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TO: ANNAN/GOULDING, UNATIONS, NEW YORK
INFO: KITTANI/GHAREKHAN, UNATIONS, NEW YORK
FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI
DATE: 22 SEPTEMBER 1995
N0.: MIR.....
SUBJECT: SECRETARY-GENERAL'S PROGRESS REPORT
NO OF PAGES: 12

1. I attach hereto our draft text of the Secretary-General's second progress report to the Security Council as requested under resolution 997 of 9 June 1995.

2. As usual, we are at your disposal for any clarifications or additional information you may require.

3. Best regards.

.../...



SECURITY COUNCIL

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... October 1995

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D R A F T

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

I. INTRODUCTION

1. The present report is submitted in pursuance of 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), authorized the gradual reduction of its troop level and requested me to report by 9 August and 9 October 1995 on the Mission's discharge of its mandate, the humanitarian situation and the progress made towards the repatriation of refugees.

2. In my last progress report to the Council on UNAMIR on 8 August (S/1995/678), I provided an update on the situation as at 3 August. Subsequently, in a letter dated 29 August and addressed to the President of the Security Council (S/1995/762), I informed members of the Council of recent developments in Rwanda and the Great Lakes region, including political and humanitarian problems facing the area. On ... September (S/1995/...), in response to a request in paragraph 5 of Security Council resolution 1011 (1995) of 16 August, I reported on my efforts to prepare for the convening, at the earliest possible date, of the Regional Conference on Security, Stability and Development in the Great Lakes area, as well as for the convening of a regional meeting to address the problems facing the repatriation of refugees. Furthermore, in a report dated 25 August (S/1995/741), I informed the Council of progress made regarding the practical and legal arrangements for the International Tribunal, including its financing, the status of contributions in funds and personnel and the activities of its various organs. Regular oral briefings on developments related to Rwanda have also been given to the Council during the period under review and my present report updates the situation as at October.

3. As Rwanda continues its process of healing and rehabilitation, developments during the reporting period concerning in particular repatriation and security have highlighted once again some of the challenges that remain and the obstacles that need to be removed for the country to attain lasting peace and stability. Continued cooperation with the United Nations and the international community as a whole, manifested at various levels and in different domains during

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the period, is a positive and hopeful sign. The benefits and the constructive contribution to Rwanda's reconstruction which such cooperation can make will, however, remain limited so long as Rwandese remains separated by fear and mistrust and the spectre of renewed conflict hangs over the country.

II. POLITICAL DEVELOPMENTS

4. The period under review coincides with the completion of the first half UNAMIR's current mandate. The Mission has adjusted smoothly to the new mandate and the reduction of formed troops has been kept on schedule. On the ground, some significant steps forward as well as some setbacks in efforts to promote enduring stability and peace in Rwanda were witnessed.

5. The Rwandese Government's efforts to sustain a policy of moderation received two major setbacks. First, the abrupt departure of Prime Minister Faustin Twagiramungu who left office on 28 August along with four other Cabinet Ministers. The second setback was the killing of 110 villagers in Kanama by the RPA on 11-12 September. The Government however moved quickly to contain these events by immediately swearing in a new Prime Minister and replacing the deputy Cabinet Ministers and, through Vice-President Kagame who visited Kanama the day after the killings, acknowledging RPA excesses and promising punishment to the guilty. The Government has taken pains to maintain course in its policy of moderation at home and abroad. There is a discernible effort to cooperate with UNAMIR, United Nations Agencies, NGOs and the international community as a whole.

6. The smooth and efficient manner in which the Government handled the forcible repatriation by Zaire of some 13,000 Rwandese refugees in August and the first major cabinet changes since the Government of National Unity (GNU) came to power in July 1994, testified to the remarkable progress that has taken place in stabilizing the internal situation in Rwanda. Despite the unexpected nature of the expulsion of the refugees, the Rwandese Government, with logistic support from UNAMIR, United Nations agencies and non-governmental organizations (NGOs), received and resettled its nationals in a generally humane and orderly manner. The ministerial reshuffle on 28 August was an important event in the political evolution of post-genocide Rwanda. It was however neither presented nor treated as a crisis and the Government has continued to espouse the same moderate policies, with senior officials publicly reaffirming the Government's commitment to national reconciliation.

7. In another move aimed at deepening the Government's moderate line, 1200 former members of the RGF were, on 9 September, formally integrated into the RPA, after completing an intensive re-training programme. It was the second such ceremony and brought to over the number of former RGF troops now serving with the RPA. Government officials point to that achievement as reflecting Rwanda's respect for the Arusha Peace Agreement which provided for the merging of the two Rwandese armed forces into a single national army. They also see it as demonstrating the GNU's concrete commitment to national reconciliation and unity. The new Prime Minister, Mr. Pierre-Célestin Rwigema, has stressed that the continuing integration of the

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two forces has resulted not only in increased numbers in the RPA but also in enhanced security as all segments of the Rwandese population increasingly feel a sense of trust in the new national army. On his part, the Vice-President and Defence Minister, Maj. Gen. Paul Kagame, while reiterating that participants in the genocide must be brought to justice, has stated that the integration exercise is a clear indication that the Government does not a priori consider all members of the former RGF as criminals.

8. To strengthen and widen further the base for durable stability which is vital for more rapid movement towards repatriation and national reconciliation, the Government has, during the reporting period, intensified its normalization efforts and activities in the countryside, especially at the communal level where most of its people live and from where most refugees fled. The new Prime Minister and the new Minister of Interior recently met with provincial administrators, the "Préfets" who, among other concerns, called in particular for the expeditious and effective restoration of local administration throughout the country and the assurance of security. On the critical issue of security at the local level, the Minister of Interior has reaffirmed the Government's determination to set up a new communal police force to be trained with the assistance of UNAMIR's civilian police component (CIVPOL) (see para. 25 below).

9. Security aspects also featured in the discussions which took place between senior Rwandese Government officials and Mrs. Sadako Ogata, the United Nations High Commissioner for Refugees when, at my request, she visited Rwanda recently as part of a regional tour to examine ways and means of accelerating the voluntary repatriation of Rwandese refugees. Intimidation in the refugee camps as well as fear and concern over reports of insecurity inside Rwanda are often cited among the principal impediments to repatriation. Not only did Rwandese officials reaffirm to Mrs. Ogata their desire to see refugees return, they also promised to do everything in their power to facilitate voluntary return in conditions of safety and dignity.

10. Without a doubt, assurance of security is vital for the success of efforts to create conditions and a climate conducive for voluntary return. This issue and related aspects were discussed recently during two tripartite meetings on the subject of Rwandese refugees in the subregion. The first meeting, between Rwanda, Tanzania and UNHCR, was held in Arusha on 18 and 19 September to consider the repatriation of Rwandese refugees from Tanzania. The second, dealing with the return of refugees currently in Zaire, was convened in Geneva from 25 to .. September by the High Commissioner for Refugees and was attended by Rwandese and Zairean officials.

11. The killing, execution-style, of some 110 men, women and children at Kanama, near Gisenyi in north-western Rwanda was perhaps the most serious incident of violence since the Kibeho tragedy five months earlier. The tragedy occurred in an area where reports of cross-border infiltration and sabotage from refugee camps in neighbouring Zaire have been increasing recently. It was the latest in a recent spate of seemingly retributive killings which have also taken the lives of provincial and local government officials, clergymen and judges. Such acts can only exacerbate tensions, deepen fears and widen gaps among Rwandese, and impede repatriation. These tragic developments help underscore the urgent need to re-establish an effective and credible national police and judiciary to ensure law and order, justice and equal treatment for all Rwandese nationals.

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12. Foreign legal experts recruited by the United Nations are expected to arrive in Rwanda to assist the national authorities in the process of restoring the judiciary. Despite this positive step, the judiciary remains largely inoperative. Some 800 people continue to be arrested weekly, usually on suspicion of involvement in the genocide, adding to the more than 50,000 currently detained in catastrophic and inhuman conditions in Rwanda's overcrowded jails.

13. A reinvigorated national judicial system could also help avert a potentially damaging crisis in the long simmering area of property rights. Not only does the problem contribute to discouraging the return of refugees, it has also been reported as a source of much of the tension and killings that confront communities in various parts of Rwanda, especially in Kigali.

14. It is vital to translate into concrete action the good intentions expressed by the Government of Rwanda on various recovery efforts. Government officials have insisted that the continuing lack of adequate resources limits their ability to act effectively. I believe at the same time that the readiness at the national level to exercise the necessary political will can advance significantly the process of putting the Government's policies into practice. In this connection, for instance, appropriate action is still awaited to finalize the selection, by the National Assembly, of the President and five Deputy Presidents of the Supreme Court. Such a development would enhance considerably efforts to re-establish an effective and credible national judiciary and serve as an additional confidence-building measure in the overall process towards national reconciliation.

III. SECURITY

15. The mass killings in Kanama mentioned above halted and seriously endangered the improvement in the security situation in recent months. I issued a statement on 13 September expressing my serious concern and welcoming the establishment of a joint (Government/UN) investigation team. I also expressed the hope that the investigation will promptly ascertain the facts and recommend measures to prevent the recurrence of such incidents. On the ground, UNAMIR, United Nations human rights monitors and various United Nations agencies acted quickly to coordinate their assistance, including aid for the wounded. Radio UNAMIR reported the event in a factual basis and its coverage was generally seen as a confidence-building and stabilizing element. Through cooperation with the Government, Radio UNAMIR has been given two strategic locations from where it will be able to broadcast to a wider audience, including the refugee camps in Tanzania and Zaire.

16. As the Kanama incident illustrates, infiltration and sabotage and counter-measures taken by the Government, constitute probably the most worrying security problem in the country at the moment. I am actively working, as requested under Security Council resolution 1013 of 7 September, to set up the commission of inquiry to look into allegations of arms supplies and training for former Rwandese government forces. I am confident that the commission's work will refocus attention on the need to prevent the destabilization of Rwanda. I am concerned, at the same time, that these security problems are largely symptomatic of an underlying political impasse. I therefore reaffirm the view that the primary responsibility for improving the situation in their country lies with the Rwandese themselves and re-emphasize the need for all segments of Rwandese society to work together to rebuild a more stable and secure Rwanda.

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IV. HUMAN RIGHTS

17. The United Nations Human Rights Field Operation for Rwanda continued its activities in the field of human rights monitoring, technical assistance to the judicial system, improvement of prison conditions and educational seminars. At the end of September 1995, it had deployed 123 members with three legal experts being assigned to work with the Ministry of Justice. As a member of the working group established by my Special Representative to address the problem of overcrowding in Rwandese prisons, the Field Operation assists in information gathering., facilitating the work of the triage commissions which have been established to expedite the processing of detainees' cases, and the coordination of short- and medium-term initiatives for rehabilitating the judicial system.

18. In connection with the return of Rwandese refugees, a database has been created with other United Nations agencies to provide accurate information on refugee movements. In this connection, field officers monitor returnees by visiting transit centres and accompanying them to their home communes, where feasible. After the returnees arrive at their final destination, follow-up visits are made to them on a regular weekly basis. When possible, field officers visit the home communes prior to the arrival of returnees in order to assess overall conditions for their reception and resettlement.

V. INTERNATIONAL TRIBUNAL FOR RWANDA

19. On 30 August, the President of the International Tribunal, Judge Laïty Kama, and its Prosecutor, Judge Richard Goldstone, visited Kigali accompanied by Mr. Andronico Adede from the United Nations Office of Legal Affairs who has since been appointed Registrar of the Tribunal. During the course of their three-day visit, they met with senior Rwandese Government officials and my Special Representative to discuss the Tribunal's operations, including in particular the functioning of the Prosecutor's office in Rwanda. On 1 September, they visited the seat of the Tribunal in Arusha, Tanzania, to inspect the premises designated for the Tribunal, a proposed prison site, as well as accommodation arrangements for the Tribunal's staff.

20. A Headquarters Agreement relating to the seat of the Tribunal was signed on 31 August between the United Nations and the United Republic of Tanzania and a Memorandum of Understanding with the Government of Rwanda covering the Prosecutor's Office in Kigali is currently being negotiated. Despite continued administrative and logistical difficulties, it is still envisaged that the Tribunal can begin its proceedings before the end of the year. I would like, once again, to express my gratitude to those Governments which have contributed personnel and other resources to the Tribunal, and hope that such support will continue in order to facilitate and expedite the work of the Tribunal.

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VI. MILITARY ASPECTS

21. The reduction of the UNAMIR force level mandated by Security Council resolution 997 of 9 June 1995, continued during the reporting period. Consequently, the approved new strength of 1,800 was reached during the period, in advance of the deadline of 9 October. Thus, as at ... October, the UNAMIR force stood at, including 25 additional members of the Ghana contingent.

22. In accordance with resolution 997, the UNAMIR force and military observers (MILOBS), continued to assist the Government of Rwanda in facilitating the voluntary and safe return and resettlement of refugees through the performance of monitoring tasks aimed at supporting the Government's ongoing efforts to promote a climate of confidence and trust. When Rwandese refugees were forced back from Zaire between 19 and 24 August, UNAMIR troops and MILOBS, in coordination with UNHCR and other United Nations agencies, aided the Government's reception and resettlement efforts in several ways, including by: helping to construct transit camps for the temporary accommodation of the returnees; providing vehicles to help transport the returnees from the transit camps to their home communes; and contributing to a sense of confidence among the returnees through the presence of UNAMIR troops and MILOBS at the border check-posts, transit camps and the communes of destination. UNAMIR is continuing to provide assistance to expand and improve conditions in transit camps in anticipation of future large-scale return of refugees.

23. The expertise and other resources of the force in engineering, logistics and medical care were again made available to assist Rwanda during the period under review. In this connection, the force has helped construct and renovate detention centres to relieve the disastrous overcrowding in Rwandese jails. It has also assisted in the construction and repair of bridges, roads and schools and in the transportation of humanitarian assistance, including food and medicines. The medical services provided to the Mission by INDBATT and the recently deployed Norwegian civilian medical corps (NORMED) are also made available, in emergency cases, to Rwandese nationals.

24. The importance of the monitoring and patrol tasks performed by MILOBS was again demonstrated during the mass killings at Kanama on 11 and 12 September. By providing information on developments in their respective areas of responsibility, MILOBS enable UNAMIR and the United Nations system as a whole to take the necessary measures to respond to emerging situations. Under its resolution 997, the Security Council decided to maintain the current level of MILOBS. As at ... October, MILOBS, out of the authorized total of 320, were deployed throughout Rwanda. It is hoped that the remaining ... will soon be assigned to the Mission to allow the contingent to function at full strength.

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VII. CIVILIAN POLICE

25. During the reporting period, a major activity of UNAMIR's civilian police component (CIVPOL) continued to be the training of the Rwandese National Police Force as mandated under Security Council resolution 997. The training of the third batch of 515 gendarmes which started on 31 July is in progress and is scheduled to end early in December, giving Rwanda a total of about 900 of the estimated 6,000 trained gendarmes it needs nationwide. The training of the communal police, the second component of the Rwandese National Police Force, has been delayed because of the on-going rehabilitation of the Communal Police Training Centre. It is expected that the thirteen-week intensive training programme will begin in October, with the first of three groups of 750 communal police officers.

26. In addition to its training tasks, UNAMIR's civilian police observers continued to carry out monitoring duties together with MILOBS, including in the prisons and other detention centres, and to maintain close liaison with local Government authorities in Rwanda's eleven Préfectures. CIVPOL observers also continued to assist United Nations agencies, NGOs and human rights monitors in supporting humanitarian operations, especially during the forced repatriation of Rwandese refugees from Zaïre.

27. Under its resolution 997 of 9 June, the Security Council decided to maintain the current level of UNAMIR's civilian police component. As at ... October, a total of 87 observers from 12 countries [Djibouti (7), Germany (7), Ghana (10), Guinea Bissau (5), Jordan (3), Mali (10), Niger (7), Nigeria (10), Switzerland (3), Tchad (5), Tunisia (10) and Zambia (10)] were deployed. In order to enable CIVPOL to discharge fully and effectively its mandated tasks, it is hoped that the remaining 33 observers will soon be assigned to the Mission.

VIII. HUMANITARIAN ASPECTS

28. The 31 December 1995 deadline set by the Government of Zaïre for the voluntary departure of all refugees from its territory underscores the enormous humanitarian challenges to be faced in the months ahead.

29. The task of organizing voluntary repatriation of the estimated two million refugees currently hosted by neighbouring countries is an extremely difficult one. However, there are indications that a window of opportunity may have opened for accelerated voluntary return. Following her recent visit to the region, the High Commissioner believes that a realistic target for voluntary repatriation is between 500,000 - 600,000 persons. This incomplete target is, in part, due to the limited absorption capacity of many of the home communes in Rwanda. The Government of Rwanda has reaffirmed its commitment to receive and reintegrate all Rwandese refugees who wish to return. While the efficient manner in which the Government handled the forced repatriation from Zaïre in August is a strong indicator of its commitment, it must be clear to the international community that for successful reintegration to occur, the resources required to rebuild and strengthen the capacity of communes to receive refugees still needs to be made available.

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30. At my request, the High Commissioner is currently undertaking a demographic survey and assessment of existing infrastructure and population groups in Rwanda's communes. This exercise should help indicate the communes that are ready to receive returnees and those which need infrastructural rehabilitation. I have also requested UNHCR and the Department of Humanitarian Affairs to work with United Nations Agencies and NGOs in the field to produce a special emergency appeal for the region. The draft of the special appeal should be finalized by mid-October.

31. In spite of some progress since my last report, conditions in the prisons continue to constitute a major humanitarian crisis. More than 52,000 people are currently incarcerated, with more arrests continuing to take place. In August, I 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 alleviate the present appalling prison situation. A Plan of Action, drafted by representatives of the Government of Rwanda and UNDP, for urgent actions on prisons and in the justice sector has been circulated to the international community. A small team has been set up under my Special Representative for Rwanda to help mobilize resources and to accelerate the urgent improvement of prison conditions. So far, US\$ 750,000 has been provided into the Rwanda Trust Fund against identified needs of more than US\$ 43 million, of which US\$ 15 million is required for prison improvements and new detention space. Pending the provision of additional resources, I have made US\$ 2 million available for these efforts from the Central Revolving Fund.

32. In September, construction of the Nsinda detention centre, which would provide an additional 5,000 detention capacity, was completed. The facility, constructed with the assistance of UNAMIR, UNDP and ICRC, will help alleviate the worst prison conditions, for instance by receiving detainees from such seriously overcrowded prisons as that of Gitarama. Two of seven temporary detention sites are also near completion, providing short-term space for another 9,500 detainees. In view of the gravity and urgency of the situation, WFP has also made available five of its warehouses for use as temporary detention sites. Meanwhile, agreements have been reached with the Government of Rwanda on the establishment of special detention centres for women and children. It is clear, however, that the various initiatives are temporary in nature, designed to respond to an emergency humanitarian situation. Any sustained improvement in prison conditions over the long-term can only be secured through parallel actions designed to help restore the Rwandese judicial system.

33. The situation with regard to the provision of humanitarian assistance, although much improved since last year, remains exceedingly fragile. The preliminary results of a survey undertaken by FAO and WFP indicate that some 15% of Rwanda's estimated one million families are vulnerable. Some 30% of households are headed by women, with just under 11% of them farming less than half a hectare of land. In this respect, I am pleased to note that efforts to promote household food security and income-generation for women have been intensified during the reporting period. UNICEF has recently launched the first of several projects designed to assist widows and female-headed households. WFP is also helping 6,000 female-headed households through targeted assistance programmes and 4,000 through women development projects.

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34. Due to the forced repatriation of refugees in August and the possible negative humanitarian impact on Rwanda, I have decided that the United Nations Rwanda Emergency Office (UNREO) which, as I had informed members of the Security Council in my last report, had begun preparing for its eventual closure, should be extended until the end of October 1995. Transitional arrangements between UNREO and the United Nations Resident Coordinator are ongoing to ensure that the coordination of humanitarian assistance will continue after this period. Among these arrangements is the strengthening of the United Nations Disaster Management Team, headed by the United Nations Resident Coordinator. Efforts are also being made by United Nations Agencies and NGOs to support the Government of Rwanda's Humanitarian Assistance Coordination Unit which, together with UNHCR, is coordinating refugee movements and the initial phase of returnee assistance.

IX. ECONOMIC AND SOCIAL ASPECTS

35. Following the Mid-Term Review of the Geneva Round Table Conference, held in Kigali on 6 and 7 July 1995, there has been a sizeable increase in the commitment and disbursement of funds pledged for the Government's Programme of National Reconciliation and Socio-Economic Rehabilitation and Recovery. As of 14 September, \$523 million had been committed (up from \$345 million in July) and \$252 million disbursed (up from \$86 million in July) against total pledges of \$587 million made in Geneva in January 1995. In fact, since the Geneva conference, total pledges have risen to \$1089 million. Some of these additional funds are to be disbursed over the 1996-97 period. Implementation of Round Table projects appears to have made the most progress in the agricultural sector whereas programming in the infrastructure sector is proceeding slower than expected.

36. In my last report, I informed members of the Council of a joint programme by the World Bank, the International Monetary Fund (IMF) and UNDP to strengthen the Government's capacity to manage its economic, financial and human resources. Since then, UNDP, in consultation with the Government, has begun developing a programme designed to enhance the Government's administrative capacity at the communal level. Another project would help strengthen prefectural administration by, specifically, building Government capacity to monitor the return of refugees and to programme rehabilitation/reintegration activities within the framework of the Government Plan of Action for the Repatriation, Resettlement and Reintegration of Refugees.

37. Through several food-for-work and income generating activities, WFP is now not only providing more than 100,000 needy individuals with food, but also assisting Rwanda's agricultural recovery, rehabilitation of destroyed infrastructure and construction of new houses, schools and water facilities. UNICEF, ICRC and several NGOs, which have been active in the construction and repair of water supply systems throughout the country, are also training local populations to manage their own water points.

38. The international community continues to pursue a series of initiatives designed to help reinvigorate the Rwandese judicial system. Judicial offices and court buildings are being repaired and refurbished and, along with the Ministry of Justice, are being supplied with office

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equipment, vehicles and other materials. Training programmes are targeting various levels of the judicial and corrections systems in order to restore staffing levels at the professional and clerical ranks. At the same time, in order to build needed capacity within these systems as quickly as possible, foreign legal experts are being put at the disposal of the Ministry of Justice. As I indicated in my last report, UNDP is supporting the training, by UNAMIR, of gendarmes and communal police who make up Rwanda's National Police Force. Such a force is vital for the maintenance of law and order and thus constitutes an essential arm of a credible and effective national system of justice.

39. Following a sharp depreciation in July, the Rwandese franc stabilized in August due in part to proceeds from exports as well as disbursements from the World Bank's Emergency Recovery Credit. While the prices of basic food items have also stabilized, they remain high compared to earlier in the year. Steps were taken by the Government in August to clamp down on unauthorized foreign exchange transactions involving the Rwandese franc which, it will be recalled, was allowed to float freely in March. The Government has also requested all payments involving Rwandese enterprises and individuals to be made in the local currency.

X. ADMINISTRATIVE AND FINANCIAL ASPECTS

To be provided by New York.

XI. OBSERVATIONS AND CONCLUSIONS

40. Since my last progress report on 8 August (S/1995/678), UNAMIR has continued to discharge the tasks entrusted to it under Security Council resolution 997 of 9 June 1995. The Mission's efforts, as well as the other assistance provided by United Nations agencies, NGOs and the international community as a whole, have made an important contribution to Rwanda's ongoing rehabilitation programme. Although much remains to be done, visible progress has been achieved towards normalization and stability.

41. It is clear that durable and sustainable recovery is possible only in conditions of genuine and lasting peace and stability. The creation of such conditions is primarily a matter in the hands of Rwandese themselves. Their country has come a long way from the carnage and chaos of just over a year ago. Further advances, and even the safeguarding and consolidation of the gains already made, can nevertheless be jeopardized and reversed by the absence of an appropriate, enabling climate. The recent crises created by the expulsion of Rwandese refugees from Zaire and by the mass killings near Gisenyi have shown not only how volatile and fragile the current recovery process is but also how much remains to be done to deepen the process and make it irreversible.

42. The damage done to Rwandese society and psyche by last year's tragic events was indeed profound. Those responsible must be brought to justice in order to prevent impunity and a recurrence of such horrible acts. I am hopeful that the International Tribunal will soon commence its proceedings and that substantial progress will be made to put in place an effective

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national judiciary. At the same time, Rwandese society must be enabled to continue. I am however concerned about the hurdles and obstacles that remain in its path, blocking its complete and full rejuvenation.

43. I am especially disturbed by appearances of continuing divisions reflecting and/or promoting fears, mistrust and insecurity within the Rwandese nation and preventing the return of Rwandese refugees. I remain convinced that prospects for long-term peace and progress in Rwanda would continue to be elusive so long as large concentrations of Rwandese nationals are encamped in neighbouring countries as refugees.

44. The refugee problem is perhaps the most immediate cause and consequence of the instability confronting Rwanda and the Great Lakes region as a whole. In general, it is an indicator and a symptom of a deeper, essentially political problem. If satisfactory and conclusive solutions are to be found to the refugee issue, therefore, it would be helpful, indeed necessary, to tackle the underlying, political causes. This would require, as envisaged under the Arusha Peace Agreement (A/48/824-S/26915, annexes), full participation by the Rwandese people as a whole in the governance of their country, as only on such a basis could genuine and sustainable peace and progress be achieved. To this end, I wish to stress once again the importance of dialogue and an inclusive political process and to recall also the discussions I held with Rwandese officials during my visit to their country in July concerning the possibility of organizing non-official round-table meetings and inviting participants from all sectors of Rwandese society, including the refugee community.

45. The issues before us go beyond Rwanda's borders. The regional tensions created by the presence of Rwandese refugees in neighbouring states are a potent indicator in this regard. I welcome and strongly support recent encouraging efforts to enhance cooperative and harmonious relations between and among states in the region. I am hopeful that the Commission of Inquiry approved recently by the Security Council to investigate reports of military training and arms transfers to refugee groups will help defuse tensions and promote mutual confidence along Rwanda's borders. Meanwhile, my Special Envoy for the Great Lakes Region, Ambassador Jose Luis Jesus, recently visited the area for consultations on the proposed convening of a Regional Conference on Security, Stability and Development. Rwanda and the region face multiple interlocking challenges. That is why I feel the various regional initiatives which in part aim to stop and prevent the transborder destabilization of Rwanda and to promote regional stability and progress are of utmost importance in the quest for sustainable peace in Rwanda and neighbouring states.

46. I believe the United Nations must continue to help Rwanda overcome the remaining challenges on its way to full recovery and assist the Great Lakes Region as a whole to find lasting peace and progress. UNAMIR has completed the first half of its current mandate, which ends on 8 December 1995. I believe this is an appropriate stage at which to begin consultations with the Government of Rwanda on the shape of the presence, if any, of a United Nations Mission in Rwanda beyond 8 December.

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TO: ANNAN/GOULDING, UNATIONS, NEW YORK
INFO: KITTANI/GHAREKHAN, UNATIONS, NEW YORK
FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI
DATE: 22 SEPTEMBER 1995
N0.: MIR.....
SUBJECT: SECRETARY-GENERAL'S PROGRESS REPORT
NO OF PAGES: 12

1. I attach hereto our draft text of the Secretary-General's second progress report to the Security Council as requested under resolution 997 of 9 June 1995.
2. As usual, we are at your disposal for any clarifications or additional information you may require.
3. Best regards.

.../...



CRN-174

UNAMIR - MINUAR

95 MAY 20 1995

OUTGOING CODE CABLE

2nd Draft

TO: ANNAN/GOULDING/HANSEN, UNATIONS, NEW YORK

INFO: KITTANI/GHAREKHAN, UNATIONS, NEW YORK

FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI

DATE: 20 MAY 1995

NO.: MIR 1770

NO. OF PAGES: 15

SUBJECT: DRAFT REPORT OF THE SECRETARY-GENERAL ON UNAMIR

Please find a revised text of the draft report of the Secretary-General on UNAMIR. The report includes a para on the genocide commemorations. It also brings up to date the consultations on the mandate. The Kibeho Inquiry Commission's conclusions have also been reflected in the report.

Best regards.



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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 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) from 10 December 1994 until 9 June 1995. Since the adoption of that resolution, I have 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). Senior Secretariat officials and I have also provided the Council with oral briefings on developments in Rwanda and on the situation concerning internally displaced Rwandese and refugees. The present report provides an update on the situation since my last report on 9 April, as well as recommendations for the continuing role of the United Nations in Rwanda.

II. POLITICAL ASPECTS

2. UNAMIR's current mandate ends on 9 June and the primary focus of my present report is to take stock of the political situation in Rwanda, assess UNAMIR's contribution in achieving the Security Council's objectives of its current mandate and to recommend appropriate adjustments to the mandate reflecting the changed context of the political situation in Rwanda. My Special Representative has engaged in consultations with the government of Rwanda in order to exchange views on the new mandate. These consultations have helped to understand mutual concerns and to find a common denominator that forms the basis of my recommendations.

3. Since my last report to the Security Council, Rwanda's attitude towards the international community has hardened. The anniversary of last year's genocide was commemorated in a week

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of mourning from 7 April. I sent a message of sympathy on the occasion. Mass rallies, speeches and demonstrations were held all over Rwanda with an emotional spill-over targetting the international community and UNAMIR in particular. The atmosphere of goodwill between the government and UNAMIR was vitiated by critical radio broadcasts, speeches by responsible officials and generated an atmosphere of non-cooperation and aggression against UNAMIR. Several car hi-jacking, armed hold-ups and threats took place against UNAMIR personnel during the past 1 month. However, the President and Vice-President assured my Special Representative that the critical attacks would be controlled. While the atmosphere has improved, recently, the goodwill and cooperation of the past is yet to be revived.

4. During the past quarter, the overall situation in Rwanda has been tense with a high level of arrests for alleged complicity in genocide. The result is that a wave of insecurity runs across the communes and inhibits refugee return, particularly the new case-load, which has come to a virtual stop. The prisons are overcrowded to the point of unacceptable human suffering. The government has, however, agreed to ICRC, UNAMIR and Agency cooperation in attempting to improve prison conditions through expansion of existing prisons and other improvements.

5. The Kibeho tragedy exemplified the tensions and fears that had developed beneath the surface in Rwanda. On 18 April, the Rwandese government acted to close the 8 remaining IDP camps in the Gikongoro region in which Kibeho was by far the largest. Although consultations had been taking place between the government and UN for a voluntary closure of the camps, the decision to act was taken without notice or consultation regarding the timing of the closure. While the remaining camps were closed without serious incident, at Kibeho there was an attempted mass break-out on 22 April, the fifth day of compact hording without adequate space, sanitation or nourishment of around 80,000 IDPs on a single hill. A number of deaths took place due to firing by government forces; trampling and crushing during the stampede and by machete attacks by IDP hard-liners who assaulted and intimidated those who had indicated that they wished to leave the camp.

6. I joined members of the Security Council in publicly deploring the Kibeho incident and immediately despatched my Special Envoy, Mr. Aldo Ajello, to convey my concern to the Rwandese government, to urge restraint and to allow effective means of providing humanitarian assistance to the IDPs who had left the camps. I am glad to report that my Special Envoy was assured that the Rwandese government would cooperate fully with the Independent International Inquiry Commission that had been announced by the President of Rwanda on 27 April and that humanitarian agencies would be given full cooperation in providing humanitarian aid in their communes. This commitment has been fulfilled with the result that large numbers of IDPs are in the process of resettling in their communes. The approximately 2,500 IDPs who had remained in the medical compound of Kibeho have also returned to their communes after three weeks of patient persuasion through the combined efforts of the government of Rwanda and UNAMIR.

7. The Independent Inquiry Commission has published its report and has concluded, inter alia, that deaths at Kibeho were not pre-meditated and that their number is not possible to ascertain. However, some excesses took place by the RPA which should be investigated by the government and those responsible punished. The Inquiry Commission has commended

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UNAMIR's efforts to control the situation and I must express deep gratitude and admiration for the dedication, courage and sacrifice displayed by United Nations personnel, military and civilian, in responding to the massive humanitarian impact of the crisis. Due largely to their prompt and carefully coordinated response, vital care, relief and transportation were provided to the suffering and the needy, averting what could have become an even more damaging humanitarian catastrophe.

8. The government has recently taken a number of other actions aimed at promoting transparent and responsive governance as well as respect for the rule of law. Thus, after preliminary internal investigations, two senior military officers involved in the Kibeho tragedy have been suspended, pending the conclusion of a more detailed probe into the operation. Furthermore, on 2 May, the military court began sitting in Kigali to try the cases of 14 soldiers accused of involvement in murder and armed robbery. Also in May, the Government submitted to the National Assembly a list of 12 candidates from which the Assembly will select the six highest-ranking judges in the country: the Presiding Judge and the five Deputy Presiding Judges of the Supreme Court. Under the Arusha Peace Agreement, the six judges are to be selected by the National Assembly from a list presented by the Government nominating two candidates for each post. Each Deputy Presiding Judge shall also head one of the courts comprising the Supreme Court, namely, the Department of Courts and Tribunals, the Court of Cassation, the Constitutional Court, the Council of State, and the Public Accounts Court. The National Assembly has also begun discussions on drafting of a new Constitution which would replace the 1992 Constitution currently in force.

9. The causes of Rwanda's growing frustrations that could be the reason for a critical stance towards the international community need to be analyzed. First, the growing threat from the militarisation in the refugee camps in Tanzania and Zaire, as well as credible media reports of arms deliveries to the former RGF elements, have caused concern in Rwanda. Increasingly organized incursions into Rwanda have led to security alerts and a dragnet of suspected sympathizers. The frustration with the international community is accentuated by the embargo on military supplies that continues to apply to Rwanda while no limitations are seen to be placed on military training and arms supplies in the refugee camps.

10. Second, the delay in the process of justice in the international tribunal and at the national level is another cause of deep frustration. The Rwandese government feels that the criminals responsible for genocide are known and operate openly against the government from abroad. Yet, despite Security Council Resolution 978 and despite lists of alleged criminals having been given to countries concerned, no arrests have been made on the basis of the Security Council resolution. The tribunal has not started operating, nor has the national judicial system which would process most of the prisoners currently in Rwandese prisons. International support is vital for both the tribunal and the national system of justice to begin functioning.

11. A third element that has led to deep frustration is the slow trickle-down effect of the economic aid pledged at the UNDP Round Table. Here, the figures speak for themselves. Of US \$634 million pledged to Rwanda, agreements for \$293 million have already been signed by donor countries. However, only \$69 million has actually been disbursed of which US \$26 million has been utilised for debt repayment. The net result is that less than 15% of the signed

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agreements have actually been disbursed in Rwanda for projects such as repair of infrastructure, rehabilitation, refugee resettlement etc.

12. It is important that these frustrations are addressed so that Rwanda is able to return to the path of enlightened moderation. The secure return of refugees has been acknowledged as the vital element that would promote stability and harmony in the country. This concept has been accepted at the Bujumbura Conference, at the Nairobi Summit and in trilateral agreements between Rwanda, UNHCR and neighbouring countries. The sense of security and confidence that would persuade refugees to return is predicated on an improved climate of relations between countries of the Great Lakes. I believe that at the appropriate time and with due preparation a conference should be convened in consultation with OAU and UNHCR with a view to resolving broader and inter-related issues of peace, security and stability in the region.

13. In assessing the implementation of the objectives set forth in UNAMIR's current mandate, it is relevant to recognize the Rwandese government's efforts in achieving relative stability and normalisation in Rwanda over the past year. There are no curfews; primary and secondary schools have re-opened; electricity, water and telecommunications have been re-established; the airport is operational; and agriculture has revived. UNAMIR's formed troops have significantly cooperated with the government in this process not only by helping to instil confidence and security to a population recovering from the effects of genocide and civil war but also in providing material help in repairing roads and bridges; assisting in setting up Rwanda's telecommunications; treating approximately 1000 medical patients a day; de-mining in key sectors; training the national police; transporting refugees, IDPs, orphans, equipment, prisoners, school papers and new currency; repairing buildings; assisting in communal electricity projects, water and vehicle maintenance projects; supporting orphanages; and improving prison conditions.

14. On the negative side, the law and order situation remains tense with grossly overcrowded prisons, arbitrary arrests, no significant advance in the process of reconciliation, tension over proper rights and no effective judicial system in place. The government still does not have an adequate capacity to exercise efficient governance due to the lack of funds, equipment and other resources.

15. As regards the mandate, consultations with the Rwandese government have indicated a measure of commonality. It is recognized that a qualitative change at the ground level has taken place in Rwanda compared to the post-Arusha period when UNAMIR was initially conceived. This changed political context needs to be reflected in the new mandate, taking into consideration that since 19 July 1994, the government has exercised sovereign authority over the territory of Rwanda. Bearing in mind the Security Council's objectives related to Rwanda, UNAMIR would continue to operate in Rwanda under Chapter VI and only with the full consent and cooperation of the government.

16. I believe there should be a gradual reduction in formed troops if the process of normalisation continues without major hurdles and that UNAMIR's new mandate should focus on confidence-building measures. Nevertheless, apart from the specific task of providing security to the Tribunal and to UNAMIR installations and personnel as well as Human Rights

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Monitors, I believe that a limited reserve is necessary, to be placed in areas to be identified in order to provide security to human rights monitors and assist in the safe return of refugees as agreed specifically in the Bujumbura Conference Declaration. During the consultations with the Rwandese government, it has been accepted that the new mandate should reflect the qualitative change in the political situation since UNAMIR's previous mandates. It has also been acknowledged that UNAMIR, acting under Chapter VI, would require the Rwandese government's formal acceptance and cooperation to fulfil its new mandate.

17. As regards tasks covering the promotion of confidence-building measures, I believe that under the overall coordination of my Special Representative, UNAMIR, in cooperation with UNDP, UN Agencies and NGOs, should implement an integrated multifunctional plan of action in the field of rehabilitation, resettlement, repair of infrastructure and the revival of justice. It would be immensely helpful if funds already committed to these projects could be channelled by donor countries through the Rwanda Trust Fund enabling a quick, flexible and efficacious utilisation of committed resources.

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.

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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.

III. LEGAL AND HUMAN RIGHTS ASPECTS

21. The Human Rights Field Operation in Rwanda continued to augment its monitoring activities and to develop its programme of technical assistance to the Rwandese judicial system with the arrival of additional staff members during the reporting period. As of ... May 1995, the Field Operation was composed of ... staff members who operate from its Kigali headquarters and ... field offices located throughout the country.

22. In its efforts to cope with the crisis resulting from the sudden and forcible closure of IDP camps in southwestern Rwanda, the Field Operation set up an emergency coordination office in Butare and deployed an additional 20 field officers and an emergency coordinator to cover the principal areas affected, including 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 and resettlement of displaced persons in their home communes and ensuring their security en route.

23. The Field Operation was also preoccupied during the period under review with the worsening conditions in Rwanda's jails. Due to an increase in the number of arrests, there are now approximately 35,000 people detained in inhumane conditions throughout the country, with Kigali prison, originally built for 1,500 detainees, now holding about 8,500. While efforts are underway to augment the capacity of Rwandese prisons, the Field Operation has emphasized its view that unless those detained are brought to justice in a timely and effective manner, such efforts will only provide a token solution to what threatens to become an intractable problem.

24. 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 who would be assigned to assist in the revival of the national judiciary, 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, especially women's groups, on the importance of human rights.

25. Another 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

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conducted 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 the Field Operation continues to maintain close contact and to share information.

26. In a move that could significantly promote the sensitization of state institutions to human rights issues, the Rwandese Government in May began discussing in cabinet the establishment of a national commission on human rights as provided for under the Arusha Peace Agreement. Under the Arusha accords, the commission, which shall be composed of seven members serving for a three-year term and shall remain independent, shall be mandated to investigate human rights violations committed on Rwandese territory, in particular by organs of the State or its agents.

IV. INTERNATIONAL TRIBUNAL FOR RWANDA

27. The effective establishment of the International Tribunal for Rwanda has proceeded in stages following the adoption of Security Council resolution 955 (1994) on 8 November 1994. The first accomplished task was the establishment of the Office of the Prosecutor and the commencement of formal investigations for the preparation of indictments against persons accused of involvement in genocide and other crimes under the jurisdiction of the Tribunal.

28. As I informed the Security Council in my last report, the Office of the Prosecutor, which was established in Kigali in January 1995, announced in early April 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 have sought refuge in foreign countries, and are 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.

29. In the meantime, arrangements are in hand for securing premises for the Tribunal at its headquarters in Arusha, Tanzania. 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 recently visited Tanzania to survey the premises and to finalize the requisite legal and logistic instruments.

30. The Security Council, by its resolution 989 (1995) of 24 April, has established a short-list of 12 candidates from which the General Assembly is to elect the six Judges of the two Trial Chambers of the Tribunal, in accordance with Article 12 of the Statute of the Tribunal. Under Article 12 (2) of the Statute, the Appeals Chamber of the Tribunal is the same as that of the International Tribunal for the former Yugoslavia.

31. The Prosecutor for the International Tribunal, Judge Goldstone, paid his second visit to Rwanda from 18 to 20 May. During his stay, he met with senior Government officials and with my Special Representative and discussed practical arrangements for the functioning of the Tribunal. The

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Prosecutor also convened, on 19 May, a one-day conference of donors to discuss international support, especially funding for the Tribunal. I wish to thank those Member States who have made voluntary contributions to the Trust Fund I set up for the Tribunal and to appeal for continued and additional assistance to enable the effective operation of the Tribunal.

V. MILITARY ASPECTS

32. As at ___ May 1995, UNAMIR's force strength stood at _____ troops and ___ military observers (see annex). Since my last report of 9 April, the Nigerian contingent of 329 ranks all ranks and the Ethiopian battalion of 808 all ranks have rotated. 429 personnel of the Zambian battalion have rotated while the remainder will rotate in July. The Ghana battalion rotation, which commenced on 10 May, is scheduled to end on 24 May. Furthermore, the remaining 101 all ranks of the Indian Signals company have now joined their advance party.

33. During the period under review, relations between UNAMIR and the RPA deteriorated, as the RPA continued to deny access to parts of the country, carried out searches and seizures of UNAMIR vehicles and other equipment, and participated in anti-UNAMIR demonstrations. The RPA's activities, many of them in violation of the Status of Mission Agreement, have hampered UNAMIR's activities on the ground. Troop rotations have continued to experience difficulties as UNAMIR personnel have been delayed or denied entry at Kigali airport because they did not have passports. This culminated in the refusal of entry and subsequent deportation of 40 Nigerian military personnel on 4 April. Furthermore, joint meetings between UNAMIR and the RPA, which had been held on a bi-weekly basis, have not taken place during the past three months.

34. As a result, relations between UNAMIR and the RPA have become more strained than before. The deterioration of this relationship was most recently demonstrated by the RPA's failure to inform UNAMIR before launching its operation to close IDP camps in southwestern Rwanda. While UNAMIR had been aware of the Government's intention to dismantle these camps which, in the Government's view, contributed to the destabilization of the country, UNAMIR had counselled against the use of force. This lack of prior consultation marked a change in the Government's attitude, since the Government and the RPA had cooperated with UNAMIR in the launching of Opération Hope last December to eliminate intimidation and insecurity within the IDP camps and thus facilitate, through Opération Retour, the voluntary return of IDPs to their home communes. When the RPA, on 18 April, cordoned off Kibeho and other IDP camps, UNAMIR was not informed of this initiative until six hours after the operation had begun.

35. Prior to the launching of that operation, the RPA, signalling its intention to close down all IDP camps, had begun dismantling smaller camps holding 2,000 displaced persons or less. UNAMIR consequently increased its troop strength in the area with the addition of a company to the company that was already in place, and intensified patrols in nearby communes with a view to providing a greater sense of security and protection to the IDPs. UNAMIR also deployed a ZAMBATT medical unit and an Australian medical support force (AUSMED) to provide medical assistance to the IDPs.

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36. When the RPA launched its operation the UNAMIR force reacted immediately and within 24 hours took the following measures: 32 UNAMIR trucks were deployed to transport IDPs; two AUSMED Casualty Collection Posts were established 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, the Butare-Kibeho road was improved by the Force Engineer Company to facilitate movement of IDP convoys and humanitarian assistance. Sick and injured IDPs were evacuated by UNAMIR troops to NGO medical facilities in Butare. This evacuation procedure was sometimes not possible due to RPA's initial restrictions on movement and denial of passage to UNAMIR and relief agencies. A UNAMIR force platoon was deployed at Butare stadium to provide security and to monitor developments in the area. The troop strength at open relief centres, way stations and transit centres in sectors 2, 3B, 4B and 6 was increased, and patrols were intensified to facilitate the reception and further evacuation of IDPs from these temporary facilities to their various home communes. In sectors 4A and 4B where the IDP camps were located, UNAMIR also augmented its military observer presence to increase monitoring and escort duty capability.

37. During the entire period of the crisis from the commencement of the cordon on 18 April to the mass killings on 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 and help coordinate the activities of UNAMIR forces and relief agencies.

38. I believe it is pertinent to point out at this stage that while UNAMIR was mandated to contribute to the security and protection of IDPs, it could not, operating under the rules of engagement incumbent upon it as a Chapter VI mission, forcibly have prevented the Government from exercising sovereign control over its national territory. Against this background and with a view to the effective discharge of its mandated tasks, the UNAMIR force had been working on the basis of close cooperation with Government forces. The deterioration in relations reflected in the breakdown of communication and consultation prior to the RPA operation clearly contributed to the tragedy.

39. In spite of the resources channelled to cope with the IDP emergency, UNAMIR's military component continued to perform its other tasks, including in particular providing security to human rights monitors, staff of the International Tribunal, United Nations agency personnel and NGOs. Due to the deteriorating security situation in Kigali, UNAMIR has had to withdraw some of its formed troops from other sectors to reinforce security in the capital where armed robbery is on the increase. Troops and military observers have also continued to escort humanitarian relief convoys and to provide emergency medical assistance to Rwandese citizens at UNAMIR locations around the country. The aura of security and confidence which the presence of UNAMIR troops and military observers throughout the country provides is reflected in the fact that Rwandese citizens frequently approach UNAMIR installations in search of protection. In such cases, UNAMIR enters into contact with Government and RPA officials at the various locations and at headquarters, if necessary, to ensure a smooth settlement.

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VI. CIVILIAN POLICE



40. During the reporting period, a major activity of UNAMIR's Civilian Police component (CIVPOL) continued to be the training of a new integrated national police force as mandated under Security Council resolution 965. The second batch of 300 gendarmes and 20 instructors completed an intensive and accelerated 16-week training programme on 29 April and will soon be deployed to gendarmerie brigades throughout the country. Arrangements have been made for the third batch of 400 new candidates to start training in June for a period of 4 months.

41. The assistance given to the Rwandese Government by UNAMIR to help the Chief of Staff of the National Gendarmerie in determining the organisation and operational requirements of his new force has progressed. A final orientation document has been completed and will serve as a basic guide 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.

42. Commencement of training for the first batch of 1000 communal police officers continues to be held up by financial and logistic problems. Meanwhile, Gishari has been selected as the site for the training and the students have been screened. The Government has also appointed officers who will serve as some of the instructors and staff and the necessary teaching documents have been prepared by UNAMIR CIVPOL. The Government has requested UNAMIR's assistance in the areas of infrastructure, office equipment, furniture and transportation to prepare for the opening of the Communal Police Training Centre.

43. In addition to their training task, UNAMIR's civilian police observers continue to maintain close liaison with local authorities in the eleven prefectures of Rwanda and carry out monitoring and investigative activities. The observers are working closely with UN agencies and NGOs and are, above all, assisting human rights monitors and UNAMIR personnel in their daily activities around the country.

44. Out of its authorized strength of 120 observers, only 64, from the following countries, were deployed as of ... May: Djibouti (7), Germany (9), Ghana (10), Guinea-Bissau (5), Jordan (3), Mali (10), Nigeria (10) and Zambia (10). There is an urgent need to deploy the remaining 56 observers, which it is hoped would be French-speaking, so as to enable UNAMIR to discharge fully its responsibilities.

VII. HUMANITARIAN ASPECTS

45. Since my last report, the humanitarian community's efforts have been mainly directed at dealing with the consequences of the forced closure of IDP camps located in southwest Rwanda. The rapid and coordinated response on the part of UNAMIR, United Nations agencies, inter-governmental organizations, in particular IOM, and NGOs undoubtedly prevented greater casualties and suffering resulting from the crisis. These efforts were undertaken in a spirit of cooperation with several Government ministries in Kigali and the Butare and Gikongoro prefectures. Transportation

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assistance was provided to over 70,000 people; emergency medical facilities were set up to tend to the sick and wounded, mainly in Butare, waystations and Open Relief Centres (ORCs), managed and supported by NGOs, served as first aid points and provided food and water, as well as emergency non-food items, to the former inhabitants of IDP camps.

46. 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 affected communes of UNAMIR and other international personnel, as well as intensive intercessions by the Minister of Interior, relative improvement in the assimilation of the IDPs has been reported. Clearly, humanitarian assistance will continue to be needed for some time to ensure the smooth and unhindered resettlement of returnees.

47. The massive return of displaced persons, many of whom were forced to leave their possessions in the camps or were robbed on their way home, has placed heavy strains on the fragile conditions already existing in many communes. There is an increasingly urgent need for the international community to accelerate its rehabilitation efforts in the communes, particularly in those areas where the largest numbers of IDPs have returned. Although food distribution to returning families and to other needy people in the communes has now begun, many people are without the means to become productive until the next agricultural season in September 1995 to January 1996. As a result, they will require sustained food assistance, as well as seeds and tools for the next planting season. In addition to the returning IDPs, other vulnerable groups will also require sustained food aid in 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. In this respect, assessment teams comprising Government officials, United Nations and NGO personnel, have visited most of the communes in the Butare préfecture to determine the pressing requirements and priority areas for intervention. In Kigali, through the Integrated Operations Centre (IOC), sectoral cells have been reactivated to ensure effective planning and coordination of rehabilitation activities.

48. Health facilities countrywide continue to need urgent rehabilitation and adequate staffing to ensure adequate delivery of health services, especially with regard to returning IDPs. On a more positive note, the water supply system in the northeastern part of the country is being restored with the construction of shallow wells to cater for the needs of over 20,000 people, and in other areas of the country, some 150 springs will be protected by the end of the year to benefit some 30,000 people.

49. The closure of the camps has also increased the number of unaccompanied minors in the country as many of them were either left in the camps or found along the roads to various communes. Approximately 70% of these children are under the age of five and most are severely traumatised by their experiences.

50. In order to carry out projects which will enable people to have adequate access to health care, potable water, sanitation, education, as well as the means to resume agricultural activities.

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substantial funding from the donor community is required. As I reported in April, the low level of response to the Consolidated Inter-Agency Appeal for Rwanda and the subregion has hampered the commencement of some important rehabilitation and reconstruction activities as well as ongoing programmes. As of ___ May, only US\$ ___ million had been pledged against a total requirement of US\$ 219 million for Rwanda. For the subregion, pledges amounted to US\$ ___ million against a total requirement of US\$ 587 million.

51. In respect of the Trust Fund, the total contributions received to-date from various countries and private donations now amount to some US\$ ___ million. Of this amount, the Netherlands has contributed more than US\$ ___ 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.

52. With regard to Rwandese refugees in the region, a number of events have raised concerns about the respect for the principles underlying conventions relating to the treatment of refugees and displaced persons. At the end of March, Tanzanian authorities ordered their border with Burundi closed to thousands of asylum-seekers, many of them Rwandese refugees fleeing camps in Burundi following disturbances in that country. There are also indications that some of the IDPs fleeing the recent camp closures in Rwanda were not allowed into Burundi or were returned unwillingly to Rwanda after entering the country. The forcible closure of IDP 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.

53. The Government of Rwanda's decision to close the border with Zaire to all traffic, including food destined to refugee camps in the Bukavu area in Zaire, has further complicated an already difficult supply and logistics chain, especially for food. In both Goma and Bukavu, food distributions have dropped by as much as 50% of normal requirements.

54. On the security situation in 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. At the same time, discussions are ongoing with Zairean authorities on the possibility of relocating those camps that are situated too close to the border.

55. I urge Member States to bear in mind the humanitarian premise on which United Nations activities in this field are based. In this connection, I support the Security Council's recent invitation to States and donor agencies to deliver on their earlier financial commitments and to further increase their assistance for humanitarian activities in Rwanda; urged all Governments in the region to maintain open borders for this purpose; and requested 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).

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VIII. ADMINISTRATIVE AND FINANCIAL ASPECTS

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IX. OBSERVATIONS AND RECOMMENDATIONS

56. It is vitally important that Rwanda should be encouraged to return to the path of harmony, stability and security through policies of enlightened moderation.
57. In accordance with the Nairobi Summit Declaration (January 1995), the Bujumbura Declaration (February 1995) and formal agreements signed by Rwanda, a major effort must be made to persuade 2 million refugees to return home in dignity and security. The government of Rwanda should be encouraged to make a determined effort to foster a climate of security and harmony to encourage the voluntary return of refugees in safety.
58. At the same time, effective measures should be taken to control militarisation in the camps and the supply of arms to militant elements that have publicly advocated armed conflict and destabilisation in Rwanda. The international community may assist UNHCR, Zaire and Tanzania to control militarist activity in the camps and to neutralise intimidation of refugees willing to return home voluntarily.
59. Immediate steps should be taken by the international community to support the earliest possible activation of the International Tribunal and the national system of justice. Member States may also be urged to take effective action against alleged criminals accused of genocide, in consonance with Security Council Resolution 978.
60. Rwanda's urgent need for flexible, cash-flow aid to address issues such as refugee resettlement, dispensation of justice, repair of infrastructure, activation of vital social and economic programmes may be met through a confidence-building mandate to be carried out by UNAMIR, UNDP and UN Agencies acting under the overall guidance of my Special Representative. Accordingly, commitments entered into under the UNDP Round Table would be disbursed expeditiously through an Emergency Programme. I believe also that contributions to the Rwanda Trust Fund would assist in the quick disbursement of funds to finance various agreed Rwandese projects.
61. The continued harassment and criticism of UNAMIR and UN Agencies remains a source of concern. At the working level there is a lack of cooperation, even of gratuitous hostility and consequent insecurity. The Rwandese government may be urged to take effective steps to stop and reverse this trend through responsible leadership. Accordingly, the first step in clearing this vitiated atmosphere would be the formal acceptance by the Rwandese government of the Status of Mission Agreement and its implementation in full. For its part, UNAMIR would continue scrupulously to respect Rwandese laws, customs, regulations and traditions.

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62. Consequent to the Bujumbura Conference, the need for a Regional Conference on security, stability and peace, in the region needs to be organized after appropriate preparation and consultation with concerned states.

63. UNAMIR's mandate after 9 June may be based on recommendations contained in paras 18 and 19 above. UNAMIR would continue to operate under Chapter VI and the new mandate would cover a 6-month period, that is from 10 June until 9 December, 1995.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



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UNAMIR - MINUAR

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INFO: KITTANI/GHAREKHAN, UNATIONS, NEW YORK

FROM: SHAHARYAR M. KHAN, UNAMIR, KIGALI

Shaharyar Khan

DATE: 15 MAY 1995

NO.: MIR 1691

NO. OF PAGES: 15

SUBJECT: DRAFT REPORT OF THE SECRETARY-GENERAL ON UNAMIR

1. Please find attached the draft report of the Secretary-General on UNAMIR. As you are aware, discussions are continuing with the Government on the issue of the mandate, and another meeting of the Joint Commission has been scheduled for that purpose for tomorrow. We may therefore need to adjust some elements of the draft report as the discussions continue. We shall keep you informed.

2. Best regards.



SECURITY COUNCIL

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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 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) from 10 December 1994 until 9 June 1995. Since the adoption of that resolution, I have 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). Senior Secretariat officials and I have also provided the Council with oral briefings on developments in Rwanda and on the situation concerning internally displaced Rwandese and refugees. The present report provides an update on the situation since my last report on 9 April, as well as recommendations for the continuing role of the United Nations in Rwanda.

II. POLITICAL ASPECTS

2. UNAMIR's current mandate ends on 9 June and the primary focus of my present report is to take stock of the political situation in Rwanda, assess UNAMIR's contribution in achieving the Security Council's objectives of its current mandate and to recommend appropriate adjustments to the mandate reflecting the changed context of the political situation in Rwanda. My Special Representative has engaged in consultations with the government of Rwanda in order to exchange views on the new mandate. These consultations have helped to arrive at an understanding of mutual concerns and to find common ground that forms the basis of my recommendations.

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13. Since my last report to the Security Council, the political situation in Rwanda has hardened. During the past quarter, the number of arrests for alleged complicity in genocide has remained at a high level. The result is that a wave of insecurity runs across the communes and inhibits refugee return, particularly the new case-load, which has come to a virtual stop. The prisons are overcrowded to the point of unacceptable human suffering and acrimonious criticism of the international community, in general, and UNAMIR in particular continues unabated. Despite assurances from the President and Vice-President to my Special Representative, gratuitous vilification of UNAMIR by responsible personalities continues to be broadcast, encouraging an atmosphere of non-cooperation, even hostility at the middle and lower working levels of the Rwandese government.

4. The Kibeho tragedy exemplified the tensions and fears that had developed beneath the surface in Rwanda. On 18 April, the Rwandese government acted to close the 8 remaining IDP camps in the Gikongoro region in which Kibeho was by far the largest. Although consultations had been taking place between the government and UN for a voluntary closure of the camps, the decision to act was taken without notice or consultation regarding the timing of the closure. While the remaining camps were closed without serious incident, at Kibeho there was an attempted mass break-out on 22 April, the fifth day of compact hording without adequate space, sanitation or nourishment of around 80,000 IDPs on a single hill. There were an unacceptable number of deaths due to firing by government forces; trampling and crushing during the stampede and by machete attacks by IDP hard-liners who assaulted and intimidated those who had indicated that they wished to leave the camp.

5. I joined members of the Security Council in publicly deploring the Kibeho incident. I immediately despatched my Special Envoy, Mr. Aldo Ajello, to convey my concern to the Rwandese government, to urge restraint and to allow effective means of providing humanitarian assistance to the IDPs who had left the camps. I am glad to report that my Special Envoy was assured that the Rwandese government would cooperate fully with the Independent International Inquiry Commission that had been announced by the President of Rwanda on 27 April and that humanitarian agencies would be given full cooperation in providing humanitarian aid in their communes. This commitment has been fulfilled with the result that large numbers of IDPs are in the process of resettling in their communes. The approximately 2,500 IDPs who had remained in the medical compound of Kibeho have also returned to their communes after three weeks of patient persuasion through the combined efforts of the government of Rwanda and UNAMIR.

6. As we await the results of the independent inquiry, it is already apparent that Kibeho marked a watershed in the post-civil war and post-genocide transition to a more peaceful and harmonious Rwandese society. The Kibeho disaster can serve to put the recovery process firmly back on track. If, however the lessons of the tragedy are not grasped and there are further setbacks, transitional efforts could be derailed, with ominous consequences for the country's prospects for stability, harmony and peace.

7. In the context of Kibeho, I must express deep gratitude and admiration for the dedication, courage and sacrifice displayed by United Nations personnel, military and civilian, as well as by NGOs, in responding to the massive humanitarian impact of the crisis. Due

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largely to their prompt and carefully coordinated response, vital care, relief and transportation were provided to the suffering and the needy, averting what could have become an even more damaging humanitarian catastrophe.

8. The government has recently taken a number of other actions aimed at promoting transparent and responsive governance as well as respect for the rule of law. Thus, after preliminary internal investigations, two senior military officers involved in the Kibeho tragedy have been suspended, pending the conclusion of a more detailed probe into the operation. Furthermore, on 2 May, the military court began sitting in Kigali to try the cases of 14 soldiers accused of involvement in murder and armed robbery. Also in May, the Government submitted to the National Assembly a list of 12 candidates from which the Assembly will select the six highest-ranking judges in the country: the Presiding Judge and the five Deputy Presiding Judges of the Supreme Court. Under the Arusha Peace Agreement, the six judges are to be selected by the National Assembly from a list presented by the Government nominating two candidates for each post. Each Deputy Presiding Judge shall also head one of the courts comprising the Supreme Court, namely, the Department of Courts and Tribunals, the Court of Cassation, the Constitutional Court, the Council of State, and the Public Accounts Court. The National Assembly has also begun discussions on drafting of a new Constitution which would replace the 1992 Constitution currently in force.

9. The causes of Rwanda's growing frustrations that have led to a hard-line approach to internal issues and to a critical stance towards the international community need to be analyzed. First, the growing threat from the militarisation in the refugee camps in Tanzania and Zaire, as well as credible media reports of arms deliveries to the former RGF elements, have caused concern in Rwanda. Increasingly organized incursions into Rwanda have led to security alerts and a dragnet of suspected sympathizers. The frustration with the international community is accentuated by the embargo on military supplies that continues to apply to Rwanda while no limitations are seen to be placed on military training and arms supplies in the refugee camps.

10. Second, the delay in the process of justice in the international tribunal and at the national level is another cause of deep frustration. The Rwandese government feels that the criminals responsible for genocide are known and operate openly against the government from abroad. Yet, despite Security Council Resolution 978 and despite lists of alleged criminals having been given to countries concerned, no arrests have been made on the basis of the Security Council resolution. The tribunal has not started operating and the national judicial system which would process most of the prisoners currently in Rwandese prisons is also dependent on international support.

11. A third element that has led to deep frustration is the slow trickle-down effect of the economic aid pledged at the UNDP Round Table. Here, the figures speak for themselves. At Geneva, the UNDP pledged US \$634 million to Rwanda. Of this sum, agreements for \$293 million have already been signed by donor countries. However, only \$69 million has actually been disbursed of which US \$26 million has been utilised for debt repayment. The net result is that less than 15% of the signed agreements have actually been disbursed in Rwanda for projects such as repair of infrastructure, rehabilitation, refugee resettlement etc.

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12. It is important that these frustrations are addressed so that Rwanda is able to return to the path of enlightened moderation. The secure return of refugees has been acknowledged as the vital element that would promote stability and harmony in the country. This concept has been accepted at the Bujumbura Conference, at the Nairobi Summit and in trilateral agreements between Rwanda, UNHCR and neighbouring countries. The sense of security and confidence that would persuade refugees to return is predicated on an improved climate of relations between countries of the Great Lakes. I believe that at the appropriate time and with due preparation a conference should be convened in consultation with OAU and UNHCR with a view to resolving broader and inter-related issues of peace, security and stability in the region.

13. In assessing the implementation of the objectives set forth in UNAMIR's current mandate, it is relevant to recognize UNAMIR's contribution to the relative stability and normalisation that has taken place in Rwanda over the past year. In Rwanda, there are no curfews; towns and communes have returned to near normalcy; primary and secondary schools have re-opened; electricity, water and telecommunications have been re-established; the airport is operational; and agriculture has revived. UNAMIR's formed troops have contributed significantly to this process not only by instilling confidence and security to a population recovering from the effects of genocide and civil war but also in providing material help in repairing roads and bridges; assisting in setting up Rwanda's telecommunications, treating approximately 1000 medical patients a day; de-mining in key sectors; training local police, transporting refugees, IDPs, orphans, equipment, prisoners, school papers and new currency, repairing buildings; assisting in communal electricity projects, water and vehicle maintenance projects, supporting orphanages and improving prison conditions.

14. On the negative side, the law and order situation remains tense with grossly overcrowded prisons, arbitrary arrests, no significant advance in the process of reconciliation, tension over propriety rights and no effective judicial system in place. The government still does not have an adequate capacity to exercise efficient governance due to the lack of funds, equipment and other resources.

15. As regards the mandate, consultations with the Rwandese government have indicated a measure of commonality. It is recognized that a qualitative change at the ground level has taken place in Rwanda compared to the post-Arusha period when UNAMIR was initially conceived. This changed political context needs to be reflected in the new mandate, taking into consideration that since 19 July 1994, the government has exercised sovereign authority over the territory of Rwanda. Bearing in mind the Security Council's objectives related to Rwanda, UNAMIR would continue to operate in Rwanda under Chapter VI and only with the full consent and cooperation of the government.

16. I believe there should be a gradual reduction in formed troops if the process of normalisation continues without major hurdles and that UNAMIR's new mandate should focus on a peace-building role. Nevertheless, apart from the specific task of providing security to the Tribunal and to UNAMIR installations and personnel as well as Human Rights Monitors, I believe that a limited reserve is necessary, to be placed in sensitive areas in order to continue to instil confidence and security to returning refugees as agreed specifically in the Bujumbura Conference Declaration.

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17. As regards peace-building tasks, I believe that this should be undertaken in the civilian sector with my Special Representative, in cooperation with UNDP, UN Agencies and NGOs, implementing an integrated multifunctional plan of action in the field of rehabilitation, refugee resettlement, repair of infrastructure and the revival of justice. It would be immensely helpful if funds already committed to these projects could be channelled by donor countries through the Rwanda Trust Fund enabling a quick, flexible and efficacious utilisation of committed funds. Where possible, the formed troops would inter-act and cooperate with UN agencies in order to support a peace-building role for UNAMIR.

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

General

a) To engage in a peace-building role aimed at meeting Rwanda's urgent needs in the economic, social and administrative sectors. My Special Representative would coordinate and supervise these programmes with UNDP and Agencies notably in the fields of rehabilitation, revival of justice, repair of infrastructure and economic and social affairs. Where possible, UNAMIR formed troops would assist in these peace-building programmes.

(b) To contribute to providing security and confidence to returning refugees as envisaged in the Bujumbura Declaration, the Nairobi Summit and formal agreements signed by the government of Rwanda.

(c) To assist the government of Rwanda in promoting harmony and stability in the country.

(d) To seek national reconciliation in the spirit of the Arusha accords.

(e) To assist in convening a regional Conference of the Great Lakes Region.

19. Specific

i) UNAMIR would provide protection and security to:

- a) UNAMIR Headquarters and its personnel
- b) International Tribunal and its personnel
- c) UN Human Rights Field Operation Headquarters and field offices throughout Rwanda and their personnel

ii) UNAMIR would contribute to the protection and security of:

- a) UN Agencies and NGOs and their personnel
- b) UN and NGO humanitarian convoys and aid distribution centres

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iii) UN CIVPOL to continue training gendarmerie and communal police until Rwanda engages in alternative bi-lateral arrangements.

20. In order to implement this mandate, the following force requirement is proposed:

- Military Units
- Military Observers
- Civilian Police Observers

21. If the reduction of UNAMIR formed troops is agreed, a phased reduction would be carried out within a 3-month period.

III. LEGAL AND HUMAN RIGHTS ASPECTS

22. The Human Rights Field Operation in Rwanda continued to augment its monitoring activities and to develop its programme of technical assistance to the Rwandese judicial system with the arrival of additional staff members during the reporting period. As of ... May 1995, the Field Operation was composed of ... staff members who operate from its Kigali headquarters and ... field offices located throughout the country.

23. In its efforts to cope with the crisis resulting from the sudden and forcible closure of IDP camps in southwestern Rwanda, the Field Operation set up an emergency coordination office in Butare and deployed an additional 20 field officers and an emergency coordinator to cover the principal areas affected, including 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 and resettlement of displaced persons in their home communes and ensuring their security en route.

24. The Field Operation was also preoccupied during the period under review with the worsening conditions in Rwanda's jails. Due to an increase in the number of arrests, there are now approximately 35,000 people detained in inhumane conditions throughout the country, with Kigali prison, originally built for 1,500 detainees, now holding about 8,500. While efforts are underway to augment the capacity of Rwandese prisons, the Field Operation has emphasized its view that unless those detained are brought to justice in a timely and effective manner, such efforts will only provide a token solution to what threatens to become an intractable problem.

25. 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 who would be assigned to assist in the revival of the national judiciary, the training of lawyers and judges, as well as increasing human rights

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awareness in the country by educating the military, police, other governmental institutions and the general population, especially women's groups, on the importance of human rights.

26. Another 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 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 the Field Operation continues to maintain close contact and to share information.

27. In a move that could significantly promote the sensitization of state institutions to human rights issues, the Rwandese Government in May began discussing in cabinet the establishment of a national commission on human rights as provided for under the Arusha Peace Agreement. Under the Arusha accords, the commission, which shall be composed of seven members serving for a three-year term and shall remain independent, shall be mandated to investigate human rights violations committed on Rwandese territory, in particular by organs of the State or its agents.

IV. INTERNATIONAL TRIBUNAL FOR RWANDA

28. The effective establishment of the International Tribunal for Rwanda has proceeded in stages following the adoption of Security Council resolution 955 (1994) on 8 November 1994. The first accomplished task was the establishment of the Office of the Prosecutor and the commencement of formal investigations for the preparation of indictments against persons accused of involvement in genocide and other crimes under the jurisdiction of the Tribunal.

29. As I informed the Security Council in my last report, the Office of the Prosecutor, which was established in Kigali in January 1995, announced in early April 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 have sought refuge in foreign countries, and are 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.

30. In the meantime, arrangements are in hand for securing premises for the Tribunal at its headquarters in Arusha, Tanzania. 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 recently visited Tanzania to survey the premises and to finalize the requisite legal and logistic instruments.

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31. The Security Council, by its resolution 989 (1995) of 24 April, has established a short-list of 12 candidates from which the General Assembly is to elect the six Judges of the two Trial Chambers of the Tribunal, in accordance with Article 12 of the Statute of the Tribunal. Under Article 12 (2) of the Statute, the Appeals Chamber of the Tribunal is the same as that of the International Tribunal for the former Yugoslavia.

32. The Prosecutor for the International Tribunal, Judge Goldstone, paid his second visit to Rwanda from 18 to 20 May. During his stay, he met with senior Government officials and with my Special Representative and discussed practical arrangements for the functioning of the Tribunal. The Prosecutor also convened, on 19 May, a one-day conference of donors to discuss international support, especially funding for the Tribunal. I wish to thank those Member States who have made voluntary contributions to the Trust Fund I set up for the Tribunal and to appeal for continued and additional assistance to enable the effective operation of the Tribunal.

V. MILITARY ASPECTS

33. As at ___ May 1995, UNAMIR's force strength stood at _____ troops and ___ military observers (see annex). Since my last report of 9 April, the Nigerian contingent of 329 ranks all ranks and the Ethiopian battalion of 808 all ranks have rotated. 429 personnel of the Zambian battalion have rotated while the remainder will rotate in July. The Ghana battalion rotation, which commenced on 10 May, is scheduled to end on 24 May. Furthermore, the remaining 101 all ranks of the Indian Signals company have now joined their advance party.

34. During the period under review, relations between UNAMIR and the RPA deteriorated, as the RPA continued to deny access to parts of the country, carried out searches and seizures of UNAMIR vehicles and other equipment, and participated in anti-UNAMIR demonstrations. The RPA's activities, many of them in violation of the Status of Mission Agreement, have hampered UNAMIR's activities on the ground. Troop rotations have continued to experience difficulties as UNAMIR personnel have been delayed or denied entry at Kigali airport because they did not have passports. This culminated in the refusal of entry and subsequent deportation of 40 Nigerian military personnel on 4 April. Furthermore, joint meetings between UNAMIR and the RPA, which had been held on a bi-weekly basis, have not taken place during the past three months.

35. As a result, relations between UNAMIR and the RPA have become more strained than before. The deterioration of this relationship was most recently demonstrated by the RPA's failure to inform UNAMIR before launching its operation to close IDP camps in southwestern Rwanda. While UNAMIR had been aware of the Government's intention to dismantle these camps which, in the Government's view, contributed to the destabilization of the country, UNAMIR had counselled against the use of force. This lack of prior consultation marked a change in the Government's attitude, since the Government and the RPA had cooperated with UNAMIR in the launching of Operation Hope last December to eliminate intimidation and insecurity within the IDP camps and thus facilitate, through Opération Retour, the voluntary return of IDPs to their home communes. When the RPA, on 18 April, cordoned off Kibeho and

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other IDP camps, UNAMIR was not informed of this initiative until six hours after the operation had begun.

36. Prior to the launching of that operation, the RPA, signalling its intention to close down all IDP camps, had begun dismantling smaller camps holding 2,000 displaced persons or less. UNAMIR consequently increased its troop strength in the area with the addition of a company to the company that was already in place, and intensified patrols in nearby communes with a view to providing a greater sense of security and protection to the IDPs. UNAMIR also deployed a ZAMBATT medical unit and an Australian medical support force (AUSMED) to provide medical assistance to the IDPs.

37. When the RPA launched its operation the UNAMIR force reacted immediately and within 24 hours took the following measures: 32 UNAMIR trucks were deployed to transport IDPs; two AUSMED Casualty Collection Posts were established 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, the Butare-Kibeho road was improved by the Force Engineer Company to facilitate movement of IDP convoys and humanitarian assistance. Sick and injured IDPs were evacuated by UNAMIR troops to NGO medical facilities in Butare. This evacuation procedure was sometimes not possible due to RPA's initial restrictions on movement and denial of passage to UNAMIR and relief agencies. A UNAMIR force platoon was deployed at Butare stadium to provide security and to monitor developments in the area. The troop strength at open relief centres, way stations and transit centres in sectors 2, 3B, 4B and 6 was increased, and patrols were intensified to facilitate the reception and further evacuation of IDPs from these temporary facilities to their various home communes. In sectors 4A and 4B where the IDP camps were located, UNAMIR also augmented its military observer presence to increase monitoring and escort duty capability.

38. During the entire period of the crisis from the commencement of the cordon on 18 April to the mass killings on 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 and help coordinate the activities of UNAMIR forces and relief agencies.

39. As I indicated above, I do not wish to prejudge the findings of the ongoing independent investigation on the Kibeho disaster. Nevertheless, I believe it is pertinent to point out at this stage that while UNAMIR was mandated to contribute to the security and protection of IDPs, it could not, operating under the rules of engagement incumbent upon it as a Chapter VI mission, forcibly have prevented the Government from exercising sovereign control over its national territory. Against this background and with a view to the effective discharge of its mandated tasks, the UNAMIR force had been working on the basis of close cooperation with Government forces. The deterioration in relations reflected in the breakdown of communication and consultation prior to the RPA operation clearly contributed to the tragedy.

40. In spite of the resources channelled to cope with the IDP emergency, UNAMIR's military component continued to perform its other tasks, including in particular providing

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security to human rights monitors, staff of the International Tribunal, United Nations agency personnel and NGOs. Due to the deteriorating security situation in Kigali, UNAMIR has had to withdraw some of its formed troops from other sectors to reinforce security in the capital where armed robbery is on the increase. Troops and military observers have also continued to escort humanitarian relief convoys and to provide emergency medical assistance to Rwandese citizens at UNAMIR locations around the country. The aura of security and confidence which the presence of UNAMIR troops and military observers throughout the country provides is reflected in the fact that Rwandese citizens frequently approach UNAMIR installations in search of protection. In such cases, UNAMIR enters into contact with Government and RPA officials at the various locations and at headquarters, if necessary, to ensure a smooth settlement.

VI. CIVILIAN POLICE

41. During the reporting period, a major activity of UNAMIR's Civilian Police component (CIVPOL) continued to be the training of a new integrated national police force as mandated under Security Council resolution 965. The second batch of 300 gendarmes and 20 instructors completed an intensive and accelerated 16-week training programme on 29 April and will soon be deployed to gendarmerie brigades throughout the country. Arrangements have been made for the third batch of 400 new candidates to start training in June for a period of 4 months. This is to be followed by the training of 100 instructors selected from the already trained gendarmes. Since December 1994, the training programmes have been held at the National Gendarmerie Training School in Ruhengeri in northwestern Rwanda which UNAMIR has helped renovate.

42. The assistance given to the Rwandese Government by UNAMIR to help the Chief of Staff of the National Gendarmerie in determining the organisation and operational requirements of his new force has progressed. A final orientation document has been completed and will serve as a basic guide 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.

43. Commencement of training for the first batch of 1000 communal police officers continues to be held up by financial and logistic problems. Meanwhile, Gishari has been selected as the site for the training and the students have been screened. The Government has also appointed officers who will serve as some of the instructors and staff and the necessary teaching documents have been prepared by UNAMIR CIVPOL. The Government has requested UNAMIR's assistance in the areas of infrastructure, office equipment, furniture and transportation to prepare for the opening of the Communal Police Training Centre.

44. In addition to their training task, UNAMIR's civilian police observers continue to maintain close liaison with local authorities in the eleven prefectures of Rwanda and carry out monitoring and investigative activities. The observers are working closely with UN agencies and NGOs and are, above all, assisting human rights monitors and UNAMIR personnel in their daily activities around the country.

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45. Out of its authorized strength of 120 observers, only 64, from the following countries, were deployed as of ... May: Djibouti (7), Germany (9), Ghana (10), Guinea-Bissau (5), Jordan (3), Mali (10), Nigeria (10) and Zambia (10). There is an urgent need to deploy the remaining 56 observers, which it is hoped would be French-speaking, so as to enable UNAMIR to discharge fully its responsibilities, especially its expanding training programmes.

VII. HUMANITARIAN ASPECTS

46. Since my last report, the humanitarian community's efforts have been mainly directed at dealing with the consequences of the forced closure of IDP camps located in southwest Rwanda. The rapid and coordinated response on the part of UNAMIR, United Nations agencies, inter-governmental organizations, in particular IOM, and NGOs undoubtedly prevented greater casualties and suffering resulting from the crisis. These efforts were undertaken in a spirit of cooperation with several Government ministries in Kigali and the Butare and Gikongoro prefectures. Transportation assistance was provided to over 70,000 people; emergency medical facilities were set up to tend to the sick and wounded, mainly in Butare; waystations and Open Relief Centres (ORCs), managed and supported by NGOs, served as first aid points and provided food and water, as well as emergency non-food items, to the former inhabitants of IDP camps.

47. 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 affected communes of UNAMIR and other international personnel, as well as intensive intercessions by the Minister of Interior, relative improvement in the assimilation of the IDPs has been reported. Clearly, humanitarian assistance will continue to be needed for some time to ensure the smooth and unhindered resettlement of returnees.

48. The massive return of displaced persons, many of whom were forced to leave their possessions in the camps or were robbed on their way home, has placed heavy strains on the fragile conditions already existing in many communes. There is an increasingly urgent need for the international community to accelerate its rehabilitation efforts in the communes, particularly in those areas where the largest numbers of IDPs have returned. Although food distribution to returning families and to other needy people in the communes has now begun, many people are without the means to become productive until the next agricultural season in September 1995 to January 1996. As a result, they will require sustained food assistance, as well as seeds and tools for the next planting season. In addition to the returning IDPs, other vulnerable groups will also require sustained food aid in 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. In this respect, assessment teams comprising Government officials, United Nations and NGO personnel, have visited most of the communes in the Butare préfecture to determine the pressing requirements and priority areas for intervention. In Kigali, through the Integrated Operations Centre (IOC), sectoral cells have been reactivated to ensure effective planning and coordination of rehabilitation activities.

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49. Health facilities countrywide continue to need urgent rehabilitation and adequate staffing to ensure adequate delivery of health services, especially with regard to returning IDPs. On a more positive note, the water supply system in the northeastern part of the country is being restored with the construction of shallow wells to cater for the needs of over 20,000 people, and in other areas of the country, some 150 springs will be protected by the end of the year to benefit some 30,000 people.

50. The closure of the camps has also increased the number of unaccompanied minors in the country as many of them were either left in the camps or found along the roads to various communes. Approximately 70% of these children are under the age of five and most are severely traumatised by their experiences.

51. In order to carry out projects which will enable people to have adequate access to health care, potable water, sanitation, education, as well as the means to resume agricultural activities, substantial funding from the donor community is required. As I reported in April, the low level of response to the Consolidated Inter-Agency Appeal for Rwanda and the subregion has hampered the commencement of some important rehabilitation and reconstruction activities as well as ongoing programmes. As of ___ May, only US\$ ___ million had been pledged against a total requirement of US\$ 219 million for Rwanda. For the subregion, pledges amounted to US\$ ___ million against a total requirement of US\$ 587 million.

52. In respect of the Trust Fund, the total contributions received to-date from various countries and private donations now amount to some US\$ ___ million. Of this amount, the Netherlands has contributed more than US\$ ___ 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.

53. With regard to Rwandese refugees in the region, a number of events have raised concerns about the respect for the principles underlying conventions relating to the treatment of refugees and displaced persons. At the end of March, Tanzanian authorities ordered their border with Burundi closed to thousands of asylum-seekers, many of them Rwandese refugees fleeing camps in Burundi following disturbances in that country. There are also indications that some of the IDPs fleeing the recent camp closures in Rwanda were not allowed into Burundi or were returned unwillingly to Rwanda after entering the country. The forcible closure of IDP 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.

54. The Government of Rwanda's decision to close the border with Zaire to all traffic, including food destined to refugee camps in the Bukavu area in Zaire, has further complicated an already difficult supply and logistics chain, especially for food. In both Goma and Bukavu, food distributions have dropped by as much as 50% of normal requirements.

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55. On the security situation in 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. At the same time, discussions are ongoing with Zairean authorities on the possibility of relocating those camps that are situated too close to the border.

56. I urge Member States to bear in mind the humanitarian premise on which United Nations activities in this field are based. In this connection, I support the Security Council's recent invitation to States and donor agencies to deliver on their earlier financial commitments and to further increase their assistance for humanitarian activities in Rwanda; urged all Governments in the region to maintain open borders for this purpose; and requested 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).

VIII. ADMINISTRATIVE AND FINANCIAL ASPECTS

To be provided by Administration.

IX. OBSERVATIONS AND RECOMMENDATIONS

57. It is vitally important that Rwanda should be encouraged to return to the path of harmony, stability and security through policies of enlightened moderation.

58. In accordance with the Nairobi Summit Declaration (January 1995), the Bujumbura Declaration (February 1995) and formal agreements signed by Rwanda, a major effort must be made to persuade 2 million refugees to return home in dignity and security. The government

of Rwanda should be encouraged to make a determined effort to foster a climate of security and harmony to encourage the return of refugees in safety.

59. At the same time, effective measures should be taken to control militarisation in the camps and the supply of arms to militant elements that have publicly advocated armed conflict and de-stabilisation in Rwanda. The international community may assist UNHCR, Zaire and Tanzania to control militarist activity in the camps and to neutralise intimidation of refugees willing to return home voluntarily.

60. Immediate steps should be taken by the international community to support the earliest possible activation of the International Tribunal and the national system of justice. Member States may also be urged to take effective action against alleged criminals accused of genocide, in consonance with Security Council Resolution 978.

61. Rwanda's urgent need for flexible, cash-flow aid to address issues such as refugee resettlement, dispensation of justice, repair of infrastructure, activation of vital social and economic programmes may be met through a peace-building mandate to be carried out by UNDP and UN Agencies acting under the overall guidance of my Special Representative. This objective could be achieved if he is given a mandate to ensure that commitments entered into

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under the UNDP Round Table are disbursed expeditiously through an Emergency Programme. Contribution to the Rwanda Trust Fund would assist in the quick disbursement of committed funds to Rwandese projects.

62. The continued harassment and vilification of UNAMIR and UN Agencies remains a source of concern. At the working level there is a lack of cooperation, even of gratuitous hostility and consequent insecurity. The Rwandese government must take effective steps to stop and reverse this trend through responsible leadership. Accordingly, the first step in clearing this vitiated atmosphere would be the formal acceptance by the Rwandese government of the Status of Mission Agreement and its implementation in full. For its part, UNAMIR would continue scrupulously to respect Rwandese laws, customs, regulations and traditions.

63. Consequent to the Bujumbura Conference, the need for a Regional Conference on security, stability and peace, in the region needs to be organized after appropriate preparation and consultation with concerned states.

64. UNAMIR's mandate after 9 June may be based on recommendations contained in paras 18 and 19 above. UNAMIR would continue to operate under Chapter VI and the new mandate would cover a 6-month period, that is from 10 June until 9 December, 1995. Its strength would be reduced to :

- a)
- b)
- c)

and the reductions may be phased out over a period of 3 months.

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UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

(C) UNAMIR - MINUAR

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SHAHARYAR M. KHAN, UNAMIR, KIGALI
DATE: 28 MARCH 1995
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Please find attached the draft progress report of the Secretary-General on UNAMIR.



SECURITY COUNCIL

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D R A F T

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

I. INTRODUCTION

1. By its resolution 965 (1994) of 30 November 1994, the Security Council expanded and 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 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 is submitted in response to that request and covers developments in Rwanda since my report of 6 February (S/1995/107).

II. POLITICAL ASPECTS

2. During the reporting period, a Security Council mission visited Rwanda on 12 and 13 February, and reported to the Council on its findings and discussions with Government officials, my Special Representative and other senior UNAMIR officials and representatives of United Nations agencies and non-governmental organizations (NGOs) operating in Rwanda (see document S/1995/164). The comprehensive observations and recommendations of the Council's mission, covering reconciliation, reconstruction and repatriation aspects of the Rwandese situation, have provided an important update on developments in that country.

3. This report coincides with the date, April 7, which saw the beginning of the civil war and the launching of genocide on the people of Rwanda last year. To commemorate this grim anniversary, I have sent a message calling upon the international community never to allow genocide to be perpetrated again on mankind. Yet, despite universal condemnation of these heinous crimes, the process of judging these criminals has not begun, either by the International

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Tribunal or through the national judicial process in Rwanda. The Security Council, in its resolution 978 (1995), has called upon member states to arrest and detain persons found within their territory against whom there is sufficient evidence that they are responsible for acts within the jurisdiction of the International Tribunal for Rwanda. Regrettably, I see no action being taken by member states. Moreover, there is clear evidence in the refugee camps along Rwanda's borders of military training and arms supplies in preparation for a renewed conflict. Not only does this activity seriously compromise the status of the Rwandese refugees, but it also creates a threat to peace in the region. I feel it is incumbent on member states to take serious note of these developments in order to assist countries on the periphery of Rwanda, notably Zaire and Tanzania, to control and neutralize the military threat being posed by armed insurgents and to bring discipline and order into the refugee camps.

4. During the period under review, there have been both positive and negative developments. On the favourable front, the private sector has continued to revive and flourish in an atmosphere of relative security with the result that markets, shops, small business have sprung up throughout the country. The basic services, transport, telecommunications, education and farming have also revived giving the country an air of peaceful normalcy. Primary and secondary schools have opened and commercial flights are serviced daily at Kigali airport. In contrast, the public sector remains deprived and sluggish with acute shortages of transportation, cadres, finances to pay salaries and repair of infrastructure.

5. A major success for the Government was the UNDP Round-Table conference in Geneva (17-18 January 1995) which saw the Rwandese Government's policies endorsed, concluding with a commitment of US\$ 611 million pledged for economic support to Rwandese. This economic package meaningfully addresses Rwanda's actual needs. However, its disbursement will inevitably take time to trickle down and during the interim period, Rwanda is likely to feel the frustration of cash-flow scarcity. Nevertheless, the substantial pledge of economic support by the international community served to provide an encouraging and stabilizing factor to Rwanda.

6. The effort to persuade the 2 million refugees in Zaire, Tanzania and Burundi as also 350,000 internally displaced persons, namely in Gikongoro prefecture, to return home voluntarily was assiduously pursued by the UN and its agencies, notably UNHCR. My Special Representative in Rwanda visited Zaire and Tanzania with a view to easing conditions for refugee return through the control of intimidation by political elements in the camps on the one hand, and ensuring security and fair treatment on return to Rwanda, on the other. Subsequently, UNHCR has signed an agreement with Zaire with a view to achieving these ends and has held discussions with the Government of Tanzania. The regional conference in Bujumbura also saw the approval of an Action Plan which effectively addresses the responsibilities and commitments of all parties in facilitating the early return of refugees. I find these diplomatic initiatives to have pointed all parties concerned in the right direction towards the central issue of a voluntary return of refugees in safety and honour.

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7. As regards the 350,000 internally displaced persons concentrated in the Gikongoro sector, Opération Retour that was jointly launched between the Rwandese Government and the UN, saw the initial movement from the camps of around 150,000 IDPs. In the northern sector, the camps were voluntarily vacated and closed. 40,000 IDPs were transported back to the communes in UN vehicles. The remainder walked home. Between 30-40% of these IDPs went either to neighbouring countries (Burundi, Zaire) or joined the southern camps (mainly Kibeho). Nevertheless, the first part of Opération Retour was an unqualified success in which UNAMIR, the UN agencies and the Rwandese Government achieved a voluntary melt-down of the IDP camps in the northern sector. About 220,000 IDPs in the southern camps need not to be persuaded to return home.

8. Another favourable development during the period under review was movement in the field of reconciliation in the lower tiers of the social structure. In towns and communes, the trickle back home had taken place in relative security and though there were numerous disputes regarding property and land rights, a large number of old and new case loads settled back to pick up their daily lives. From Gako, the first batch of 1,000 former RGF military rejoined the national army in an impressive ceremony after a 3-month re-education course. A further 1,000 are undergoing the same course. Similarly, on the civilian front, prefects, civil servants, cabinet ministers who had served with the former government continued to be inducted into service. However, the reconciliation process at the top, political level remained stalled as the Government of National Unity continued to regard the MRND and other senior members of the former government as being tainted by responsibility for genocide.

9. Since 16 February, Radio UNAMIR has commenced its broadcasts in an effort to present to the Rwandese people at home and in refugee camps in the neighbouring countries, objective and factual information. Radio UNAMIR is currently on the air seven days a week from 16h00 to 20h00 local time. It broadcasts in three languages, namely Kinyarwanda, the national language (about 50 per cent of air time), French (25 per cent) and English (25 per cent). Radio UNAMIR's mission is to consolidate and strengthen the inter-related processes of repatriation and reconciliation. In this connection, as I indicated in my last progress report on 6 February, it will be necessary to increase the resources of the station, especially the number of editorial and technical staff, in order to achieve the objectives we seek. The strengthening of the station's resources would allow Radio UNAMIR to increase its broadcast time and to add a fourth language, Swahili, to the broadcast programme.

10. On the negative side, over the past two months, there are signs of tension, frustration and insecurity. The prefect of Butare was murdered in an ambush on 4 March. Earlier, a government health officer was assassinated. UNAMIR contingents in Gisenyi (TUNBATT) and in Byumba (NIBATT) were attacked through grenades and with recently laid mines. There are reports of armed saboteurs crossing, mainly from Zaire, through the forests and Lake Kivu, in a campaign of de-stabilization. Incidents have been reported of recent returnees from camps in Goma being punished by death for desertion. This trend has led to heightened security checks which, in turn, has produced a significant increase in detainees accused of genocide. Over the past two months, the number of detainees accused of crimes has almost tripled and stands at an average of 1,500 a week. The prisons which are already grossly overcrowded are now packed

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to the point appalling human suffering. The death by asphyxiation of 24 detainees in a gendarmerie cell on 16 March is testimony to the fact that the prison population in Rwanda has exceeded acceptable limits. As there is no judicial process in place, the prison population will continue to increase with no countervailing outlet. Increased security checking by the RPA and consequent fear of repression has led to the flow of returning refugees and internally displaced persons almost stalling. In some cases, the IDP camps have seen a return of those who had left while others who had never been in camps are seeking refuge in them. Kibeho camp which had a population of 70,000, has swelled to 120,000. Human rights monitors are reporting growing instances of repression and violation of human rights.

11. The increased security dragnet against possible saboteurs and infiltrators has also led to numerous searches and incidents against UN and international staff. UN vehicles have been searched, duty-free goods stopped at the airport and seemingly an orchestrated stand-off against UNAMIR among the middle-and lower ranks has been noted over the past two months. Last month, Radio Rwanda carried almost daily accusations of UNAMIR 'misconduct' by magnifying out of all proportion minor incidents of a routine nature. This campaign was so persistent that my Special Representative lodged a protest with the Minister of Information. The Minister has expressed his regrets and the Prime Minister, in a subsequent press conference, has strongly criticized Radio Rwanda's tendentious broadcasts. Since then, Radio Rwanda has adopted a balanced attitude towards UNAMIR.

12. The negative attitude by RPA towards UNAMIR was also broached by my Special Representative with the Vice-President and Minister of Defence, Major-General Paul Kagame. The Vice-President reaffirmed his Government's positive attitude towards UNAMIR and added that minor incidents on both sides should be cleared up at the joint weekly staff meetings. The Vice-President added that at an appropriate time, UNAMIR's phase-out from Rwanda needed to be discussed as some of the frustrations at the lower level were due to the perception that the Government's sovereign authority in Rwanda would not be complete in the presence of a large UNAMIR military presence.

13. There are indications that the authorities are concerned at the potentially damaging consequences for the country, of a continued ethnic tension and a perception of harassment. The Government is making intensified efforts to control and reverse the trend. The Government has condemned the recent attacks against UNAMIR installations in Gisenyi and Byumba which it regards as isolated acts of misconduct by individuals whose identities are still being sought as it pursues its investigation of the incidents. The authorities have, at the highest level, reassured my Special Representative of the Government's support for UNAMIR. Meanwhile, the authorities have, at various levels, continued to hold public rallies and meetings around the country to emphasize the need for peace and harmony among Rwandese. Recently, 42 parliamentarians from the 70-member Transitional National Assembly travelled around the country to address the population, listen to their concerns and exchange views on ways and means of dealing with the country's problems.

14. Thus, over the past two months, these tensions and frustrations have surfaced. They are partly due to the absence of a judicial process to punish the large number of criminals that are

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in prison, at large or planning armed insurrections from the neighbouring refugee camps. The frustration is accentuated by the knowledge that the criminals administratively control the refugee camps where they receive and distribute humanitarian aid. The fact that neither the Tribunal nor the national judicial process have begun to function tends to make the aggrieved persons seek summary retribution themselves. Another cause of frustration is that, despite pledges of economic support, the up-front cash-flow is no more than a trickle at present. This prevents effective governance and essential repair of infrastructure such as regular payment of salaries and purchase of vehicles, office equipment, etc. Finally, growing incidence of sabotage and armed insurrection from across the border with Zaire has led to intensive security precautions and a consequent increase in tension.

15. It must be recognized that, in the short term, the security and administration of law and order in the country can only be safeguarded by the army (RPA). Until the police, gendarmerie and other elements of the judicial process are trained and equipped, the army is obliged to play this essentially civilian role. Over the past two months, there are clear signs of an organized campaign of guerilla type armed activity from across the border, particularly from the camps in Zaire. Gangs of saboteurs carrying arms, grenades and mines have been caught and there is evidence gathered by UNAMIR troops that unlike the disorganized, marauding bandits of the past, the current intrusions are organized and seemingly part of an armed campaign to destabilize the Government. This has caused the RPA to clamp down heavily on security and to treat new caseload refugees with the gravest suspicion. Rwandese border patrols have accordingly been strengthened.

16. This virtual campaign of armed de-stabilization raises the issue of lifting, partially, the arms embargo on Rwanda. In order that the RPA is able to carry out its civilian functions effectively and humanely and to counter the armed incursions from territories which have no arms embargo, the need for the lifting of embargo on non-lethal arms, such as vehicles, night vision devices, telecommunications equipment, would appear to be justified.

17. To summarize, the Rwandese Government has in the past nine months since it assumed office, achieved numerous successes in several fields despite a difficult environment and extremely limited resources. Over the past two months, however, tension strain and frustration has tended to stall, if not reverse, the forward movement towards rehabilitation, stability, justice and harmony. It is important that Rwanda revives the positive process in the spirit of international and regional cooperation.

III. HUMAN RIGHTS ASPECTS

18. Due to the perceptible rise in the level of tension in various parts of the country during the reporting period, increased attention, in the form of reinforced monitoring, was paid to efforts to assure respect for human rights especially in the areas concerned. In deploying monitors to different parts of the country, the United Nations Human Rights Field Operation in Rwanda (HRFOR) therefore took into consideration the special needs of specific areas. As at ... 1995, there were ... human rights officers in Rwanda, deployed in 11 field offices including Kigali.

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19. In carrying out their duties, human rights officers are working directly with the population as well as with Government officials and civic leaders at various levels throughout the country. In this way, they make an important contribution not only to assuring respect for the rights and dignity of each citizen, but also to promoting a sense of confidence and stability in the society. The deplorable conditions in Rwandese jails remains a major area of concern as the lack of resources has prevented improvements. Consequently, the prisons are dangerously over-crowded and medical care, sanitation and food are woefully inadequate. It is expected that once the International Tribunal begins full investigatory and prosecutorial activities and the Rwandese judicial system is restored, the cases of the thousands of detainees currently held throughout the country will begin to be examined. This is seen as an urgent requirement as it could lead to some of the detainees being released, thus lessening the pressures on Rwandese jails.

20. Following close consultations with the relevant Government ministries, the Technical Cooperation Unit of HRFOR recently published a comprehensive programme addressing the short and medium-term needs with regard to the establishment of a civil society based on respect for human rights. This programme includes practical recommendations on measures to facilitate the prosecution of suspects accused of participation in the recent genocide and other serious human rights violations. It also proposes a strategy for introducing human rights education in Rwandese schools and other appropriate Government institutions. The United Nations High Commissioner for Human Rights has made an international appeal for assistance to enable the Rwandese Government to re-establish a credible judicial system and also to recruit and deploy more human rights monitors who, as part of their duties, would be expected to work closely with the judiciary.

21. The evidence gathered by the Special Investigative Unit of HRFOR is being handed over to investigators for the International Tribunal for Rwanda. Since the establishment in Kigali of the Office of the Prosecutor for the International Tribunal in January 1995, Tribunal staff have been gathering documents, information and other evidence both in Rwanda and other countries. In view of the importance and volume of work involved, more expert personnel are required and efforts have begun to secure the necessary staff.

IV. INTERNATIONAL TRIBUNAL

22. With the adoption on 22 February 1995 of Security Council resolution 977, by which the Council decided to locate the seat of the International Tribunal in Arusha (Tanzania), another important step forward has been made in bringing the Tribunal to full operation. The Tribunal has set up the Deputy Prosecutor's office in Kigali and Mr. Rakotomanana, the Deputy Prosecutor has assumed charge of his responsibilities from March, 20. A high level United Nations team comprising senior officials from the Secretariat and the Office of the Prosecutor, is expected to visit Tanzania shortly to finalize agreements with the authorities on the local needs of the Tribunal. I welcome the voluntary contributions already pledged by some Member States to support the activities of the Tribunal and I appeal for more assistance in order to enable the Tribunal to begin to carry out its important tasks to assure justice which is a vital component of efforts towards lasting peace in Rwanda.

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V. MILITARY ASPECTS

23. As of ... April, UNAMIR's force strength stood at ... all ranks and ... military observers. Since my report of 6 February, an Indian signals company was deployed, the Franco-African battalion was replaced by a Senegalese battalion of 241 all ranks, the Malawi company of 181 and the Australian medical support group of 293 were both rotated, and the Canadian logistics support group of 95 was fully deployed.

24. In accordance with its mandate, the force continued to provide security and protection to displaced persons, refugees and civilians at risk, as well as to personnel of the International Tribunal and human rights monitors. The force has been working under increased pressure as a result of the recent deterioration in the security situation in the country which has included several instances of acts of harassment as well as intimidation directed at UNAMIR and other United Nations personnel, property and installations.

25. Since my last report, some of the incidents that have taken place have been particularly disturbing. On 15 February, the headquarters at Mutura, near Gisenyi, of UNAMIR's Tunisian battalion was hit by grenades and small arms fire in what we believe was a deliberate and unprovoked attack against the battalion's signals installation. The following day, while investigating the circumstances surrounding the attack, a Tunisian patrol detonated a mine believed to have been planted by the withdrawing attackers. The mine explosion injured 8 members of the patrol team, 4 of them seriously. A second mine was discovered and defused. On 18 February, a World Food Programme convoy carrying relief items to Goma was attacked and looted at the Gisenyi customs post by approximately 500 refugees from a transit camp, resulting in the fatal shooting of two of the looters by the RPA. On 5 March, three grenades were thrown by unknown persons at the Nigerian contingent's Byumba guardpost injuring two soldiers, one of them seriously. My Special Representative and the Force Commander have expressed serious concern over these incidents, which are the first instances since the termination of the civil war where United Nations troops appear to have been deliberately targeted. Government authorities have expressed regret for the attacks which they view as isolated criminal acts and have launched investigations to determine the circumstances and identities of those involved.

26. As I have previously informed the Security Council, mechanisms have been put in place for the UNAMIR force and the RPA to liaise and exchange views with each other both at the command and staff officer's levels. These arrangements facilitate the resolution of complaints and enhance cooperation and coordination between both sides in the service of peace in Rwanda. The worsened security situation during the period under review has however strained relations between the two forces, especially as the RPA has often restricted the movements of UNAMIR forces and military observers and denied unimpeded access to all areas of the country. This has affected the force's ability to discharge its mandated tasks fully and effectively.

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27. Despite the lack of resources and a clear mandate, explosives demolition teams within the UNAMIR force continue to carry out limited mine-clearing operations, especially in urban areas. There is a major need for a comprehensive mine-clearance programme which, among other things, would help open up many areas, including agricultural fields, to farmers and other returnees. A team of mine experts from the United States Department of Defense recently visited Rwanda and held discussions with the UNAMIR force in connection with the elaboration of a possible plan of action in this area.

28. As the situation in Rwanda continues to evolve, UNAMIR frequently reviews the level and deployment of its force to ensure the effective fulfilment of the mandate entrusted to it by the Security Council. Currently standing at ... troops all ranks, the force is within its authorized strength level which is deemed necessary, especially in the current volatile period, to meet the requirements of the expanded mandate provided for in the Council's resolution 965. Appreciable improvements in the security situation and intensification of the process of the safe return and proper resettlement of refugees and displaced persons in a stable and uninterrupted manner, may affect both the focus and tempo of the force's work and require a review not only of its strength and deployment but also of its tasks, bearing in mind the fact that the Government has assumed sovereign control of the national territory.

VI. CIVILIAN POLICE

29. In my report of 6 February, I mentioned that the assistance given to the Rwandese Government to train a new integrated national police force was underway and proceeding smoothly, by UNAMIR's civilian police component (CIVPOL), both with regard to the National Gendarmerie and the Communal Police, the two services comprising Rwanda's police structure. 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 the training of an additional 400 gendarmes before the training of 100 instructors that was planned to begin in June. Meanwhile, following a recent request from the Government, a CIVPOL officer has been assigned to assist the Chief of Staff of the National Gendarmerie to help elaborate operational requirements for the Gendarmerie so as to ensure that upon the completion of their training, the gendarmes, upon being deployed, are readily and properly equipped. On 23 February, my Special Representative, accompanied by the representative of UNDP, the United Nations Humanitarian Coordinator and the representative in Rwanda of the Organization of African Unity (OAU), visited the National Gendarmerie training school in Ruhengeri and agreed on urgent measures to be taken to meet the school's practical needs, in particular material and personnel support to permit the training programmes to proceed smoothly.

30. Due to financial and material constraints, the training of communal police, which was initially scheduled to begin in February, was delayed. The Government, which recently appointed a Communal Police Director, has informed UNAMIR that it is intensifying all possible efforts to secure the necessary resources to permit training to begin at the earliest opportunity. At the Government's request, CIVPOL plans to train 1500 communal police, divided into 2 contingents. The training centre is located at the former medical centre of Gishari (Kibungo). CIVPOL has already prepared the relevant teaching materials.

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31. CIVPOL continues to face an acute shortage of personnel, a situation which seriously impairs the smooth and effective discharge of its expanded tasks. Although the Security Council decided in February to raise CIVPOL's authorized strength to 120 police observers, only 58 are deployed so far. There is an urgent need to rectify the situation so that the CIVPOL component can be brought up to full strength. There is also a need for more French-speaking observers to add to the 12 currently deployed. More French-speaking observers are especially needed in connection with CIVPOL's training programmes, particularly as the training of communal police is about to begin. In view of the compelling need to provide Rwanda with an effective system of justice, including the adequate availability of a trained police force, I hope that CIVPOL's needs will be addressed with the urgency they deserve.

32. As part of its reinforced monitoring and investigatory activities, CIVPOL now covers the national territory as a whole, with teams of 3 to 4 observers present in each of the 11 préfectures. These observers work in close cooperation with local authorities, United Nations agencies and NGOs, and assist human rights monitors and UNAMIR troops and military observers in the performance of their respective duties.

VII. HUMANITARIAN ASPECTS

33. The international community's humanitarian operations in Rwanda have continued during the period under review to focus increasingly more on long-term rehabilitation than on emergency assistance. Progress in this area has been affected by the lack of sufficient liquid resources to implement basic programmes. Very little of the donor pledges made at the Round Table meeting convened by UNDP last January in Geneva and the Consolidated Inter-Agency Humanitarian Appeal, which was also launched in January by the Department for Humanitarian Affairs, have so far been translated into actual disbursement. On 16 March, 14 Member States, as well as the OAU, the European Union, the World Bank, and various United Nations agencies and programmes attended a meeting in ... convened by the Under-Secretary-General for Humanitarian Affairs to consider the urgent needs of Rwanda, especially in light of the slowness of disbursement of funds pledged which are desperately required to enable the Government to function effectively. With respect to the Trust Fund, as of... April 1995, only US\$... was available in cash, as opposed to US\$... pledged.

34. Among the priority humanitarian areas with long-term as well as emergency implications is food availability and distribution. As it is well-known, the agricultural sector was severely affected during the civil conflict. While significant recovery efforts have begun, food shortages within the country and the region as a whole are in evidence. Swift action by the international community is urgently needed, if the threat of starvation and malnutrition is to be averted, especially as some 3 million Rwandese and Burundian refugees and internally-displaced persons currently depend on food assistance. United Nations agencies and NGOs have begun to take action towards ameliorating the situation by contributing seeds and tools, implementing seed and livestock protection programmes and distributing food items to vulnerable groups, including IDPs and returnees. The World Food Programme's food-for-work schemes which seek to promote the rehabilitation of infrastructure and the strengthening of food security have

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continued. Some 26 nutritional centres have reopened, the delivery of supplementary food aid to centres for unaccompanied children are continuing with plans to make 100 nutritional centres operational during 1995.

35. Problems affecting children have continued to attract special attention. United Nations agencies and NGOs are engaged in registering unaccompanied minors and attempting to reunite families. Through these efforts, about 3,000 children have so far been reunited with their families. Agreement has been reached with the Ministry of Justice to permit the estimated 400 children between the ages of 11 and 17 who have been detained nationwide in connection with their alleged involvement in the recent genocide to be moved from prisons which also accommodate adults to a separate location for children only. As a result of consultations with the Ministry of Defence, a location has been identified for the education and retraining of some 4,000 soon-to-be-demobilised "child soldiers". As I have noted in earlier reports, the tragic events of 1994 in Rwanda were especially catastrophic for children. Pilot surveys to assess the impact of the trauma on this vulnerable group have begun and are expected to be expanded in the near future.

36. In the health sector, substantial improvements have been made since my last report. With the assistance of humanitarian organizations, various programmes of training, monitoring and surveillance in the health sector have been restored and enhanced. Nearly half of the 280 pre-war vaccination centres have reopened and efforts are actively underway to restart and equip all of them. Family planning initiatives, as well as programmes on HIV and AIDS prevention and care, are vigorously being promoted as are projects aimed at addressing issues related to maternal care.

37. Humanitarian agencies have intensified their efforts to assure wider access to education. This has included the distribution of basic classroom resources and supplies and an emergency curriculum for over 140,000 primary school children. Teacher Emergency Packages (TEPs) have been distributed to over 7,000 teachers serving about 600,000 children in Rwanda. Moves are underway 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 TEPs in refugee camps in Goma was launched in February.

38. Despite the Government's reaffirmation of its commitment to the principles of safe and voluntary return of IDPs to their home communities, there is evidence of an increasingly hardening attitude among some Government, and in particular RPA, leaders who see these camps as bases for insecurity and possible future destabilization. Advocates of this view are therefore increasingly pressing for the earliest possible closure of IDP camps. Humanitarian agencies continue to coordinate activities to expedite voluntary return under the Opération Retour programme launched last December which has, as of ... April, facilitated the resettlement of ... former IDPs.

39. The recent upsurge in insecurity in the country, as well as the continuing lack of resources for the reception and proper resettlement of returnees, have severely hampered the

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return effort. The increased screening of returnees by RPA, in a manner sometimes seen as tantamount to harassment, has also inhibited progress towards more expeditious voluntary departures from the camps. These limitations have also hampered refugee repatriation despite the fact that during the reporting period there was an increased focus on this aspect. With the UNHCR's recent agreement with the Government of Zaire and its arrangements with the Government of Tanzania aimed at assuring security in Rwandese refugee camps in their respective countries, it was expected that these measures would help eliminate intimidation and thus permit enhanced repatriation. Most of the estimated 60,000 refugees who have returned to Rwanda during the first two months of the year are derived from the 1959 caseload. Of the more recent refugees, a majority of those who have returned so far are women and children. United Nations agencies, which are facilitating their repatriation, are also assisting with the setting up of reception and transit facilities inside Rwanda.

40. As Members of the Security Council are aware, developments in Rwanda since the end of the civil war have encouraged the massive return of the 1959 caseload of refugees. Returnees from this category of refugees are currently estimated at over 600,000. Their resettlement is posing major difficulties for the authorities, especially as a large number of these returnees have illegally occupied the homes and property of recently-departed refugees, many 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 harmonious coexistence. Furthermore, as many of the 1959 refugees are returning to Rwanda for the first time, they may need special attention, especially in the areas of education, housing and job-training, to facilitate their smooth reintegration.

41. The solution of the humanitarian challenges that Rwanda continues to face is a vital element in international efforts to contribute to a sustainable process of lasting recovery and peace in the country. It is evident that continued assistance is indispensable if meaningful progress is to be achieved, particularly in view of the disastrous consequences of the recent conflict and the continuing paucity of resources available to the Government.

42. **CONTRIBUTION ON BUJUMBURA REFUGEE CONFERENCE.**

VIII. ADMINISTRATIVE AND FINANCIAL ASPECTS

(Text to be provided by Administration)

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IX. OBSERVATIONS AND RECOMMENDATIONS

43. The significant progress towards stability, normalization and security achieved in Rwanda over the past nine months is in danger of being undermined by the current tension, frustration and strain. Refugee and IDP return has stalled, arrests have tripled and there is a feeling of insecurity and harassment in the communes. A vicious circle of developments has led to this negative spiral of frustration and insecurity. It begins with cross-border armed gangs being apprehended whose aim is assassination, sabotage and destabilization. This leads to a security crackdown and dragnet which causes fear and harassment among the populace. The prisons, already packed beyond acceptable limits, are stuffed further into becoming cauldrons of suffering inhumanity. Refugee and IDP return stops. This, in turn, causes frustration between the international community and the Rwandese Government.

44. It is important this vicious circle be broken and addressed at all points and that Rwanda is helped to return to the path of moderation, tolerance and justice.

45. The Security Council must take serious note of the military training and arms build up that is taking place in the refugee camps in Zaire and Tanzania. Effective measures must be taken to assist the governments concerned to prevent armed insurrections being incubated in these camps. As a first step, the Security Council resolution S/1995/153 dated 23 February 1995, calling on member states to arrest persons against whom sufficient evidence exists of criminal responsibility for genocide must be implemented. Further steps to prevent intimidation in the camps and bringing discipline in the camp administration need to be undertaken. UNHCR which has the responsibility for these measures needs to be supported financially to fulfil its tasks.

46. The Rwandese Government may be requested to undertake urgent measures to prevent over-crowding in prisons and to reduce arrests and harassment that have caused insecurity and tension in the country. It is vitally important that the flow of refugee return be resumed in a spirit of tolerance and justice.

47. A national judicial process must be urgently set up in Rwanda through international assistance. The judiciary would primarily address itself to genocide-related crimes as also to land and property claims of returning refugees.

48. Donor countries may be urged to accelerate the flow of aid, particularly in the form of flexible up-front cash-flow to overcome the numerous obstacles to effective governance that have inhibited the Government's policies being implemented on the ground. Member states may channel aid to the Trust Fund which dispenses aid quickly or through commodity aid.

49. The Rwandese Government may be urged to continue its efforts at reconciliation through dialogue with elements who are not regarded as having criminal responsibility for genocide.

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50. The Security Council may continue its support for the training of Rwanda's civil police, gendarmerie and other technical cadres for which UNAMIR's CIVPOL has already begun a training programme. United Nations agencies may be urged to continue their support to Rwandese institutions in the social, economic and administrative structures.

51. Member states attention is drawn to the diminishing supply of humanitarian relief aid for Rwanda within the country and in the refugee camps. The Security Council may urge donor countries to bolster the humanitarian relief for Rwanda in order to avoid a critical situation.

52. The Security Council may consider lifting, partially, its embargo on the supply of arms to the extent that non-lethal items such as vehicles, communication items et cetera may be acquired by Rwanda. The embargo on lethal arms may be maintained.

53. The Government of Rwanda may be urged to revive friendly, cooperative relations with United Nations, its agencies and the international community representatives and to control the tendentious attitudes of irresponsible elements that aim to distort and vitiate the atmosphere between the Rwandese Government and the United Nations and international representatives. In this context, the Rwandese Government is urged to respect the agreements and conventions to which it is a signatory and particularly those relating to UNAMIR and United Nations agencies.

54. The Security Council may begin reconsideration of UNAMIR's present mandate which draws to an end after June 9th.