out by a local security force. A group of approximately 150 to 200 United Nations civilian police officers would be required to train and monitor the local forces. In addition, about 30 to 50 military observers would be deployed to liaise with the local forces at the command level on issues related to the overall implementation of the operation. The military observers would also assist coordinate repatriation.

29. During my meeting with him on 15 December 1994, the Prime Minister of Zaire, H.E. Mr. Kengo Wa Dondo, confirmed to me his Government's readiness to provide the troops necessary to enhance security in the camps. I therefore instructed my Special Representative for Rwanda, Mr. Shaharyar Khan, to visit Kinshasa to discuss with Zairian officials the possibility of the Government of Zaire undertaking these tasks, on the understanding that the international community would be encouraged to assist with an appropriate level of logistic and financial support.

30. Mr. Khan visited Kinshasa from 28 to 31 December. He was accompanied by a representative of UNHCR as well as the UNAMIR Deputy Force Commander and logistic experts. In Kinshasa, Mr. Khan was received by the Prime Minister and met with the Ministers of Defence, Justice, Foreign Affairs and the Interior. Technical talks were also held at the working level. Zairian officials indicated their Government's hope that the refugees would soon return to Rwanda. They stressed that effective steps should be taken in Rwanda to ensure that repatriation could take place in conditions of safety and dignity. They also reiterated the Zairian Government's commitment to address the security situation in the camps and indicated its readiness to initiate prompt action in that regard, with the cooperation and support of the United Nations.

31. The Government of Zaire indicated that it would be prepared to deploy a national security force of about 1,500 to 2,500 troops to the camps. Through technical discussions, the modalities of the logistic and other external support needed for these troops were considered. The Government welcomed the proposal that international police and military observers be deployed to the area to provide technical advice to the local security force and to monitor and coordinate the operation.

However, it pointed out that it did not favour deployment of United Nations peace-keeping troops to the camps.

32. In order to pursue this option, nearly 50 Member States were contacted to ascertain their willingness to provide police personnel, stressing the importance of French-speaking personnel. As of 23 January, only four countries had expressed an interest in providing civilian police personnel and only one of these countries was French-speaking. As regards military observers, it was felt that, in order to expedite implementation, the military observers could perhaps be provided by UNAMIR on a temporary basis, subject to the concurrence of the contributing countries concerned. These countries have been consulted in this regard. However, only one of them has so far responded that it would, in principle, be prepared to allow its military observers to operate in Zaire. It therefore seems that this second, more modest, approach to enhancing security in the camps in Zaire faces difficulties and cannot be pursued, at least at present.

33. Mr. Khan also visited the United Republic of Tanzania on 4 and 5 January 1995, where he was received by President Mwini and Prime Minister Msunya. While in Dar-es-Salaam, he also met with the Chief of Defence Staff of the Tanzanian Army and the Inspector-General of the Police. The Tanzanian Government also indicated its view that the refugees should return to Rwanda and that efforts should be continued to ensure that conditions conducive to voluntary repatriation of the refugees were created inside the country.

34. As noted above, at present, 310 Tanzanian police officers are providing security in the camps. The Government indicated that it would be prepared to increase this force to 500, but that it would require logistic and operational support from external sources in order to do so. Some support towards this end is currently being provided by the Government of the Netherlands through UNHCR.

2. Contractual arrangements

35. Another possibility, which has been explored by the Secretariat on a contingency basis, is the provision of training and monitoring support to the local security forces through contractual arrangements with a private organization. Under such arrangements, a local force would be trained by a team of 50 international instructors, 10 of whom would remain behind after the initial training was completed to provide further on-the-job training assistance. An additional 40 international experts would be required to monitor the operation and for liaison and coordination functions. It is estimated that the training programme would take a period of

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one month for each group of local personnel trained and that, within two months of the start of the operation, the first group of local personnel could be deployed to its area of operations. Within four months, the entire local force would be trained and deployed to the camps both north and south of Lake Kivu.

36. The possibility of undertaking such an operation, including the provision of logistic and other support to the local security forces, has been discussed with UNHCR.

However, initial financial estimates show that an operation of this nature would be costly. Moreover, since it would have to be funded entirely through voluntary contributions, UNHCR does not feel that it would be able to mobilize the necessary resources, especially since some potential donor Governments have indicated that they would not be in favour of this approach.

C. Security measures through UNHCR

37. Since the various options described above do not appear feasible, at least at the present stage, I have recently held further consultations on the problem of security in the refugee camps, especially those in Zaire, with the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata. As a result of these consultations, it has been decided that UNHCR would follow up with the Government of Zaire on the discussions held by my Special Representative, with a view to concluding appropriate arrangements, under UNHCR's refugee protection and humanitarian assistance mandate, to enhance security in the camps. I have informed the Prime Minister of Zaire accordingly and have expressed to him the hope that these discussions would lead to the early definition and implementation of mutually acceptable arrangements to enhance the safety and security of the Rwandese refugees in Zaire.

38. UNHCR has dispatched a Special Envoy to Kinshasa for this purpose. UNHCR will keep me informed of the progress made in this regard and I shall advise the Security Council accordingly. UNHCR will also continue to explore means of augmenting support to the Tanzanian Government to enable it to increase the level of security it is currently providing in the camps. As regards the refugee camps in Burundi, UNHCR has indicated that, for the time being, the security situation in these camps is being adequately addressed through the measures described in paragraph 7 above. UNAMIR, for its part, will continue to coordinate closely with UNHCR in facilitating the safe and voluntary repatriation of the refugees to Rwanda.

IV. OBSERVATIONS

39. The scope and complexity of the problems in the Rwandese refugee camps, especially those in Zaire, represent an unprecedented challenge. It is therefore not surprising that the search for an appropriate solution to these problems has been a difficult process. As the present report demonstrates,

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the options aimed at enhancing security in the camps through a peace-keeping operation, under one form or another, do not appear viable, at least at the present time.

40. Peace-keeping is essentially an instrument for conflict management and resolution. It is true that in recent years it has undergone an important quantitative and qualitative evolution. However, it is not designed and has not generally been used to ensure security in refugee camps. Indeed, it has traditionally been the responsibility of the host countries to provide security to the refugees located on their territory, albeit with an appropriate level of support from the international community.

41. I therefore understand the hesitations of Member States regarding the idea of seeking a solution to the security problems in the camps through the instrument of peace-keeping. There is no doubt, however, that the innocent civilians, who fled Rwanda in the wake of a devastating civil war and are exposed daily to intimidation and violence in the camps, deserve the continued attention and assistance of the international community, both where they are now and in their efforts to return to their country. Furthermore, the humanitarian relief personnel, who are risking their lives to ensure that basic assistance reaches the refugees, should be provided with adequate security to be able to carry out their work effectively. I therefore strongly urge the international community to support the efforts of UNHCR, in cooperation with the Governments of Zaire and the United Republic of Tanzania, to put in place satisfactory security arrangements in the camps and to provide generously the resources required for this purpose.

42. Strengthening security in the camps is an indispensable step for creating conditions conducive to the voluntary repatriation of the refugees. However, as I stressed in my report of 18 November, any effort to provide security in the camps would be futile unless parallel steps are also taken inside Rwanda to ensure that the refugees can return to their home communities without fear of retribution or persecution and to promote genuine national reconciliation between all segments of Rwandese society. Until now the Government of Rwanda, which assumed power in a traumatized and shattered country, with its infrastructure virtually destroyed and its inhabitants severely dislocated, has been bereft of even the minimum resources to begin to restore normal conditions. The commitments made at the recent Round-table Conference on Rwanda and in response to the consolidated inter-agency appeal bring some hope that this process now can commence. This in turn would promote the prospects of reinvigorating the political process and providing a framework for the action to be taken to address security in the camps and repatriation of the refugees to Rwanda, as suggested by the Security Council in its statement of 30 November 1994.

43. The summit meeting of the leaders in the subregion, held in Nairobi on 7 January 1995, made a useful contribution towards the definition of such a framework. This meeting brought together the Presidents of Burundi, Kenya, Rwanda, the United Republic of Tanzania, Uganda and Zambia and the Prime Minister of Zaire. My Special Representative for Rwanda also attended the meeting. The regional leaders emphasized the close relationship between improving both security in the refugee camps and conditions inside Rwanda in order to create

an environment conducive to the voluntary repatriation of the refugees. In this connection, they affirmed their support for the establishment and operationalization of the International Tribunal for Rwanda; the separation of suspected perpetrators of genocide from innocent refugees and the separation of intimidators from the refugee camps, as well as the establishment of safe corridors from refugee camps to the Rwandese border and of safe corridors and transit points inside Rwanda. They commended the Government of Rwanda for the steps it has so far taken to establish a broad-based government administration and urged the Government, towards this end, to deepen its efforts, in the spirit of the Arusha peace accord. They further urged the Government of Rwanda to put in place additional confidence-building measures to encourage the voluntary return of refugees. The regional leaders also urged the international community to increase its economic support for the rehabilitation and reconstruction of Rwanda.

44. The progress achieved at the regional summit of 7 January should facilitate the work to be undertaken during the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region to be hosted by the Organization of African Unity and UNHCR in Bujumbura in mid-February. A preparatory meeting for the Conference was held in Addis Ababa on 9 January. I hope that the Conference will lead to further progress in creating the conditions necessary for the refugees and displaced persons to return to their homes in safety and dignity and that it will open the way to the holding of a broader conference aimed at identifying long-term solutions to promote and ensure peace, security and development in the subregion. Preliminary consultations with interested Governments are currently under way to develop a consensus on the issues to be addressed by such a conference.

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PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE
UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted in response to resolution 965 (1994) of 30 November 1994, by which the Security Council extended and expanded the mandate of the United Nations Assistance Mission for Rwanda (UNAMIR) for a period of six months until 9 June 1995. Under that resolution, the Council requested me to report by 9 February and 9 April on the execution of UNAMIR's mandate, the safety of populations at risk, the humanitarian situation and progress towards repatriation of refugees. The present report covers developments in Rwanda since my report of 25 November 1994 (S/1994/1344).

II. POLITICAL ASPECTS

2. While progress continues to be made in normalizing the situation in Rwanda, many challenges remain. During the reporting period, the Government of Rwanda has continued to take steps towards national reconciliation and reconstruction. If many of its pronouncements still have to be transformed into concrete programmes this is, for the most part, because of a lack of resources to run an effective public administration. In addition, while the civil administration is now largely in place throughout the country, important appointments, especially in such key sectors as the judiciary, remain to be made.

3. The Government has taken some steps to ensure that its message of national unity and reconciliation reaches the Rwandese people. On 20 December 1994, the Government was formally renamed the "Government of National Unity", a modification which, by dropping references to "transitional" and "broad-based" places primary emphasis on national reconciliation. Senior government officials, including the President, the Prime Minister, the Vice-President and the Minister of Defence continue to hold public rallies around the country, emphasizing the need for harmony, tolerance, unity and reconciliation.

4. The National Assembly, officially installed in Kigali on 25 November 1994, opened its first working session on 12 December. On that occasion, the Prime Minister presented an eight-point programme reiterating the goals of

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rehabilitation and reconstruction that the Government first set out when it was installed on 19 July 1994. The programme includes restoration of a climate of peace and security; restoration of civil administration at the national, provincial, communal, sectoral and local levels; restoration and strengthening of national unity; repatriation and resettlement of refugees and displaced persons; improvement of the living conditions of the Rwandese people and resolution of post-war social problems, with emphasis on orphans, widows and the handicapped; national economic recovery; redefinition of the country's foreign policies; and consolidation of democracy in the country. In his opening remarks, the Speaker of the National Assembly, Mr. Juvenal Nkusi, indicated that the work of the Assembly would be based on the principles of unity, democracy and respect for human rights. He called for the adoption of laws banishing forever ethnic discrimination and recommended the establishment of a commission for national unity and reconciliation.

5. Although the Assembly is composed of representatives of eight political parties and the national army, including an officer of the former Government's army, the previously dominant party, the Mouvement Républicain National Démocrate (MRND), is not represented.

6. I indicated in my last report that the Government had taken steps to reunify the army as a further measure towards reconciliation. In this connection, some 2,242 members of the former Rwandese Government Forces have undergone a five-month retraining programme. On 25 January, following its completion, a graduation ceremony was held for 73 officers and 1,011 soldiers. Another group of 900 soldiers has not yet completed the programme. At the ceremony, the Minister of Defence encouraged other military personnel from the Rwandese Government Forces to join the new national army. Rwandese Government Forces Officers have been given new appointments, including that of Deputy Chief of Staff and Chief of the Gendarmerie.

7. While further progress is expected in the reconciliation process, the security situation continues to be a matter of serious concern. Reports persist of summary executions, secret detention and torture. There are also reports of banditry and other violent acts against civilians, both in Kigali and in the countryside. In a recent statement, the Catholic Church, which is an influential institution in Rwanda, commended the Government's endeavours, especially in the re-establishment of essential services and infrastructure, but expressed concern over what it considered to be discriminatory, arbitrary and inhumane treatment of some citizens.

8. In two radio interviews in December, the Vice-President and Minister of Defence, as well as the Prime Minister, stressed that security in the country was a priority concern of the Government. As indicated in earlier reports, UNAMIR is helping the Government to establish a new police force. In the meantime, Rwandese military personnel continue to perform police duties.

9. A professional police force and functioning judiciary are essential to the establishment of internal security. Yet, at present, Rwanda's court system does not function, its prisons are overcrowded and thousands of suspects are awaiting trial. Of the 1,100 magistrates working in the judiciary before April 1994, only 100 are still in the country today and of 160 prosecutors, only 12 are

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still available. There is also an acute shortage of trained personnel to investigate alleged crimes. The United Nations Human Rights Field Operation in Rwanda, established by the United Nations High Commissioner for Human Rights, has been active in helping the Government to rehabilitate the justice system, but substantially more technical and financial assistance is required if this essential element in the Government's recovery programme is to be implemented in a timely manner.

10. As noted in my report of 25 January (S/1995/65) on security in the Rwandese refugee camps, repatriation is ultimately linked to the creation inside Rwanda of conditions conducive to the safe resettlement of returnees and to the pursuit, by the Rwandese Government, of a proactive policy of national reconciliation. The Governments of Zaire and the United Republic of Tanzania have both stressed this point during their recent discussions with my Special Representative. The seven-nation regional summit, which took place at Nairobi on 7 January and brought together the heads of State of Burundi, Kenya, Rwanda, Uganda, the United Republic of Tanzania, and Zambia, as well as the Prime Minister of Zaire, also urged the Government of Rwanda to put in place additional confidence-building measures to encourage the voluntary return of refugees. Senior Rwandese officials have reassured my Special Representative that the Government considers the peaceful resettlement of all returnees to be an indispensable step towards genuine reconciliation and lasting peace. The task of repatriating and resettling the estimated 2 million Rwandese refugees and the 350,000 displaced persons inside the country continues, however, to pose a major challenge to the Government.

11. On 23 December 1994, the Government established a commission for the repatriation and resettlement of refugees. This commission, which was provided for in the Arusha peace agreement (see S/26915), is composed of two representatives each of the Government, the Office of the United Nations High Commissioner for Refugees (UNHCR) and the refugee community, as well as a representative of the Organization of African Unity (OAU). Its mandate is to finalize and implement a programme for the repatriation and reintegration of refugees. To this end, it is planning, inter alia, to conduct a socio-economic survey of refugees, organize a pre-repatriation census and registration of returnees, launch an information and sensitization campaign directed at both refugees and the local population, identify resettlement sites, supervise the distribution of plots, facilitate the rehabilitation of basic infrastructure and transport for returnees, and supervise assistance provided to them. The Government has confirmed its support for these proposals. It has also supported and cooperated with UNAMIR's efforts to encourage the safe and voluntary return of internally displaced persons.

12. However, fears of reprisals continue to exist among refugees and internally displaced persons. I remain convinced that the dissemination of factual information is a vital tool in creating conditions for refugees and internally displaced persons to decide freely to return to their homes. In resolution 965 (1994), the Security Council welcomed UNAMIR's efforts to increase its radio-broadcasting capabilities so as to reach the refugee camps in neighbouring countries and expressed the hope that the Government of Rwanda and UNAMIR would soon conclude appropriate arrangements in that regard, including the allocation of a radio frequency.

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13. As I have already informed the Security Council, on 14 January the Government and UNAMIR signed an agreement on the establishment of the United Nations radio in Kigali and are now finalizing the necessary technical details to permit the commencement of radio operations. In this connection, UNAMIR has requested from the Government the allocation of a frequency and authorization for the installation of radio transmitters at sites that would permit broadcasts to reach the Rwandese population inside the country as well as in the refugee camps in neighbouring countries. UNAMIR is still awaiting the Government's response. Radio UNAMIR is currently staffed by three international and four local personnel. It is planned that it will initially broadcast for 4 hours per day, mainly in Kinyarwanda, the Rwandese national language, but also in English and French. In order to achieve these objectives, it will be necessary to strengthen the resources of the station, especially the number of editorial and technical staff.

III. HUMAN RIGHTS ASPECTS

14. There is strong evidence that awareness of human rights continues to grow in Rwanda. Respect for human rights is vital not only as a confidence-building measure to facilitate the return of the refugees and internally displaced persons, but also, in the long term, for the realization of genuine and lasting peace in this traumatized country. This continues to be the principal objective of the United Nations Human Rights Field Operation in Rwanda.

15. The number of human rights officers deployed has grown steadily and, as of 26 January 1995, stood at 88 including regular staff, experts and United Nations Volunteers (UNVs). An offer by the European Union of 36 fully equipped officers has been accepted by the United Nations High Commissioner for Human Rights. These officers will work under his authority and will be fully integrated into the Human Rights Field Operation. It is expected that a first contingent of 12 European Union personnel will be deployed in the second half of February, together with additional UNVs. Among the functions of the Human Rights Field Operation are the monitoring of human rights conditions in all parts of the country, including life-threatening situations and other urgent cases of possible human rights violations; liaison with the Government of Rwanda with respect to human rights education; monitoring of the conditions of detainees; participation in confidence-building measures aimed at the re-establishment of civic society in Rwanda; and coordination with other international agencies in the field.

16. All human rights officers in Human Rights Field Operation receive comprehensive training to prepare them for their responsibilities in Rwanda. This training, which takes place at Geneva and Kigali, will continue as new recruits are dispatched to the field.

17. It is especially significant that the Rwandese people themselves are increasingly engaged in the promotion of human rights and the rule of law. During the commemoration of the Universal Declaration on Human Rights on 10 December 1994, seminars, lectures and other public functions were organized in Rwanda, especially in Kigali. On that occasion, the Minister of Justice reaffirmed his Government's commitment to human rights, democracy, justice and

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national reconciliation. The Human Rights Field Operation, through its technical cooperation unit, contributes to the advancement of human rights awareness and education in the country generally and in particular sectors of society, such as the police. The Human Rights Field Operation also continues to work closely with the ministries of education, culture and women's affairs to broaden respect for human rights.

18. As a result of a needs assessment mission undertaken in December 1994, the High Commissioner for Human Rights has developed a programme of technical assistance in the administration of justice, which includes review of criminal cases of detainees, improvement in prison administration, establishment of civil dispute resolution mechanisms and recruitment and training of civilian police. In this connection, the Human Rights Field Operation has been coordinating the activities of a working group with government ministers comprising two committees which meet weekly. International assistance is being sought for these projects, as well as for the continued operation of the Human Rights Field Operation in general.

19. The Prosecutor of the International Tribunal for Rwanda, Judge Richard Goldstone, paid his first visit to the country on 19 and 20 December. He held detailed discussions with senior government officials as well as with my Special Representative, and also met with representatives of United Nations agencies and non-governmental organizations (NGOs) operating in Rwanda. During the visit, the Government and the Prosecutor expressed general satisfaction with their discussions and exchange of views, which focused on the future work of the International Tribunal.

20. The first stage of the operation of the International Tribunal for Rwanda has begun with the establishment of an investigative/prosecutorial unit, temporarily located in the United Nations Children's Fund (UNICEF) building in Kigali. The main functions of the unit are to establish the Prosecutor's Office, gather documents and information from Governments and intergovernmental and non-governmental organizations, initiate the process of recruitment, and develop the investigative strategy and field operating procedures. In accordance with article 15, paragraph 3, of the statute of the International Tribunal (S/1994/1405, appendix I), and upon the recommendation of the Prosecutor, I appointed Mr. Honoré Rakotomanana as Deputy Prosecutor to assist with prosecutions before the International Tribunal. The Deputy Prosecutor arrived in Kigali on 26 January for an initial visit in order to initiate the operations of the investigative unit. The High Commissioner for Human Rights has placed at the Tribunal's disposal the specialized personnel and all the investigatory work of the technical cooperation unit.

21. In December a United Nations technical mission visited Rwanda, Kenya and the United Republic of Tanzania in order to identify suitable premises for the seat of the Tribunal. The mission has presented its report and I will, in due course, submit my recommendation to the Security Council on the location of the seat.

22. On 24 January, I announced the creation of a Trust Fund to support the activities of the International Tribunal for Rwanda. A request for contributions has been sent to Member States. Contributions to the Fund would,

in the first instance, facilitate an early start to the Tribunal's work by allowing the deployment of teams to Rwanda to investigate suspected persons held in custody there and the identification and apprehension of those located elsewhere.

IV. MILITARY ASPECTS

23. As of 28 January, UNAMIR's force strength stood at 5,740 all ranks and 309 military observers (see annex I). Since my last report, the United Kingdom contingent, comprising 538 troops, and the Canadian contingent, comprising communications, logistics and medical units with a total strength of 308 troops, withdrew on schedule. The logistics unit was replaced by civilian contractual arrangements with backup provided through the deployment of a Canadian logistic support unit of 85 personnel. As indicated in my previous reports, UNAMIR's troop strength will gradually be reduced to its authorized level of 5,500.

24. UNAMIR's force structure and deployment have been adjusted as a result of recent security developments in the displaced person camps and the border regions, as well as the additional tasks given to UNAMIR under the expanded mandate contained in Security Council resolution 965 (1994) in which the Council decided, inter alia, that UNAMIR should contribute to the security in Rwanda of human rights officers and personnel of the International Tribunal. Consequently, elements of the Ghanaian and Zambian battalions and the Malian and Malawian companies have been redeployed to help to improve security in various communes in their respective areas of operation (sectors 2 and 3) and to assist in enhancing security for the resettlement of displaced persons (see map). Following an increase in armed attacks by groups infiltrating across the border with Zaire in the Kinemba, Kangano, Gafunso, Kirambo and Nyamashe areas of sector IV C, elements of the Ethiopian battalion stationed in this sector have also been redeployed along the shores of Lake Kivu. The Ethiopian Battalion is conducting limited boat patrols on the lake and has deployed its available night vision resources to cover coastal approaches in this sector from Ijwi Island. However, additional naval patrol capabilities and night vision resources would be required to enhance UNAMIR's monitoring activities in this area.

25. According to some reports, these raids could signal the start of an insurgency campaign by forces opposed to the current Government in Kigali, but none of the raids has, to date, been directed at military targets inside Rwanda. Rather, the focus has been on civilian settlements and property, with the attackers stealing food, cows, personal belongings and money. The Rwandese Patriotic Army seems to have reinforced its presence along the border region, which may explain the reported drop in the number and intensity of such incidents in recent days.

26. In pursuance of its mandate to protect displaced persons and civilians at risk and to provide security for humanitarian relief operations, UNAMIR undertook an operation, from 13 to 15 December, to enhance security in the Kibeho and Ndagò displaced person camps in the south-west (sector IV A) where disruptive elements had been active. The aim of the operation was to help to create conditions that would give the displaced persons the freedom to return voluntarily to their homes. The operation included screening of disruptive

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elements present in the camps and was undertaken in the presence of human rights monitors and representatives of the International Committee of the Red Cross (ICRC). A total of 44 people were detained and handed over to the Rwandese authorities in the presence of ICRC and human rights monitors. UNAMIR, using metal detectors, discovered and confiscated caches of grenades, machetes and spears. The Rwandese Patriotic Army provided liaison officers to assist in the screening process and established a security perimeter a few kilometres from the camps, but it did not participate in the actual operation.

27. The success of this operation helped to establish suitable conditions and a favourable climate for the launching, on 29 December 1994, of Operation Retour, which is an integrated inter-agency initiative aimed at facilitating the safe resettlement of internally displaced persons. Activities involved in the operation include the provision of security to ensure that displaced persons can travel safely to their homes and are protected once they reach them, as well as the provision of medical, food, water, sanitation and other basic assistance in the home communes.

28. Despite an incident on 7 January when elements of the Rwandese Patriotic Army attacked a displaced persons camp at Busanze near Gikongoro, killing 18 people, including women and children, and wounding 36 others, Operation Retour had, by 30 January, facilitated the safe and voluntary resettlement of some 25,000 displaced persons. The Government has condemned the attack against the Busanze camp and has detained some of the soldiers reportedly involved. It has assured my Special Representative and the UNAMIR Force Commander that the incident was an isolated act of misconduct and does not represent official policy which, it stresses, continues to favour the voluntary rather than the forced closure of displaced persons camps. The assurances given, and measures taken by the Government, have helped to restore a degree of calm in the camps. Close contact and consultations between UNAMIR and the Government, and between the UNAMIR Force Commander and the Rwandese Patriotic Army, are helping to expedite and enhance mutual cooperation, and coordination which are vital if complex enterprises, such as Operation Retour, are to be successful.

29. As indicated in paragraph 24 above, UNAMIR has adjusted its modus operandi in order to fulfil, within existing resources, its expanded mandate of providing security for personnel of the International Tribunal and the human rights officers. However, the UNAMIR Force Commander is concerned that, as the UNAMIR troop strength is gradually reduced to its authorized level of 5,500 all ranks, difficulties could arise in fulfilling effectively the various aspects of the mandate. The issue of UNAMIR's force strength may, therefore, have to be revisited in the coming months.

V. CIVILIAN POLICE

30. In my report of 25 November, I informed the Security Council that, at the request of and in cooperation with the Government of Rwanda, UNAMIR's civilian police contingent had begun to help to train the national gendarmerie, the larger of the two services in Rwanda's police structure. Council resolution 965 (1994) reinforced this process by expanding UNAMIR's mandate to include the

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specific task of assisting in the establishment and training of a new, integrated national police force.

31. The first contingent of 102 gendarmes completed their training in November 1994. A second contingent of 300 gendarmes is currently undergoing an intensive 16-week training programme scheduled to end in April. At the request of the Rwandan Government, 20 gendarmes from the first contingent are currently assisting UNAMIR in the training of the second contingent. UNAMIR is planning to start in June a more advanced training course of 12 weeks for about 100 of the gendarmes who will have undergone basic training by that time.

32. At the request of the Government, UNAMIR has also developed a training programme for the communal police, the second police service. The communal police operates at the local level and derives its authority from the prefect who serves as head of the provincial administration, or prefecture. The Government has indicated that it would like to deploy 10 trained police in each of Rwanda's 145 communes. UNAMIR is planning to train a first contingent of 500 communal police, made up of police personnel from each of the country's 10 prefectures. The training programme is scheduled to begin in early February in Kigali and will be extended to the other prefectures, as soon as the number of French-speaking UNAMIR civilian police observers can be increased.

33. In addition to its training tasks, the civilian police component continues to maintain liaison with civilian authorities, in particular the judiciary, and to monitor the increasingly difficult situation in Rwanda's overcrowded prisons. It also provides monitoring and investigatory assistance to the human rights officers and the military and civilian components of UNAMIR.

34. UNAMIR's civilian police component has, with 89 observers on the ground, nearly reached its authorized strength of 90 observers, but only 25 of them are French-speaking. This has put a considerable strain on UNAMIR's ability to carry out its civilian police functions effectively.

35. In order to meet its expanding functions under resolution 965 (1995), the civilian police component requires additional observers, especially French-speakers, and material resources, including teaching aids, transportation and communication equipment. It is accordingly proposed that its authorized strength be raised from 90 to 120 police observers who would be deployed as follows: 18 observers at civilian police headquarters; 2 liaison officers at each of UNAMIR force headquarters and military observers headquarters; 20 observers at the Ruhengeri gendarmerie training centre; 15 at Kigali (prefecture and rural); and 7 observers for each of the 9 other prefectures.

VI. HUMANITARIAN ASPECTS

36. As I informed the Security Council in my last report, the emergency that gripped Rwanda only a few months ago has abated, thanks largely to the spontaneous and generous response of countries, organizations and ordinary men, women and children around the world. This constitutes an important step forward, although the current humanitarian situation remains worrying over all.

37. As noted earlier, there are still some 2 million Rwandese refugees sheltering in camps in the neighbouring countries. Approximately 350,000 others are internally displaced, most of them currently located in camps in south-western Rwanda. In addition, the Government continues to lack the resources to sustain basic governance, assure essential services and provide for the welfare of its people.

38. There is an urgent need to resolve the problem of the internally displaced persons as it affects the efforts being made to encourage the voluntary return of refugees from neighbouring countries and to promote stability inside Rwanda itself. Recent events have shown that the existence of camps for internally displaced persons can generate violence and insecurity in the camp sites themselves as well as in nearby communities. This is because the reported presence of intimidators and the infiltration of armed groups may not only provoke forceful countermeasures by the Rwandese Patriotic Army, sometimes resulting in casualties, but it also fuels the argument in favour of immediate camp closure, even by force, for security reasons.

39. The United Nations community has continued to urge the humane resolution of the displaced persons problem in Rwanda, based on voluntary, rather than forcible, resettlement. As noted above, some 25,000 people have been resettled through Operation Retour during the past month and the number of persons returning to their home communes has continued to increase. This operation uses the combined assets of the United Nations system, such as transportation, food, security and other confidence-building incentives, including the presence of human rights officers, to provide assistance not only in the camps but at the commune level as well. So far, the operation has resulted in the closure of Cyanika camp in Gikongoro province. This is a significant step as it may promote spontaneous returnee movements out of the remaining camps and it demonstrates that forcible closure of camps can be avoided.

40. In its resolution 965 (1994), the Security Council commended the efforts of States, United Nations agencies and NGOs that have provided humanitarian and other assistance and encouraged them to continue and to increase such assistance, particularly in Rwanda. The Council also specifically called upon the international community to provide the resources required to meet the immediate needs of the Government either directly or through the United Nations Trust Fund established for this purpose.

41. During the reporting period, organizations of the United Nations system and NGOs continued to provide urgently needed assistance, in particular, food, health and children's services, to displaced persons and other vulnerable population groups. They also assisted in rehabilitation and reconstruction by providing immediate logistic assistance in the areas of transportation and office equipment and by supporting long-term programmes for agricultural development, capacity-building and education. In the area of health, emphasis has increasingly been placed on improving the Government's nutritional services, strengthening child immunization and nutritional programmes and assisting the victims of AIDS and their families. The needs of children in especially difficult circumstances, such as "child soldiers" between the ages of 10 and 15 years, have also continued to receive particular attention. The humanitarian organizations, with the Ministries of Defence and Justice, are developing plans

for the demobilization, education and retraining of some 4,000 "child soldiers" for their reintegration into society. In the food and agricultural domains, food-for-work schemes supporting at least 7,000 civil servants and 17,000 primary school teachers continued during the period under review. At the same time, assistance to revive production in agricultural, livestock and forestry sectors intensified, including the provision of seeds, farm implements and specialized training and expertise.

42. In my last report, I informed the Security Council that arrangements were then under way for the organization of a round-table meeting to consider Rwanda's longer-term rehabilitation requirements and to launch a United Nations consolidated inter-agency appeal focusing on emergency and other short-term recovery needs for Rwanda and the subregion. The consolidated inter-agency appeal for a total of \$710 million was transmitted to Member States on 16 January and was officially launched in Geneva by the Under-Secretary-General for Humanitarian Affairs on 20 January. The United Nations Development Programme-sponsored round-table conference was held in Geneva on 18 and 19 January. At that time, the Government of Rwanda presented to donor Governments its rehabilitation and reconstruction programme of some \$764 million. I wish to take this opportunity to express my profound appreciation to those countries and organizations that have responded so generously to these appeals. Their assistance, I am confident, will go a long way towards aiding the Government's recovery efforts, both in the immediate and longer terms, and thus facilitate progress towards the overriding objective of lasting peace and reconciliation in Rwanda.

43. In its resolution 965 (1994), the Security Council requested me to make recommendations on possible steps that could be taken by the United Nations to promote the establishment of an effective mine-clearance programme in Rwanda. A comprehensive plan has been proposed to the Government. It provides for the establishment of a mine coordination office within the United Nations Rwanda Emergency Office in Kigali, the conduct of a mine survey, marking and fencing operations, and emergency mine clearance of key humanitarian facilities such as schools and hospitals. As soon as Government consent has been received, the United Nations will begin to implement the plan. Informal consultations have been held with some donor countries with a view to encouraging support for these activities. Currently, UNICEF is conducting mine-awareness-education activities in all prefectures of Rwanda.

VII. ADMINISTRATIVE AND FINANCIAL ASPECTS

44. The General Assembly, by its resolution 49/20 of 29 November 1994, authorized me to enter into commitments for a four-month period, at a monthly rate not to exceed \$15 million gross, in connection with the maintenance of UNAMIR at the current authorized strength of 320 military observers, 5,500 troops, 90 civilian police and 398 civilian personnel.

45. Should the Security Council decide to increase the authorized strength of the UNAMIR civilian police component from 90 to 120 observers as recommended in paragraph 50 below, I shall request the General Assembly at its current session to make adequate financial provisions for the additional related cost in the

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context of my report containing the revised cost estimates for UNAMIR for the current mandate period.

46. As at 24 January 1995, unpaid assessments to the UNAMIR Special Account amounted to \$105.9 million, and the total amount of outstanding assessed contributions for all peace-keeping operations amounted to \$2,263.9 million.

VIII. OBSERVATIONS AND RECOMMENDATIONS

47. As described above, the international community, through UNAMIR, the United Nations specialized agencies and non-governmental organizations, has demonstrated not only its readiness to assist Rwanda, but also its solidarity with Rwanda and its people, as they struggle to recover from their recent traumatic past. Although much remains to be done, I believe that a strong foundation has been established upon which further progress can be achieved. However, if the present momentum in favour of Rwanda's recovery is to endure and grow, the support and participation of all Rwandese people is vital. I therefore reiterate my call on the Government to ensure that, in a spirit of mutual accommodation and dialogue, all Rwandese who have not participated in the genocide be given the opportunity to play a role in the national reconciliation process. It would be regrettable if the achievements reached thus far were to be jeopardized as a result of a perception by some segments of the population that they are being excluded. My representative at the Geneva roundtable exchanged views on the subject with a number of delegations, including the Rwandese delegation, headed by Prime Minister Twagiramungu. In that context, he was informed that some Member States were holding consultations with OAU on the setting up of a mechanism that could accelerate the process of national reconciliation.

48. As Rwanda advances on the road to recovery and reconstruction, close cooperation and coordination between the Government in Kigali and the international community remains essential. In this regard, I expect the Government to continue to cooperate with UNAMIR in the implementation of its mandate and, in particular, to ensure unimpeded access to all areas of Rwanda for UNAMIR personnel, officials of the International Tribunal for Rwanda and human rights officers.

49. I welcome the continuing efforts by regional States and OAU to contribute to the search for lasting solutions to the problems of Rwanda.

50. Under resolution 965 (1994), the Security Council requested that it be informed in the event that the additional tasks entrusted to UNAMIR under the expanded mandate provided for in that resolution required consideration of an adjustment in the logistic and personnel needs of UNAMIR. Having consulted my Special Representative and the Force Commander, I recommend that the Council raise the authorized strength of UNAMIR's civilian police component from 90 to 120 observers.

51. My Special Humanitarian Envoy has recently visited the region in continuation of his mission to coordinate the response of the United Nations system to the various aspects of the crisis in Rwanda. It will be recalled, in

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this connection, that OAU and UNHCR are planning to convene, in Bujumbura in February 1995, a subregional conference to consider assistance to refugees, returnees and displaced persons in the Great Lakes region. Furthermore, in response to the Security Council's request contained in its presidential statement of 30 November (S/PRST/1994/75), consultations have been undertaken with OAU and Member States on how preparations can be accelerated for the convening at a later stage of a broader conference to discuss a range of political and other issues, aimed at identifying long-term solutions to ensure peace, security and sustainable development in the subregion. There is a general perception that the forthcoming OAU/UNHCR regional conference, if successful, would facilitate efforts to address those broader issues. The urgent need to move from the humanitarian and refugee problems to the political issues was emphasized once again by my representative at the recent OAU Council of Ministers in his meetings with the Secretary-General of OAU and other African leaders. I will continue to keep the Council informed of the progress achieved towards the convening of the proposed international conference on those issues.

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Annex

Composition of the military and civilian police components
of UNAMIR as of 28 January 1995

Country	Troops			Military observers	Civilian police	Grand total
	Contingent	Staff	Total			
Argentina			0	1		1
Australia	297	9	306			306
Austria			0	19		19
Bangladesh			0	33		33
Canada	119	3	122	20		142
Chad	129	2	131			131
Congo	38		38			38
Djibouti			0		15	15
Ethiopia	808	4	812			812
Fiji			0	1		1
Germany			0		9	9
Ghana	832	8	840	42	10	892
Guinea			0	15		15
Guinea-Bissau	35		35		20	55
India	800	8	808	18		826
Jordan			0		5	5
Malawi	169	4	173	14		187
Mali	199		199	30	10	239
Niger	43		43			43
Nigeria	327	7	334	17	10	361
Poland			0	2		2
Russian Federation			0	17		17
Senegal	241		241			241
Spain	19		19			19
Tunisia	836	7	843	10		853

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Country	Troops			Military observers	Civilian police	Grand total
	Contingent	Staff	Total			
United Kingdom		6	6			6
Uruguay			0	24		24
Zambia	782	8	790	20	10	820
Zimbabwe			0	26		26
Total	5 674	66	5 740	309	89	6 138

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