

UNAMIR

CONFERENCE ON GENOCIDE  
1-3 NOVEMBER 1995

29 SEPT - 8 NOV 1995

PLEASE RETAIN  
ORIGINAL ORDER

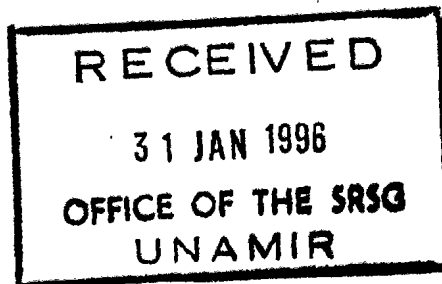
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PRESIDENCE DE LA REPUBLIQUE  
CABINET DU PRESIDENT

*Hot for SRS's  
return.*



Ref. n° :

Annexe :

Objet :

His Excellency Shaharyar Khan  
Special Representative of UN Secretary General  
Kigali  
Rwanda

Your Excellency,

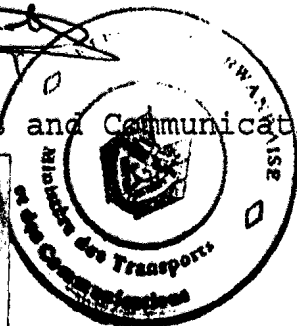
On the occasion of the New Year, I'm pleased to extend to you, on behalf of His Excellency Pasteur Bizimungu, President of the Republic of Rwanda, greetings and best wishes for 1996 and also renew his thanks, once again, for your contribution and active participation to the International Conference on Genocide, held in Kigali from the 1st to the 5th November, 1995.

I also take this opportunity to send you a booklet containing the recommendations of the Conference. We hope that you will continue to be an Ambassador of the people of Rwanda in your country and will spare no effort to assist us in the implementation of the recommendations of the abovementioned Conference.

Your Excellency, Please also find enclosed a summary of the actions taken by the government of Rwanda or the civil society as a follow up of the Conference.

Sincerely yours,

*Murigande*  
Dr. Charles MURIGANDE  
Minister of Transports and Communications



*This is an important  
Letter, relating to 5 weeks  
I would like to respond  
to it, esp. paras 2, 3 & 4.  
Pl. discuss, see  
11.2*

*ED  
LA*

*Please ask Mr  
Zorrilla to prepare  
a draft reply.*

*13-2-96*

Reçu le 12 FEV. 1996

PRESIDENCE DE LA REPUBLIQUE  
CABINET DU PRESIDENT

Ref. n° :

Annexe :

Objet : TO : All Participants to the Conference on Genocide, Impunity  
and Accountability held in Kigali on November 1-5, 1995.

FROM : Dr. Charles MURIGANDE  
Minister of Transport and Communications  
Conference Coordinator

Dear Ladies and Gentlemen,

It is now two months after the Conference on Genocide, Impunity and Accountability. You certainly have been waiting to hear from us about any follow up to this very successful conference. Although not very many things have taken place in terms of follow up, I felt that I should take the opportunity of sending you the booklet of the recommendations of the Conference to inform of the steps that have been taken as a results of the Conference.

1. I have been very busy producing the enclosed booklet of recommendations in both English and French.
2. You recall that one of the recommendations of the Conference was the establishment of a permanent secretariat to coordinate activities related to the follow up.
  - I have made several contacts with possible donors to secure the funding for such a secretariat. We have not yet obtained any firm commitment to fund this secretariat but the contacts made are promising and we are still very hopeful.
  - We have identified some committed young lawyers who are willing to accept to work full time for this permanent secretariat.
3. The government has introduced a series of amendements to the Fundamental Law to enable it to implement some of the ideas put forward during the conference, especially on how to bringing the perpetrators of genocide. The amendements are still being discussed by the Parliament. The amendements define a framework which will enable the government to

C.M.

implement ideas such as the establishment of an independent specialised tribunal or a specialised chamber within the current judicial structure, the setting up of an office of the Special Prosecutor, etc.

The government has not yet taken any decision as to what of the suggested judicial system it will establish, but it has established a study group including officials of the Ministry of justice and Members of the Supreme Court, which will propose a researched solution to the government. Some participants to the Conference have either stayed behind after the Conference to assist this group or have sent their ideas upon getting back to their homes.

4. Following the recommendations of the Conference, the government has decided to establish a National Fund for the Victims of Genocide. The Ministry of Social Affairs has been instructed to prepare the statutes and by-laws governing this Fund. The government has decided to allocate part of the taxes collected from the beer to this Fund.
5. The multitude of associations of the victims of genocide which exist in the country have decided to put together their effort and have organised themselves into one National Organisation called IBUKA of REMEMBER (in english). The Chairman of this organisation is Mr. Jean Bosco Rutagengwa, who presented a paper on "What the Country owes to the survivors? Who are they? What are their living conditions?". This organisation is in my view a precursor to National Remembrance Authority recommended by the Conference.
6. Finally I would like to inform members of working Group IIIb on "Bringing the perpetrators of genocide to justice: Classical Judicial Systems and Alternatives" that Mr. Gerald GASHIMA, who chaired this group has been appointed Deputy Minister of Justice. Although this may not necessary be a result of the Conference, I find it worth mentioning as it will hopefully facilitate the implementation of the recommendations of the Conference.

Before I end this note let me take this opportunity to extend my best wishes for the New Year to each one of you and reassure you of my gratitude to you all for your participation to the conference which was a testimony of your sympathy and solidarity with the people of Rwanda.

May God Bless you.

C.R.H.

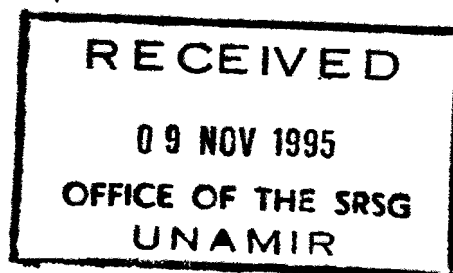
REPUBLIC OF RWANDA



Office of the President  
Conference on Genocide and Justice  
Tel: (250) - 85392  
Fax: (250) - 85392 / 84390

4774 { ED  
CAO  
8.11.95

November 8, 1995



His Excellency Ambassador Shahariyar Khan  
Special Representative of the Secretary General  
UNAMIR  
Kigali-Rwanda

Your Excellency:

I wish to express our sincere gratitude to Your Excellency for lending the Office of the President a computer and a printer, a photocopier, a vehicle and two buses with their drivers to facilitate the preparation and implementation of the International Conference on Genocide, Impunity and Accountability which was held in Kigali from 1st to 5th November 1995.

I also wish to express my sincere thanks to Your Excellency for your participation in the conference, especially for your constructive contribution to the debates and deliberations of workshop V.

While we look forward to continued mutual cooperation, please accept, Your Excellency, the assurances of my highest consideration.

Sincerely yours,

Dr. Charles Murigande  
Minister of Transports and Communications  
Conference Organizer

Reçu le 9 NOV. 1995

Handwritten notes in the top left corner, including "The balance between the necessity for justice and imperatives of national unity, reconciliation and democratisation" and a signature.

**THE BALANCE BETWEEN THE NECESSITY FOR JUSTICE AND  
IMPERATIVES OF NATIONAL UNITY, RECONCILIATION AND  
DEMOCRATISATION.**

A paper presented by Dr. Theogene RUDASINGWA, Secretary General of the Rwandese Patriotic Front, to the Kigali Conference On "**GENOCIDE, Impunity and Accountability : Dialogue for a National and International Response**"

THURSDAY, NOVEMBER 2, 1995.

Handwritten notes and a signature in the bottom right corner, including "Mr. Theogene Rudasingwa" and "Secretary General of the RPF".



**NOTE TO THE SRSG**

**Subject:**     **The attached draft**

1.     I have no comment on para i). With regard to para ii) I suggest that we delete the last part of the sentence or replace it by the following: "we have no knowledge of planned genocide".
2.     I recommend that we delete paras. iii) and iv). Para v) is perfect.

*WS*  
—

Wilfrid de Souza  
4 November 1995

ROUTING SLIP

FICHE DE TRANSMISSION

TO: A: <u>FC, ED, Spokesman</u>		
FROM: DE: <u>GRSG</u>		
Room No. - No de bureau	Extension - Poste	Date <u>4/11/95</u>
FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
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FOR COMMENTS	<input checked="" type="checkbox"/>	POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION



**DRAFT**

With reference to the former Prime Minister's remarks relating to a second genocide of 300,000 people killed, I have the following comments:

- i) UNAMIR Milobs, Human Rights Monitors and UN Agencies are spread across the width and breadth of Rwanda. They are present in every prefecture. Nearly every commune is covered by these UN representatives. It is highly unlikely that so large a number of people could have been deliberately eliminated without being noted.
- ii) While revenge killings cannot be denied and incidents like Kibeho and Kanama have been highlighted by UN, we feel accusations of planned genocide are unfounded.
- iii) If the main period of the genocide was immediately after the end of the war - the Gersoni period - the ex-Prime Minister was himself in the forefront of those who contested the Gersoni charges.
- iv) While the former Prime Minister may well be giving the facts that are not known to outsiders, his charges appear to be exaggerated and may be motivated by political frustrations.
- v) The UN has been in the forefront to bring to the world's attention issues such as Kibeho, Kanama and the prison conditions. The UN views issues in Rwanda with objectivity and after due consultation with UN Agencies and NGOs.

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ED

**PROGRAMME D'OUVERTURE DE LA CONFERENCE SUR LE GENOCIDE A  
L'ASSEMBLEE NATIONALE DE TRANSITION  
MERCREDI LE 01 NOVEMBRE 1995.**

- 16H00: Arrivée des Députés
- 16H10: Arrivée des Invités et Conférenciers
- 16H20 à 16H30: Arrivée des Ministres et du Corps Diplomatique
- 16H35: Arrivée du Vice-Premier Ministre
- 16H40: Arrivée du Premier Ministre
- 16H45: Arrivée du Président de la Cour Suprême
- 16H50: Arrivée du Vice-Président de la République
- 16H55: Arrivée du Président de la République Rwandaise
- 17H00: Cérémonie d'ouverture

**INTEROFFICE MEMORANDUM**

**Date:** 31 October 1995  
**To:** Mr. Wilfrid de Souza, Executive Director  
**From:** Diego Zorrilla, Legal Officer *DZ*  
**Subject:** Participation in the conference on genocide

*Va  
Approved  
as discussed  
1-11-95  
WS*

1. As per our discussion, I hereby request authorization to participate on a full-time basis in the conference on "Genocide, impunity and accountability: dialogue for a national and international response", which will be held in Kigali from Tuesday 31st October at 14h30 to Sunday 5th November at 18h30.
2. I will submit a report on the discussions held and the conclusions arrived at by participants at the conference. It is of course understood that my participation will not detract me from carrying out my normal responsibilities in the office.
3. Thank you.



**NOTE A MR. ZORRILLA**

**Objet:**      **Conférence sur le génocide**

1.    Vous voudrez bien me préparer un cable codé pour Messieurs ANNAN/GOULDING - Info KITTANI/GHAREKHAN pour les informer de la Conférence citée en référence en précisant les objectifs déclarés, le programme et les participants éventuels.
2.    Je vous serais obligé si le projet de cable pouvait me parvenir avant 16h30.

*WS*

Wilfrid de Souza  
31 octobre 1995

cc.    Mr. Condé

## ROUTING SLIP

## FICHE DE TRANSMISSION

TO:  
A: Mr. CondeFROM:  
DE: Wilfrid de Souza WS

Room No. - No de bureau

Extension - Poste

Date

31/10/95

FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

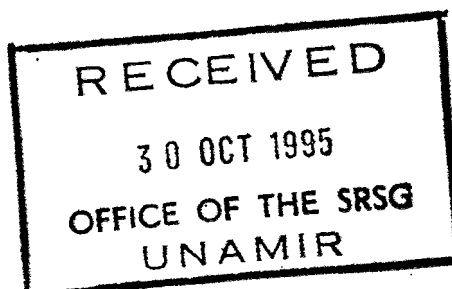
For action as instructed  
by the SRSG.

REPUBLIC OF RWANDA



Office of the President  
Conference on Genocide and Justice  
Tel: (250) - 85392  
Fax: (250) - 85392 / 84390

Kigali, le 27/10/1995



Son Excellence Ambassadeur Shaharyar Khan  
Représentant Spécial du Secrétaire Général  
Nations Unies au Rwanda

Excellence,

J'ai le plaisir de vous informer que la Conférence Internationale sur le Génocide aura lieu comme prévu du 1er au 5 novembre 1995 et que les préparatifs vont bon train. J'en profite pour vous remercier pour le support matériel que vous nous avez accordé pour pouvoir réaliser cette Conférence.

J'aimerais encore une fois faire recours à vous pour vous demander s'il vous est possible de nous prêter un ou deux mini-bus pour nous aider dans les déplacements des invités durant la période de la Conférence.

Nous aimerions aussi vous demander s'il serait possible de prêter un hélicoptère pour transporter le Président de l'Assemblée Nationale de l'Afrique du Sud, Dr. Freene Ginwala, à Nyarubuye, le Vendredi 3 novembre 1995 en début de l'après-midi.

Vous trouverez ci-joint, une copie de l'Agenda Provisoire de la Conférence. Vous voudrez bien remarquer que nous vous demandons d'intervenir comme discutant ("discussant") dans l'atelier "ROLE ET RESPONSABILITE DE LA COMMUNAUTE INTERNATIONALE A L'EGARD DE LA SITUATION DE L'APRES GENOCIDE" qui commence ses travaux le vendredi 3 novembre 1995 dans l'après-midi à l'hôtel des Mille Collines.

Veillez agréer, Excellence, l'expression des mes sentiments distingués.

Dr. Charles Murigande  
Ministre des Transports et Communications  
Coordinateur de la Conférence

Reçu le 31 OCT 1995

REPUBLIC OF RWANDA



Kigali, le 27/10/1995

Office of the President  
Conference on Genocide and Justice  
Tel: (250) - 85392  
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Veuillez agréer, Excellence, l'expression de mes sentiments distingués.

A handwritten signature in dark ink, appearing to read 'Murigande', enclosed within a simple oval-shaped border.

Dr. Charles Murigande  
Ministre des Transports et Communications  
Coordinateur de la Conférence

**"GENOCIDE, IMPUNITY AND ACCOUNTABILITY :  
DIALOGUE FOR A NATIONAL AND INTERNATIONAL RESPONSE"**

**"AGENDA"**

**MONDAY, OCTOBER 30, 1995**

**18:30 ARRIVAL OF MOST OF THE PARTICIPANTS ON SABENA FLIGHT**

**TUESDAY, OCTOBER 31, 1995**

**9:00 - 12:00 REGISTRATION AT HOTEL DES MILLES COLLINES  
(IN THE LOBBY)**

**14:30 - 16:30 VISIT OF NTARAMA GENOCIDE SITE**

**14:30 DEPARTURE BY BUSES FROM HOTEL DES MILLE COLLINES**

**16:30 BACK TO THE HOTEL**

**WEDNESDAY, NOVEMBER 1, 1995**

**8:30 - 14:30 VISIT OF MUGOMBWA GENOCIDE SITE**

**8:30 DEPARTURE BY BUSES FROM HOTEL DES MILLE COLLINES**

**14:30 BACK TO THE HOTEL**

**PLENARY SESSIONS**

**( AT THE NATIONAL PARLIAMENT)**

**17:00 - 18:30 OPENING CEREMONY AT THE NATIONAL ASSEMBLY BUILDING**

**- WELCOME BY THE SPEAKER OF THE NATIONAL ASSEMBLY**

**- PRESENTATION BY H.E. THE PRESIDENT OF RWANDA**

**Topic: "THE OBJECTIVES OF THE CONFERENCE"**

**19:00 PM: COCKTAIL WITH CULTURAL DANCES  
AT HOTEL DES MILLE COLLINES**



THURSDAY, NOVEMBER 2, 1995

**Theme 1: GENOCIDE IN RWANDA: CAUSES AND RESPONSIBILITIES**

**Chairperson: Dr. Jose Kagabo, CNRS**

**8:00 - 8:15 : Dr. BERENBAUM, US HOLOCAUST RESEARCH INSTITUTE, USA**

**Topic : "THE MEANING OF GENOCIDE"**

**8:15 - 8:45 : Mr. Wilson RUTAYISIRE, ORINFOR , RWANDA**

**Topic : " GENOCIDE IN RWANDA: AN OVERVIEW OF THE CAUSES;  
ITS SYSTEMATIC CONCEPTION, PLANNING AND EXECUTION  
AND HOW IT WAS STOPPED"**

**8:45 - 9:20 : Dr. JEAN PIERRE CHRETIEN, CNRS, France  
Dr. Alain VERHAAGEN, Associate Director, CERIS, ULB, BELGIUM  
Father Octave UGIRASHEBUJA, COMPAGNIE DE JESUS, Rwanda**

**Topic : " THE ROLE AND REPONSIBILITY OF COLONIALISM AND THE  
CHURCH AS CONTRIBUTORY FACTORS TO GENOCIDE"**

**9:15 - 9:30 : Dr. CLAUDINE VIDAL, CNRS, France**

**Topic: "THE ROLE OF POLITICS OF HATRED AND INTELLECTUALS  
IN THE GENOCIDE"**

**9:35 - 9:50 : Mr. FRANCOIS XAVIER VERSCHAVE, Association Survie, France**

**Topic: "THE ROLE OF FOREIGN POWERS IN PROMOTING AND  
ABETING GENOCIDE: THE CASE OF FRANCE"**

**9:50 - 10:05 : Mrs COLETTE BRAECKMAN, Journalist, Le Soir, Belgium**

**Topic: "THE RESPONSIBILITY OF THE MEDIA IN INCITING THE GENOCIDE  
AND THE IMPACT OF THE PRESS ON POLITICAL DECISIONS"**

**10:05 - 10:45 DISCUSSION**

**10:45 - 11:05 coffee break**

**Theme 2: GENOCIDE IN RWANDA: SOCIAL, POLITICAL AND  
ECONOMIC CONSEQUENCES**

**Chairperson: Dr. Josue KAYIJAHU, AVP, Rwanda**

**11:05 - 11:35 H.E. PIERRE CELESTIN RWIGEMA, PRIME MINISTER**

**Topic : "THE MANAGEMENT OF THE SOCIAL, POLITICAL AND ECONOMIC  
CONSEQUENCES OF THE GENOCIDE BY THE GOVERNMENT OF  
RWANDA"**

**11:35 -12:05: Mr. BOSCO RUTAGENGWA,  
MISS. BERNADETTE KANZAYIRE**

Topic: "THE COMMUNITY OF SURVIVORS OF GENOCIDE: WHO ARE THE  
SURVIVORS? WHAT ARE THEIR CURRENT CIRCUMSTANCES?  
WHAT DOES THE COUNTRY OWE THEM?"

**12:00 - 12:30: Dr. LAMBERGER, AMCHA, JERUSALEM, ISRAEL  
Dr. PETER HALL, Physicians for Human Rights, UK**

Topic: "DEALING WITH THE MENTAL AND PSYCHOLOGICAL TRAUMA  
ARISING FROM GENOCIDE: THE CASE OF RWANDA"

**12:30 - 13:20 DISCUSSION**

**13:20 - 14:45 Lunch time**

### **Theme 3: SEARCH FOR ANSWERS TO THE PROBLEMS CAUSED BY THE GENOCIDE**

**Chairperson: Professor Paul Rutayisire, Judge on Supreme Court  
Rwanda**

**14:45 - 15:10 : Hon. Martha MUKAMURENZI, JUSTICE MINISTER, RWANDA**

Topic: "THE CHALLENGES FACED BY THE RWANDAN JUDICIAL  
SYSTEM IN THE AFTERMATH OF GENOCIDE"

**15:10 - 15:25 : Prof. Naomi ROHT- ARIAZA, Professor of Law, California University, USA**

Topic : "SPECIAL (AD-HOC) COURTS AND POSSIBLE MODALITIES"

**15:25 - 15:40 : H.E. DAWIT JOHANNES, SPEAKER OF THE NATIONAL ASSEMBLY,  
ETHIOPIA**

Topic: " THE CONCEPT OF A SPECIAL PROSECUTOR'S OFFICE"

**15:40 - 15:55 : Prof. MADELINE MORRIS, Professor of Law, Duke University, USA**

Topic : "PLEA BARGAINING AND ALTERNATIVE SANCTIONS"

**15:55 - 16:10 : Dr. Philibert KAGABO, IRST, Rwanda**

Topic: "POPULAR JUSTICE IN THE RWANDAN CUSTOMARY LAW "

**16:10 - 16:45 : Mr. EFRAIM ZUROFF, Simon Wiesenthal, Tel Aviv  
Mr. ALNO KLARSFIELD, Private Lawyer in Paris, France  
Mr. ALLEN RYAN, General Counsel at Harvard University**

Topic: "STRATEGIES FOR APPREHENDING AND BRINGING TO BOOK  
THE PERPETRATORS OF GENOCIDE"

16:45 - 17:15        coffee break

17:15 - 17:30 JUDGE RICHARD GOLDSTONE, Prosecutor for the International  
Tribunal for Rwanda

Topic : THE INTERNATIONAL TRIBUNAL FOR RWANDA: WHAT SHOULD  
WE EXPECT?

17:30 - 17:50 Prof. NAOMI ROHT-ARRIAZA, University of California

Topic: "JUSTICE FOR THE VICTIMS: COMPENSATION THE VICTIMS OF  
GENOCIDE AS A WAY OF FACILITATING RECONCILIATION AND ITS  
MODALITIES"

17:55 - 18:20 Dr. THEOGEN RUDASINGWA, SECRETARY GENERAL OF RPF

Topic: "THE BALANCE BETWEEN THE NECESSITY FOR JUSTICE AND THE  
IMPERATIVES OF NATIONAL UNITY AND RECONCILIATION AND  
DEMOCRATISATION"

18:20 - 19:30 DISCUSSION

FRIDAY, NOVEMBER 3, 1995

#### THEME 4: OTHER COUNTRIES' EXPERIENCES AND LESSONS FOR RWANDA

Chairperson: Dr. Emmanuel NDAHIRO, Kigali, Rwanda

8:00 - 8:20 : Dr. Priscilla HAYNER, JOYCE MERTZ-GILMORE FOUNDATION, USA

Topic: "THE EXPERIENCE OF LATIN AMERICA AND THE ISSUE OF TRUTH  
COMMISSION"

8:20 - 8:40 : Mrs JOAN GAKWENZIRE, UGANDA

Topic: "THE EXPERIENCE OF UGANDA IN DEALING WITH PAST  
MASSIVE HUMAN RIGHTS VIOLATIONS"

8:40 - 9:00 : DAWIT JOHANNES, SPEAKER OF THE NATIONAL ASSEMBLY, ETHIOPIA

Topic: "THE EXPERIENCE OF ETHIOPIA IN DEALING WITH PAST  
MASSIVE HUMAN RIGHTS VIOLATIONS"

9:00 - 9:20 : Dr. FRENE GINWALA, SPEAKER OF PARLIAMENT, SOUTH AFRICA

Topic: "THE EXPERIENCE OF SOUTH AFRICA IN DEALING WITH  
APARTHEID AND RECONCILIATION. THE TRUTH AND  
RECONCILIATION COMMISSION IN SOUTH AFRICA"

9:20 - 10:00 : PROF. Dr. GUNNAR HEINSOHN, UNIVERSITY OF BREMEN, GERMANY  
PROF. Dr. HARTMUT DIESSENBACHER, UNIVERSITY OF BREMEN

Topic: "THE POST 2nd WORLD WAR GERMAN EXPERIENCE: LESSONS FOR  
RWANDA"

10:00 -10:20: Mr. Efraim ZUROFF, SIMON WIESENTHAL CENTER, JERUSALEM, ISRAEL  
Mr. Jonathan LAMBERGER, AMCHA, JERUSALEM, ISRAEL

Topic: "THE EXPERIENCE OF ISRAEL IN DEALING WITH THE HOLOCAUST"

10:20 - 10:40: Dr. BERENBAUM, US HOLOCAUST RESEARCH INSTITUTE, USA

Topic: "THE IMPORTANCE AND HOW TO PRESERVE THE MEMORY  
OF THE VICTIMS?"

10:45 - 11:15      coffee break

11:15 - 11:35    H.E. MAJOR GENERAL PAUL KAGAME, THE VICE-PRESIDENT OF  
RWANDA

Topic : " FEW REMARKS ON GENOCIDE, JUSTICE AND NATIONAL  
RECONCILIATION"

11:35 - 12:30      DISCUSSION

12:30 - 14:30      Lunch time

## **WORKSHOP IN GROUPS**

( AT HOTEL DES MILLE COLLINES )

**FRIDAY, FROM 14:30 - 18:00 ( coffee break at 16:15)**

**GROUP I : GENOCIDE: CAUSES, MECHANISMES AND RESPONSIBILITIES**

**FACILITATOR : AIMABLE NIBISHAKA**  
**RAPPORTEUR : Dr. JEAN PIERRE CHRETIEN**

**DISCUSSANTS: Dr. TITO RUTAREMARA**  
**JEAN CARBONARE**  
**Dr. DEO BYANAMFASHE**

**GROUP II: GENOCIDE: MANAGEMENT OF THE SOCIAL, POLITICAL AND ECONOMIC CONSEQUENCES**

**FACILITATOR :** Mrs. NYIRAMPABWA MARIE FRANCOISE  
**RAPPORTEUR:** Dr. JOSE KAGABO

**DISCUSSANTS:** PROF. NIZURUGERO  
Mrs. VENERANDA NZAMBAZAMARIYA  
Dr. ALAIN VERHAAGEN  
Hon. PATRICK MAZIMHAKA

**GROUP III: BRINGING THE PERPETRATORS OF GENOCIDE BEFORE JUSTICE: CLASSICAL JUDICIAL SYSTEMS AND ALTERNATIVES**

**( TWO WORKING GROUPS WILL BE FORMED)**

**FACILITATOR FOR GROUP IIIA:** SIMEON RWAGASORE  
**RAPPORTEUR :** DAWIT JOHANNES

**DISCUSSANTS :** JANE ROCAMORA  
PROF. WILLIAM SCHABBAS  
PROF. PAUL RUTAYISIRE

**FACILITATOR FOR GROUP IIIB:** GERALD GAHIMA  
**RAPPORTEUR :** ALLEN RYAN

**DISCUSSANTS :** PROF. Dr. A.H.J. SWART  
PROF. JAMES PAUL  
PROF. DIESSEMBACHER

**GROUP IV: ADDRESSING THE PROBLEMS OF THE VICTIMS OF GENOCIDE**

**FACILITATOR :** Dr. ROSE MUKANKOMEJE  
**RAPPORTEUR:** BOSCO RUTAGENGWA

**DISCUSSANT :** PROF. ADAM CURLE  
DR. ANTOINETTE COREA  
HON. ALOYSIA INYUMBA

**GROUP V: THE ROLE AND RESPONSABILITY OF THE INTERNATIONAL COMMUNITY IN ADDRESSING THE THE POST-GENOCIDE SITUATION**

**FACILITATOR:** THELESPHORE KAGABA  
**RAPPORTEUR:** KUMAR RUPESINGHE

**DISCUSSANTS:** HON. Dr. ANASTASE GASANA  
Mr. ROGER WINTER  
AMBASSADOR SHAHARYAR KHAN  
DR. A. R. TAJUDEEN

**SATURDAY, NOVEMBER 4, 1995,**

**FROM 8:30 TO 12:30 ( coffee break at 10:15)**

**WORKSHOP IN GROUPS CONTINUED**

**FROM 14:30 TO 18:00**

**WORKSHOP IN GROUPS CONTINUED**

**PLENARY SESSION**

**( AT THE NATIONAL PARLIAMENT)**

**SUNDAY, NOVEMBER 5, 1995, 8:30 TO 12:30**

**CHAIRPERSON: Dr. ABDUL RAHEEN TAJUDEEN, SECRETARY GENERAL  
GLOBAL PANAFRICAN MOVEMENT**

**RAPORTEURS : PROFESSOR WILLIAM SCHABBAS  
PROFESSOR PAUL RUTAYISIRE**

**DISCUSSION OF RECOMMENDATIONS FROM WORKSHOP GROUPS  
AND FORMULATION OF AN ACTION PLAN FOR FOLLOW-UP**

**8:30 - 9:30 REPORT FROM GROUP I**

**9:30 - 10:30 REPORT FROM GROUP II**

**10:30 - 11:00 COFFEE BREAK**

**11:00 - 12:45 REPORT FROM GROUP III a AND b**

**12:45 - 14:30 LUNCH BREAK**

**14:30 - 15:30 REPORT FROM GROUP IV**

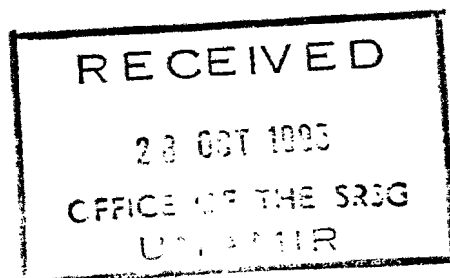
**15:30 - 16:30 REPORT FROM GROUP V**

**16:30 - 17:30 COFFEE BREAK**

**17:30 - 18:30 CLOSING SESSION PRESIDED BY THE PRESIDENT**

- A WORD OF WELCOME BY THE SPEAKER OF THE NATIONAL ASSEMBLY**
- RECOMMENDATIONS READ BY PROFESSOR WILLIAM SCHABBAS**
- CLOSING REMARKS BY HIS EXCELLENCY THE PRESIDENT OF RWANDA.**

Nº 2337/03.02/AP

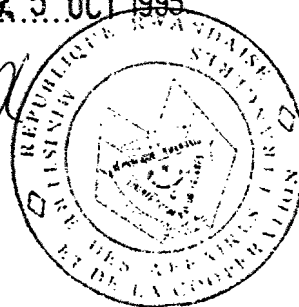


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Le Ministère des Affaires Etrangères et de la Coopération de la République Rwandaise présente ses compliments à la Nonciature Apostolique, aux Missions Diplomatiques et Consulaires ainsi qu'aux Organismes Internationaux accrédités à Kigali et a l'honneur de leur transmettre en annexe le document qui présente la conférence Internationale sur "GENOCIDE IMPUNITÉ ET RESPONSABILITÉ" qui sera organisée par la Présidence de la République Rwandaise du 1er au 5 Novembre 1995.

Le Ministère des Affaires Etrangères et de la Coopération de la République Rwandaise saisit cette occasion pour renouveler à la Nonciature Apostolique, aux Missions Diplomatiques et Consulaires ainsi qu'aux Organismes Internationaux Accrédités à Kigali l'assurance de sa haute considération.

Kigali, le .... 25 OCT 1995



- NONCIATURE APOSTOLIQUE
- MISSIONS DIPLOMATIQUES  
ET CONSULAIRES
- ORGANISMES INTERNATIONAUX  
KIGALI

ES  
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FD

Fonctionnaire



PRESIDENCE DE LA REPUBLIQUE  
CABINET DU PRESIDENT

Réf. n° :

Annexe :

Objet :

**"GENOCIDE, IMPUNITÉ ET RESPONSABILITÉ:  
DIALOGUE POUR ELABORER UNE REPONSE AU NIVEAU  
NATIONAL ET INTERNATIONAL"**

**Organisateur** : Présidence de la République Rwandaise

**Exécutant** : Présidence de la République Rwandaise

**Activités** : Conférence Internationale sur le génocide et la justice  
au Rwanda.

**Intervenants** : Présidence de la République, Ministères, Assemblée Nationale,  
Associations des droits de l'homme et des rescapés du  
Génocide et Eglises.

**Période** : Novembre 1-5, 1995

**I. OBJECTIF GLOBAL**

Donner au Gouvernement Rwandais et à la société Rwandaise un forum propice pour concevoir une politique nationale viable et cohérente pour répondre au génocide, de manière à rétablir la responsabilité et déraciner l'impunité d'une part et, d'autre part, à permettre de stabiliser la Société Rwandaise. Ceci sera réalisé dans le cadre d'une Conférence Internationale où participeront des responsables provenant de pays ayant connus, le génocide et d'autres violations



massives des droits de l'homme, ainsi que les représentants des organisations de défense des droits de l'homme, des juristes et des historiens. Les débats et les conclusions de cette conférence permettront aux institutions de conception des politiques nationales d'élaborer des stratégies appropriées pour résoudre les divers problèmes consécutifs au génocide, qui se posent à la société Rwandaise, en particulier, les problèmes liés au concept de la justice et de la réconciliation nationale, ceux de la réhabilitation sociale des rescapés du génocide et du rapatriement des réfugiés. Pour assurer le suivi de cette conférence Internationale, des séminaires seront organisés à travers tout le pays et dans des camps de réfugiés afin de disseminer les débats et discussions de la conférence et pour expliquer à la population, la politique nationale élaborée par les institutions compétentes pour répondre au génocide.

## **II. DONNEES DE BASE ET IMPORTANCE DU PROGRAMME**

Le Rwanda a récemment connu les événements les plus traumatiques de l'histoire de l'humanité. On estime qu'en moins de 4 mois, du mois d'avril au mois de juillet 1994, un million de Rwandais, soit un septième de toute la population Rwandaise, a été massacré dans un génocide sans précédent. Tout l'appareil gouvernemental ainsi que l'armée et l'administration locale s'étaient mobilisés pour perpétrer le génocide et allant même jusqu'à forcer un pourcentage élevé de la population adulte à y prendre une part active. Le génocide est cependant un phénomène récent dans l'histoire du Rwanda. Alors que le Rwanda existait comme nation depuis plusieurs siècles, les premiers signes de divisions ethniques n'apparurent qu'au début de ce siècle quand les théories raciales étaient en vogue en Europe et ailleurs. Nous avons réussi à construire une nation et un peuple appelé Banyarwanda à partir de plusieurs royaumes et peuples. Les premiers massacres ethniques dans l'histoire du Rwanda, fabriqués de toutes pièces par les autorités, eurent lieu en 1959 à la veille de l'indépendance. Depuis lors, on a connu des violations des droits de l'homme à grande échelle qui, même dans le passé, ont été qualifiés de génocide. Sir Bernard Russe et Jean Paul Sartre, lauréats du prix Nobel, ont qualifié les massacres des Tutsi au Rwanda en Décembre 1963 et en Janvier 1964, d'actes de génocide les plus barbares et les plus systématiques jamais commis depuis l'holocauste juif, par les nazis, lors de la deuxième guerre mondiale. Au mois de Mars 1993, une commission Internationale d'Enquête sur les Violations des Droits de l'homme commises au Rwanda depuis octobre 1990 sortit un rapport faisant état des massacres des Bahima en 1990, des Bagogwe en 1991 et ceux des Tutsi du Bugesera en 1992 et les a qualifiés d'actes de génocide. On pourrait se demander pourquoi de telles violations massives des droits de l'homme se sont répétées au Rwanda? Devrions nous les considérer comme des projets pilotes du génocide de l'année passée? Pourquoi ce phénomène de génocide au Rwanda et qu'elles en sont les causes? La mauvais leadership et la mauvaise gouvernance du pays auraient contribué au génocide? La culture de l'impunité constitue-t-elle un facteur, qui a contribué à la tragédie de l'année passée?

Le degré élevé de participation sociale dans le génocide rwandais est un fait, sans précédent dans l'histoire. Le seul nombre d'accusés potentiels menace d'écraser complètement le nouveau système légal qui se met à peine en place. Pourtant, le gouvernement Rwandais et la communauté internationale ont une obligation de punir ceux qui ont perpétré le génocide. La justice est aussi indispensable si l'on veut guérir et stabiliser la société, mais aussi éradiquer l'impunité. Les mécanismes classiques d'application de la loi peuvent-ils être efficaces, pour faire prévaloir la justice, parer à l'impunité et en même temps contribuer à atteindre l'objectif qu'on s'est fixé de stabilisation de la société? Quelles sont les stratégies à utiliser pour faire face à ces problèmes quasi insurmontables? Quelle est l'expérience des autres pays qui ont connu le génocide et les violations massives des droits de l'homme? Existrent-ils des alternatives, autres que le système judiciaire classique, qui pourraient être adaptées à la situation du Rwanda? Les procédés judiciaires classiques et non classiques peuvent-ils coexister dans le règlement des cas de crimes commis lors du génocide de l'année passée?

De même, le nouveau Gouvernement fait face à un terrible défi en matière de culture populaire. La société a été sérieusement affectée par la culture de violation des droits de l'homme qui a mené au génocide et à ses conséquences sociales. Une nouvelle culture qui met l'accent sur le respect des droits de tous les individus doit être activement mis en valeur. Nous savons bien qu'il n'y aura pas de paix s'il n'y a pas de réconciliation. Nous considérons le processus de la réconciliation nationale comme une renaissance de la nation Rwandaise dans laquelle tous les Rwandais jouissent des mêmes droits fondamentaux, bénéficient de l'Etat, d'une protection et des chances égales. Ce processus exige de nous de venir à composition avec les événements de notre histoire récente. Nous devons reconnaître ces terribles fautes et crimes commises au Rwanda et entreprendre courageusement à nous repentir et à corriger les erreurs du passé. Ceci facilitera le processus du pardon et de l'application de sanctions appropriées. Composer avec notre passé, c'est le comprendre. Nous croyons que c'est une obligation pour nous de garder la mémoire des victimes du génocide. Nous n'avons aucun droit d'oblitérer la mémoire d'un crime contre l'humanité, un crime ayant violé le droit international. Nier le génocide c'est lui donner toutes les chances de se reproduire. Une vaste documentation sur ce qui s'est passé constituerait un élément du processus de réconciliation nationale. La plupart des rescapés du génocide vivent dans la pauvreté absolue, consécutive à la perte de leurs propriétés, de leurs parents ou du membre de la famille qui gagnait le pain. Nous croyons que la réconciliation pourrait être facilitée si la compensation des victimes faisait partie des procédés judiciaires. Renouer avec notre passé est donc, généralement parlant, accepter dans notre société les victimes et les malfaiteurs. Comment amener les malfaiteurs à reconnaître leurs torts? Comment préserver la mémoire de ce qui s'est passé? Comment allons-nous compenser les victimes? Quelles sont les obligations morales et légales de la communauté internationale, à pour nous assister dans cet exercice? Quelle est la perspective réaliste d'une telle assistance?

### III. LES OBJECTIFS SPECIFIQUES

La Conférence Internationale proposée est conçue pour constituer un forum où les dirigeants gouvernementaux et non gouvernementaux du Rwanda, assistés par des experts internationaux provenant de pays où le génocide et autres violations massives des droits de l'homme ont été commises, ainsi que les représentants des organisations de défense des droits de l'homme et des historiens, pourront discuter des options et alternatives de réponse au génocide du Rwanda, de manière à déraciner l'impunité et tout en stabilisant le pays. Ce débat enrichira les discussions en cours au sein du Gouvernement et de l'Assemblée Nationale et contribuera à la formulation de politiques et stratégies appropriées pour résoudre les divers problèmes que connaît la société Rwandaise suite au génocide, en particulier les problèmes relatifs au concept de la justice et de la réconciliation nationale, les problèmes sociaux des rescapés du génocide et le rapatriement des réfugiés. Cette conférence Internationale est prévue pour le mois de Novembre 1995. Les objectifs spécifiques sont:

1. Comprendre comment le génocide a été conçu, planifié et perpétré, au Rwanda. Analyser la genèse et les causes des conflits ethniques au Rwanda. Quels sont les facteurs qui ont favorisé le génocide? Quelles sont les responsabilités? Quelle est la psychologie du génocidaire et celle de la victime? Comment les rwandais ont-ils été conditionnés jusqu'à tuer leurs voisins?. Quelles sont les conséquences sociales du génocide (orphelins, femmes violées, veuves, population traumatisée, etc...)? L'impunité qui régnait dans notre pays, aurait-elle, facilité le développement du génocide? Comment pouvons-nous être sûr que le génocide n'aura plus jamais lieu au Rwanda?
2. Quelles sont, en termes du droit international, les obligations des gouvernements qui succèdent à ceux ayant commis des violations massives des droits de l'homme? Existence-ils des mécanismes pour traiter des questions de violations massives des droits de l'homme, quand ceux qui les ont commises ont conçu des lois garantissant leur l'impunité et quand le principe de non rétroactivité de la loi est en vigueur au Rwanda comme ailleurs? Comparer et opposer les expériences des autres pays qui ont connu des transitions politiques allant de Gouvernements ayant trempé dans de graves violations massives des droits de l'homme aux Gouvernements engagés et déterminés à promouvoir les droits de l'homme. Quelles leçons peut-on tirer pour le Rwanda?
3. Existence-ils des stratégies applicables au cas du Rwanda pour amener les auteurs du génocide devant la justice, quand on sait qu'il y a eu une participation à un haut niveau de la société?

- a. Analyser, dans le système classique légal, les stratégies de mise en poursuite en justice pour le cas du génocide. Stimuler les réformes légales nécessaires pour attacher des sanctions criminelles aux cas de violations du droit international en matière de droit de l'homme, dont le génocide.
- b. Examiner d'autres alternatives en dehors du système classique légal, dans le but d'établir la vérité, d'amener les gens à reconnaître leurs fautes, à se repentir et ainsi faciliter la réconciliation nationale. Ces alternatives comprennent, entre autres :
  - Explorer les possibilité d'utilisation du droit coutumier Rwandais;
  - Initiation du marchandage pour aboutir à la reconnaissance de la culpabilité.
  - Rechercher d'autres alternatives de sanctions (telles que :organiser des camps de travail pour la reconstruction des infrastructures, des mécanismes spéciaux pour la réhabilitation des enfants)
  - Institution d'un Procureur Spécial pour le génocide.
  - Instauration de mécanismes parallégaux, tels que: "la Commission de Vérité";
- c. Le rôle et la responsabilité de la communauté Internationale pour contribuer à punir le génocide. Quelles stratégies peut-on concevoir pour que la communauté Internationale puisse effectivement jouer son rôle?
4. La nécessité de préserver la mémoire des victimes du génocide et comment le réaliser? Comment documenter le génocide? Est-il important de compenser les victimes du génocide et si oui, comment le faire?
5. Que signifie "la réconciliation Nationale", après une tragédie telle que le génocide et comment réaliser cette réconciliation?

#### **IV. STRUCTURE DE LA CONFERENCE SUR LE GENOCIDE**

Cette conférence réunira des intellectuels de haut niveau et des praticiens experts en matière de loi sur l'impunité, en une session de travail de trois jours, avec des responsables Rwandais, gouvernementaux et non gouvernementaux pour réfléchir sur les abus des droits de l'homme au Rwanda. Les catégories de gens, venant de l'étranger, à inviter sont, à titre indicatif:

1. **Des chefs ou membres de Commissions de Vérité**, comme par exemple Professeur Buergenthal, chef de la commission de vérité des Nations Unies pour El Salvador, Commission Rettig du Chili, la Commission Ugandaise d'enquête sur les violations des droits de l'homme constituée en 1986, la Commission Vérité et Justice du Haïti, la Commission Sabato d'Argentine et le Procureur en Chef pour les cas de la junte militaire en Argentine, le Conseiller juridique du Président Zénawi d'Éthiopie, etc.
2. **Eminents intellectuels** comme par exemple Kader Asmal, juriste l'Afrique du Sud, membre de l'ANC, engagé dans les débats sur les questions d'impunité associée à l'Ancien Gouvernement Sud-Africain; James Paul, le premier doyen de l'Ecole de droit fondé en Éthiopie et expert en matière de l'application des sanctions criminelles pour les violations de la loi internationale sur les droits de l'homme, Cherif Bassiouni, professeur de droit à l'université de Chicago, Illinois et membre de la commission des experts dans l'ex-Yougoslavie, William Schabas, Professeur de Droit à l'Université de Québec, etc.
3. **Les Directeurs des plus grandes ONG spécialisées dans les questions des Droits de l'homme**, comme par exemple Amnesty Internationale, Human Rights Watch/Africa, Ligue Internationale pour la défense des Droits de l'homme, la Fédération Internationale des droits de l'homme, Rakia OMAAR de "Africa Rights" etc.
4. **Historiens et autres autorités de ce monde**, qui ont mené des études ou suivi de près les récents événements du Rwanda et pouvant nous aider à comprendre ce qui a mal tourné au Rwanda, par exemple Jean-Pierre Chrétien et Claudine Vidal, chercheurs à la CNRS, Luc de Heusch, Alain Verhaagen, professeur à ULB, Bruxelles, H.E. Julius Nyerere, ex-Président de la Tanzanie, Monseigneur Desmond Tutu, Dr. Salim Ahmed Salim Secrétaire Général de l'OUA, Mrs Gracia Marchel, etc.
5. **Hommes d'Expérience dans la préservation de la mémoire des victimes du génocide**, par exemple, Eli Wiesel et Mark Talisman, initiateurs et respectivement ancien Président et Vice Président du Musée de l'Holocauste de Washington, etc.
6. **Hommes d'expérience dans la chasse aux Nazis**, par exemple Serge et Béate Klarsfeld, qui ont suivi avec opiniâtreté les Nazis cachés en Amérique Latine et en Europe et qui ont réussi à trouver et à amener Klaus Barbie devant la justice. Michael Wolfe, David Masewell et Alan Ryan, anciens membres de l'Office Spécial d'Enquêtes, du Département de Justice, chargé de rechercher et d'expulser les Nazis vivant aux États Unis, etc...

7. **Les Commissions et Organisations spécialisées des Nations Unies**, par exemple le Haut Commissaire des Nations Unies pour les droits de l'homme, le Rapporteur Spécial des Nations Unies sur l'Impunité, le Rapporteur Spécial des Nations Unies sur la Compensation Civile des victimes des violations massives des droits de l'homme, le Rapporteur Spécial des Nations Unies sur la violence contre les Femmes, etc.

Les Rwandais invités à cette conférence incluront à titre indicatif:

1. Le Ministre de la Justice
2. Le Ministre des Affaires Sociales
3. Le Ministre de l'Intérieur
4. Le Ministre de la Famille
5. Le porte parole de l'Assemblée Nationale
6. Le Chef de Cabinet de la Présidence
7. Le Chef de Cabinet de la Vice Présidence
8. Le Chef de Cabinet du Premier Ministère
9. Le Chef de Cabinet du Ministère de la Réhabilitation
10. Le Chef d'Etat Major adjoint de la Gendarmerie
11. Un représentant de l'Université Nationale, IRST et du Grand Séminaire
12. Un représentant des Praticiens Légaux Rwandais
13. Un représentant du Groupe pour la défense des droits de l'homme au Rwanda (CLADHO)
14. Président de la Commission des Droits de l'homme du FPR.
15. Deux représentants de l'Eglise
16. Deux représentants des Associations des rescapés du génocide.

L'organisation de cette conférence ressemblera, en général, à celle d'un groupe de travail. Pour commencer, il y aura de courtes présentations par les participants étrangers et Rwandais sur des sujets spécifiques, ensuite, il y aura des discussions centrées sur chaque sujet développé. A la fin de la discussion, un résumé des conclusions faites par chaque groupe sera établi. Après les trois jours, les diverses conclusions seront recueillies et mises ensemble sous forme d'un document contenant des propositions à exploiter ultérieurement. On s'attend à ce que ces discussions aident les autorités Rwandaises (Assemblée Nationale et le Gouvernement) à concevoir des politiques et stratégies cohérentes et de grande portée pouvant constituer une réponse au génocide et à ses conséquences sociales, notamment, le problème de la justice, les problèmes sociaux des rescapés et le problèmes des réfugiés.

La participation à cette conférence sera limitée à un petit groupe de dirigeants Rwandais et d'experts étrangers sélectionnés, totalisant en tout de 40 à 50 personnes. Cette conférence se tiendra, si possible, en dehors de la Capitale, sous forme de retraite, pour permettre aux participants Rwandais d'être à l'écart de la ville et d'oublier leurs routines. Nous croyons qu'un tel cadre retiré et moins formel favorisera des échanges entre les participants plus spontanés et sociaux. Si on ne peut pas trouver un cadre approprié en dehors de la Ville, la conférence se tiendra dans un Hôtel à Kigali. Les discussions et les discours (on espère que le Président de la République, le Vice-Président et le Premier Ministre Rwandais feront des discours) tenus pendant la conférence seront collectionnés dans un document mais aussi diffusés sur les ondes de la Radio Nationale afin de stimuler l'intérêt du public et des débats sur ces problèmes.

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PRESIDENCE DE LA REPUBLIQUE  
CABINET DU PRESIDENT

Kigali, le .....

N°

Réf. No :

Annexe :

Objet :

**"GENOCIDE, IMPUNITY and ACCOUNTABILITY:  
DIALOGUE for a NATIONAL and INTERNATIONAL RESPONSE"**

**Appealing Entity :** Office of the President of Rwanda

**Executing Entities :** Office of the President of Rwanda

**Activities:** An International Conference on Genocide and Justice in Rwanda

**Realizing Partners:** President's office, Various Government's Ministries,  
National Assembly, Human Rights and Survivors of genocide  
Associations, Churches.

**Time Frame:** November 1-5, 1995

**I. Overall Objectives**

Provide for the Rwandan government and the Rwandan society a forum for developing a viable and coherent national policy to respond to the genocide in a manner that, on one hand re-establishes accountability and uproots impunity and on the other hand enable us to stabilise the society quickly. This will be achieved by holding an International Conference with the participation of leaders from countries which have experienced massive violations of human rights, including genocide, human rights and legal experts, and historians. The debate and conclusions of this conference will help the relevant national policy-making institutions to elaborate policies and strategies to respond to the various problems facing the Rwandese society in the aftermath of genocide, in particular the problems of the concept of justice and national reconciliation, social problems of survivors, and the repatriation of refugees. Seminars to disseminate the debates and discussions and to explain the national policy developed by National policy-making institutions will also be organised nationwide and in the refugee camps, as a follow up to this international conference.



## II. Background and Significance of the Program

Rwanda has recently suffered one of the most traumatic events in world history. Within the brief period of 4 months, from April to July 1994 an estimated one million Rwandans (approximately one seventh of the Rwanda's population) were massacred in an unprecedented genocide. The entire governmental apparatus including the Army and the local administration was used to carry out the genocide and to mobilize or even compel active involvement by a large percentage of the adult population. Genocide is however a recent phenomenon in the history of Rwanda. Although Rwanda has existed as a nation for several centuries, the first signs of ethnic divisions appeared at the turn of this century when racist theories were very popular in Europe and elsewhere. We had successfully strived to build a nation and a people called Banyarwanda from many kingdoms and people. The first ethnic massacres engineered by the authorities in the history of Rwanda occurred in 1959 at the eve of independence. Ever since 1959, there have been human rights violations on massive scale which have been characterized, even in the past, as genocide. Nobel prize winners Sir Bertrand Russell and Jean Paul Sartre called the massacres of Tutsi in December 1963 and January 1964 in Rwanda, the most barbaric and systematic acts of genocide committed since the holocaust of Jews by the Nazis during the Second World War. In March 1993, an International Commission of Inquiry in the violations of human rights committed in Rwanda since October 1990 issued a report which characterized the massacres of Bahima in 1990, the massacres of Bagogwe in 1991 and the massacres of Tutsi in Bugesera in 1992 as acts of genocide. Why have these massive human rights violations been repeatedly committed in Rwanda? Should we view these as pilot projects for last year's genocide? Why this phenomenon of genocide in Rwanda and what are its causes? Has bad governance and bad leadership contributed to the genocide? Is the culture of impunity a factor that contributed to last year's tragedy?

The high-level of societal participation in the Rwandan genocide is virtually without historical precedent. The sheer numbers of potential defendants threatens to completely overwhelm the newly-emerging legal system. Yet the new Rwandan government and the international community have, under international law, an obligation to sanction those who perpetrated genocide. Justice is also needed for the sake of healing and stabilizing the society and the necessity of uprooting the impunity. Can classical enforcement mechanisms adequately deal with these issues of bringing justice and preventing impunity, while contributing to the stated objective of stabilising the society? What strategies to use to deal with this tremendous problem? What is the experience of other countries which experienced genocide and/or massive human rights violations? Are there alternatives to classical judicial systems that can suit the situation in Rwanda? Can classical and non classical judicial processes coexist in dealing with the crimes committed during last year's genocide?

Similarly, in the area of popular culture, the new government confronts a daunting challenge. The society has been seriously affected by the culture of human rights violations leading to genocide and its social consequences. A new culture emphasizing respect for the rights of all individuals must be actively promoted. We know that there will be no peace without reconciliation. We view the process of national reconciliation as a rebirth of the nation of Rwanda where all Banyarwanda have the same fundamental rights and enjoy opportunities and equal protection from the state. This process requires us to come to terms with what has happened in our recent history. We must acknowledge that terrible mistakes and crimes were committed in Rwanda and undertake courageously to repent and correct the mistakes of the past. This will facilitate forgiveness and administration of appropriate sanctions. We come to terms with our past by understanding it. We believe that we are under obligation to keep the memory of the victims. We have no right to obliterate the memory of a crime against humanity, a crime that violates international law. It is the denial of genocide which creates conditions of its recurrence. A comprehensive documentation of what happened should be part of this process of national reconciliation. Most of survivors of genocide live in absolute poverty as a result of having lost the family bread winner, their properties and their relatives. We believe that reconciliation would be facilitated by a judicial process that include compensation for the victims. To come to terms with our past is therefore, by and large, to make room in our society both for the victims and the wrongdoers. How do we bring people to acknowledge their mistakes? How do we preserve the memory of what happened? How do we compensate the victims? What is the moral and legal obligation of the international community to assisting us in this exercise? What is a realistic expectation for such support?

### **III. Specific Objectives**

The proposed International Conference is designed to provide a forum in which governmental and non-governmental leaders in Rwanda assisted by International experts from countries where genocide or other massive human rights violations have been committed and from human rights organizations and historians, can discuss options and alternatives to respond to genocide in Rwanda in a manner that, on one hand re-establishes accountability and uproots impunity and on the other hand enable us to stabilise the society quickly. This debate will then enrich the ongoing discussion within the government and the National Assembly and will contribute to the formulation of an appropriate national policy and strategy to respond to the various problems facing the Rwandese society in the aftermath of genocide, in particular the problems of the concept of justice and national reconciliation, social problems of survivors and the repatriation of refugees. This International Conference is envisaged for November 1995. The specific objectives of this Conference are

1. Understand how the genocide in Rwanda was conceived, planned and carried out. Analyse the birth and causes of ethnic divisions which led to mistrust and animosity in the Rwandese community. What are the factors that contributed to genocide? What are the responsibilities? What is the

psychology of a "genocider" and that of the victim? How did the Rwandans get conditioned to kill their neighbours? What are the social consequences of genocide (orphans, raped women, widows, traumatized population: victims and victimizers alike, etc)? Did past impunity facilitate the development of genocide? What are the social consequences of impunity? How to prevent impunity? How can we make sure that genocide never happens again in Rwanda?

2. What are the obligations under international law of governments which succeed governments which have committed massive human rights violations? What mechanisms exist to deal with these massive human rights violations when those who perpetrated them enacted laws that ensures their impunity and when we have the principle of non retroactivity of laws? Compare and contrast the experiences of other countries which have gone through political transitions from regimes which engaged in gross violations of human rights to successor governments committed to promoting the respect for human rights. What lessons can be drawn for Rwanda?
3. What strategies for bringing perpetrators of genocide to justice exist in the case of Rwanda where you have a high-level of society participation?
  - a. Analyze the prosecution strategy for genocide cases in the classical legal system. How do we apply laws designed to deal with a normal situation to exceptional circumstances generated by the genocide? Stimulate the necessary legal reforms to attach criminal sanctions to violations of existing international human rights law including genocide.
  - b. Examine alternatives to the classical legal system for sanctioning participation in the genocide, with the objectives of establishing the truth, bringing people to acknowledge their wrongs and repent, thus facilitating national reconciliation. These alternatives include for example:
    - Exploring the use of Rwandan customary law
    - initiation of plea bargaining to obtain guilty pleas
    - seeking alternative sanctions (e.g. establishing work camps to rebuild infrastructure, mechanisms for the rehabilitation of participants, especially the children)
    - establishing a Special Prosecutor's Office
    - creating para-legal mechanisms such as a Truth Commission
  - c. Role and responsibility of the international community in punishing genocide. What strategies can be developed to make this role effective?

4. The importance of preserving the memory of the victims and how to achieve it? How to document the genocide? Is compensating the victims important and how to do it?
5. What is the meaning of national reconciliation after a tragedy like genocide and how to achieve it?

#### **IV. Structure of the Conference on genocide**

This Conference would bring top scholars and practitioners with expertise in the law of impunity for human rights abuse to Rwanda for a three-day working session with governmental and non-governmental leaders. The categories of individuals from abroad to be invited should include:

1. **Heads of Truth Commissions:** e.g. Professor Buergenthal, head of the United Nations Truth Commission for El Salvador, Chile's Rettig Commission, the 1986 Ugandan Commission of Inquiry into Violations of Human Rights, the Truth and Justice Commission in Haiti, Argentina's Sabato Commission and the Argentine chief prosecutor in military junta cases, the legal advisor to President Zenawi of Ethiopia, etc.
2. **Leading scholars:** e.g., Kader Asmal, South African/ANC lawyer involved in issues of impunity associated with the former South African government; James Paul, first dean of law school founded in Ethiopia and expert on the use of imposing criminal sanctions for violations of international human rights law; Cherif Bassiouni, law professor at De Paul University in Chicago, Illinois and on the Commission of Experts in the former Yugoslavia, William Shabas, Professor of law at Quebec University, etc.
3. **Directors of major human rights NGO's:** e.g., Amnesty International, Human Rights Watch/Africa, International Human Rights Law Group, International League for Human Rights, La Federation des Droits de L'Homme, Rakia OMAR of Africa Rights, Gasana Ndoba of Coalition pour les Droits de l'Homme au Rwanda, etc.
4. **Historians and World Leaders** who have studied or followed the recent history of Rwanda and can help us understand what went wrong in Rwanda's society: e.g. Jean-Pierre Chretien and Claudine Vidal, Researchers at the CNRS, Luc De Heusch and Alain Veraegen, Professors at ULB, Brussels, H.E. Julius Nyerere, Former President of Tanzania, Archbishop Desmond Tutu, Dr. Salim A. Salim, Secretary General of OAU, Mrs. Machel, etc.

5. **Experienced people in preserving the memory of genocide victims:** e.g. Eli Wiesel and/or Mark Talisman, initiators and respectively former Chairman and Vice-Chairman of the Washington Holocaust Museum, etc.
6. **People who have experience in hunting down Nazis:** e.g. Serge and Beate Klarsfeld, responsible of doggedly pursuing hidden Nazis in Latin America and in Europe and who are responsible for finding and bringing Klaus Barbie to the bench of justice. Michael Wolfe, David Maxwell and Alan Ryan, former members of the Office of Special Investigations of the Department of Justice, an office charged with seeking out and deporting Nazis living in the United States, etc.
7. **The United Nations specialized Commissions:** e.g. the UN High Commissioner for Human Rights, the UN Special Rapporteur on Impunity, the UN Special Rapporteur on Civil Compensation for Gross Human Rights Violations, the UN Special Rapporteur on Summary and Arbitrary Executions and/or the UN Special Rapporteur on Violence Against Women, Prosecutor for the International Tribunal for Rwanda, etc.

The Rwandan invitees would include:

1. the Minister of Justice
2. the Minister of Social Affairs
3. the Minister of Internal Affairs
4. the Minister of the Family and Women's Affairs
5. the Minister of Youth and Cooperatives
6. the speaker of the National Assembly
7. three representatives from the National Assembly
8. the chef de cabinet, President's office
9. the chef de cabinet, Vice President's office
10. the chef de cabinet, Prime Minister's office
11. the chef de cabinet, Ministry of Rehabilitation
12. the deputy chief of staff of Gendarmerie
13. representative of the National University, IRST and Grand Seminar
14. representative of Rwandan legal practitioners
14. representative of local human rights group
14. president of the RPF's Human Rights Commission
15. representatives of the Rwandan Churches (Catholic, Protestant, Muslim)
16. two representatives of associations of survivors of genocide

In general, the format of this conference would resemble that of a working group. First, there would be short presentations by the foreign and Rwandan participants on specific topics. These presentations would be followed by a focused discussion on each topic. At the end of each discussion, a summary of the group's conclusions would be drawn up. These conclusions would be compiled at the end of the three days

to produce a brief position paper with proposals for follow-up. It is expected that these discussions will help the Rwandan policymakers ( National Assembly and Government) develop a comprehensive and coherent policy and strategy for a national response to the genocide and its social consequences notably the problem of justice, the social problems faced by the survivors and the problem of refugees.

The conference would be limited to a small, select group of Rwandan leaders and foreign experts, of somewhere between 40 to 50 participants. It could be held as retreat, if possible, in a location away from the capital to remove Rwandan participants from their busy routines. This more removed, less formal setting for the three days of the seminar, we believe, would facilitate more social and spontaneous exchange among the participants. If a remote location cannot be found, the conference will be held in a Hotel, in Kigali. The discussions and speeches (it is expected that the President, Vice-President and Prime Minister of Rwanda will address the conference at various points) at the conference could be taped and also broadcast live by Radio Rwanda to help stimulate public interest and debate on these issues.

~ ~ ~ ~ ~



19 October 1995

Dear Justice Goldstone,

I have the honor to refer to the invitation made to you by the Government of Rwanda to participate in the International Conference on Genocide, Impunity and Accountability, which will be held in Kigali from 1st to 3rd November 1995. I am writing to you in support of the Government's efforts to ensure a high-level participation of personalities at this Conference.

The goal of the Conference is to better understand the causes that led to the genocide in Rwanda, the consequences of every order of this crime on Rwandese society and the measures that might be taken by Rwanda and the international community in order to facilitate national reconciliation. The conclusions arrived at by participants could be utilized by the Rwandese authorities in developing a coherent policy to give a response to the problems pressing Rwanda, with particular reference to the satisfactory functioning of the system of justice against those responsible for the genocide.

The Conference should gather a limited number of senior officials, both Rwandese and foreigners, whose responsibilities are related to the various topics which will be debated.

In the light of the relevance of the work of the International Tribunal for Rwanda to the issues that will be debated, I believe that your participation would be an essential contribution to the success of the Conference.

Yours sincerely,

Shaharyar M. Khan  
Special Representative of the  
Secretary-General in Rwanda

Justice Richard Goldstone  
Prosecutor  
United Nations International Criminal  
Tribunal for the former Yugoslavia  
The Hague  
Netherlands



19 October 1995

Dear Mrs. High Commissioner,


I have the honor to refer to the invitation made to you by the Government of Rwanda (copy of which is attached) to participate in the International Conference on Genocide, Impunity and Accountability, which will be held in Kigali from 1st to 3rd November 1995. I am writing to you in support of the Government's efforts to ensure a high-level participation of personalities at this Conference.

The goal of the Conference is to better understand the causes that led to the genocide in Rwanda, the consequences of every order of this crime on Rwandese society and the measures that might be taken by Rwanda and the international community in order to facilitate national reconciliation. The conclusions arrived at by participants could be utilized by the Rwandese authorities in developing a coherent policy to give a response to the problems pressing Rwanda, with particular reference to the satisfactory functioning of the system of justice against those responsible for the genocide.

The Conference should gather a limited number of senior officials, both Rwandese and foreigners, whose responsibilities are related to the various topics which will be debated.

In the light of the relevance of this Conference to the issue of the return of refugees to Rwanda and the fundamental work being done by UNHCR in this respect, I believe that your participation to the Conference would be an essential contribution to its success.

Yours sincerely,

  
Shaharyar M. Khan  
Special Representative of the  
Secretary-General in Rwanda

Mrs. Sadako Ogata  
United Nations High Commissioner  
for Refugees  
Geneva



Kigali, 16/10/1995

## REPUBLIC OF RWANDA



Office of the President  
Conference on Genocide and Justice  
Tel: (250) - 85392  
Fax: (250) - 85392 / 84380

Madam Sadako Ogata  
United Nations High  
Commissioner for Refugees  
Geneva.

Your Excellency,

Knowing your personal desire and commitment to see Rwanda achieving national reconciliation and peace, I am pleased to inform you that the Government of Rwanda is organising an International Conference on Genocide, Impunity and Accountability.

The Conference, which is organised from November 1st to 3rd, 1995, will assist the Government in its continued search for a national policy to respond to genocide in a manner that uproots impunity but at the same time quickly stabilizes our society.

I am also sending you a copy of the them and background briefs for the Conference. Given the relevancy of this conference to the issue of refugees in our country, we will be pleased if you could send an observer from your office in case you are unable to attend the conference personally.

From the debates and conclusions of this conference, our national policy making institutions will then draw an appropriate policy that responds to our current situation.

Kindly accept Your Excellency, the assurances of my highest considerations.

Sincerely yours.

A handwritten signature in dark ink, appearing to read 'Ndiraganda', written over a horizontal line.

Dr. Charles NDIRAGANDA  
Minister of transport and Communication  
Conference Coordinator.



Kigali, le 19 octobre 1995

Monsieur le Haut Commissaire:

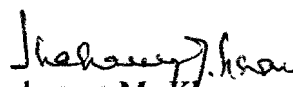
J'ai l'honneur de me référer à l'invitation qui vous a été faite par le Gouvernement du Rwanda (copie ci-jointe) pour participer à une Conférence Internationale sur le génocide, l'impunité et la redevabilité, qui se tiendra à Kigali du 1er au 3 novembre 1995. Je me permets de vous écrire en soutien des efforts du Gouvernement pour assurer une importante participation à cet événement.

Le but de la Conférence est de mieux comprendre les causes qui ont déclenché le génocide au Rwanda, les conséquences de tout ordre de cet acte pour le peuple rwandais et les mesures que peuvent être prises par le Rwanda et la communauté internationale ayant pour objectif faciliter le processus de réconciliation nationale. Les conclusions auxquelles arriveront les participants pourront être utilisées par les autorités rwandaises pour développer une stratégie cohérente qui donne réponse notamment aux problèmes que pose le fonctionnement satisfaisant de la justice contre les responsables du génocide.

La conférence doit réunir un nombre limité de hautes personnalités rwandaises et étrangères dont les responsabilités ont trait aux différents aspects qui seront mis à débat.

En vue de la cruciale contribution de l'Opération des Droits de l'Homme sur le terrain au Rwanda à la réhabilitation de l'appareil de justice, je pense que votre participation serait une très importante contribution au succès de la conférence.

Je vous prie de croire, Monsieur le Haut Commissaire, à l'assurance de ma considération la plus distinguée.

  
Shaharyar M. Khan

Représentant Spécial du Secrétaire-Général  
au Rwanda

Monsieur José Ayala-Lasso  
Haut Commissaire aux Droits de l'Homme  
Nations Unies  
Genève



LE PRESIDENT

September 5, 1995

Dear Sir:

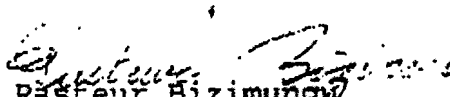
I'm pleased to inform you that my government, in its continued search for a national policy to respond to genocide in a manner that uproots impunity but at the same time quickly stabilizes the society, will organize on November 1-3, 1995, an International Conference on Genocide, Impunity and Accountability.

The government plans to invite leaders from countries which have experienced massive violations of human rights, including genocide, human rights and legal experts, and historians to discuss with Representatives of our national policy-making institutions and selected members of the Rwandan civil society, policies and strategies to respond to the various problems facing the Rwandese society in the aftermath of genocide, notably the problems of justice and national reconciliation, social problems of the survivors, and the problem of repatriation of refugees. Our national policy-making institutions will then draw from the debates and conclusions of this conference to formulate a national policy to respond to last year's genocide and its consequences.

Attached is the proposal for the conference. We are still preparing a detailed agenda for the conference which will be communicated to you later.

I am very pleased to invite you to attend this very important conference and to contribute to our efforts for finding a solution to the various problems faced by our country following last year's genocide.

Sincerely yours,

  
Pasteur Bizimungu  
President of the Republic of Rwanda

Mr. Ayala Lasso  
UN High Commissioner for human Rights  
Geneva



Kigali, le 19 octobre 1995

Monsieur le Rapporteur spécial:

J'ai l'honneur de me référer à l'invitation qui vous a été faite par le Gouvernement du Rwanda pour participer à une Conférence Internationale sur le génocide, l'impunité et la redevabilité, qui se tiendra à Kigali du 1er au 3 novembre 1995. Je me permets de vous écrire en soutien des efforts du Gouvernement pour assurer une importante participation à cet événement.

Le but de la Conférence est de mieux comprendre les causes qui ont déclenché le génocide au Rwanda, les conséquences de tout ordre de cet acte pour le peuple rwandais et les mesures que peuvent être prises par le Rwanda et la communauté internationale ayant pour objectif faciliter le processus de réconciliation nationale. Les conclusions auxquelles arriveront les participants pourront être utilisées par les autorités rwandaises pour développer une stratégie cohérente qui donne réponse notamment aux problèmes que pose le fonctionnement satisfaisant de la justice contre les responsables du génocide.

La conférence doit réunir un nombre limité de hautes personnalités rwandaises et étrangères dont les responsabilités ont trait aux différents aspects qui seront mis à débat.

En vue de votre importante contribution dans le cadre de l'amélioration de la situation des droits de l'homme au Rwanda, je pense que votre participation à cette conférence serait extrêmement désirable.

Je vous prie de croire, Monsieur le Rapporteur spécial, à l'assurance de ma considération la plus distinguée.

Shaharyar M. Khan  
Représentant Spécial du Secrétaire-Général  
au Rwanda

Monsieur René Degni-Ségui  
Rapporteur spécial sur la situation  
des droits de l'homme au Rwanda  
Nations Unies  
Genève



**INTEROFFICE MEMORANDUM**

**Date:** 17 October 1995

**To:** Mr. Wilfrid de Souza, Executive Director

**Copied to:** Mr. M. L. Condé, Senior Political Officer  
Ms. Rafii, Legal/Political Officer

**From:** Diego Zorrilla, Legal Officer

**Subject:** SRSG's letters to support the Government's  
invitations to the Conference on Genocide

1. You requested that, following the meeting between Minister Murigande and Mr. Khan, we draft letters from Mr. Khan to support the Government's efforts to ensure participation of the following personalities to the Conference on Genocide: Mrs. Ogata, Mr. Ayala-Lasso, Justice Goldstone and Mr. Degny-Ségué.
2. It was agreed that letters to these personalities would only be sent once we had confirmation that the Government had actually invited them. To date, out of the four requested letters I have only received from the Government copies of the letters of invitation they have sent to Mrs. Ogata and Mr. Ayala-Lasso.
3. Regarding the invitation to Mr. Ayala-Lasso, I wish to call to your attention that originally the Government had also invited Mr. Clarence, former HRFOR chief, who has now been replaced by Mr. Ian Martin. On the other hand, HRFOR has been the organization that has been preparing this Conference in cooperation with the Government. Given the sensitivities that have existed in the past within HRFOR, I believe that the matter of whether to insist for Mr. Ayala-Lasso's participation is best left to Mr. Ian Martin's action.
4. I therefore attach a first draft of the letter from the SRSG to Mrs. Ogata for your consideration. Thank you.

**Reçu le 17 OCT. 1995**



17 October 1995

Dear Mrs. High Commissioner,

I have the honor to refer to the invitation made to you by the Government of Rwanda to participate in the International Conference on Genocide, Impunity and Accountability, which will be held in Kigali from 1st to 3rd November 1995 (copy of the invitation is attached).

In the light of the relevance of this Conference to the issue of the return of refugees to Rwanda, I am taking the liberty of writing to you in support of the Government's efforts to ensure a high-level participation of personalities at this Conference.

Yours sincerely,

Shaharyar M. Khan  
Special Representative of the  
Secretary-General in Rwanda

Mrs. Sadako Ogata  
United Nations High Commissioner  
for Refugees  
Geneva

Kigali, 16/10/1995

## REPUBLIC OF RWANDA



Office of the President  
Conference on Genocide and Justice  
Tel: (250) - 85392  
Fax: (250) - 85392 / 84390

Madam Sadako Ogata  
United Nations High  
Commissioner for Refugees  
Geneva.

Your Excellency,

Knowing your personal desire and commitment to see Rwanda achieving national reconciliation and peace, I am pleased to inform you that the Government of Rwanda is organising an International Conference on Genocide, Impunity and Accountability.

The Conference, which is organised from November 1st to 3rd, 1995, will assist the Government in its continued search for a national policy to respond to genocide in a manner that uproots impunity but at the same time quickly stabilizes our society.

I am also sending you a copy of the them and background briefs for the Conference. Given the relevancy of this conference to the issue of refugees in our country, we will be pleased if you could send an observer from your office in case you are unable to attend the conference personally.

From the debates and conclusions of this conference, our national policy making institutions will then draw an appropriate policy that responds to our current situation.

Kindly accept Your Excellency, the assurances of my highest considerations.

Sincerely yours.

A handwritten signature in black ink, appearing to read 'Murigande', with a stylized flourish at the end.

Dr. Charles MURIGANDE  
Minister of transport and Communication  
Conference Coordinator.



RECEIVED

16 OCT 1995

OFFICE OF THE SRSG  
UNAMIR

## INTEROFFICE MEMORANDUM

copy: ED  
Mr. Farah  
Mr. Zorrilla

Date: 16 October 1995

16/10/95

To: Ambassador Khan, SRSG

From: Mamady L. Condé, Senior Political Officer Subject: Provision of assistance to the Government for the organization of  
the Conference on Genocide (1st to 3rd November 1995)

✓  
WS

1. With reference to Ms. Matthew's note of 14 October 1995, I wish to confirm that Mr. Abdi Farah (Budget Officer, ISS) informed me that all requested items, with the exception of the vehicle, had been delivered to Mr. Gasasira, who is in charge of the organisation of the Conference, at the President's office on the 10th of October.

2. On the 11th of October, Mr. Gasasira informed us that certain problems existed with the equipment that had been delivered. Since that moment, all efforts were made to make arrangements to solve the problems encountered and to deliver the vehicle. For two days, both Mr. Farah and Mr. Zorrilla attempted to contact Mr. Gasasira to no avail.

3. On the 14th of October, a fax was sent to Mr. Gasasira requesting him to contact UNAMIR in view of the impossibility to communicate on the phone with him. Finally, this morning Mr. Gasasira came to UNAMIR. The vehicle has been delivered to him and arrangements have been made with EDP to have a technician solve the problems encountered with the equipment. In addition, Mr. Gasasira promised to give today UNAMIR copies of the letters of invitation sent by the Government to individuals the Government wished Mr. Khan to write to requesting their participation at the Conference.

4. I wish to put on record that all efforts have been done by UNAMIR to assist the Government with its preparations for the Conference. It seems to us that if delays have occurred, these have been caused by the difficulty to get in touch with those allegedly in charge of organising the Conference.





INTEROFFICE MEMORANDUM

Date: 16 October 1995

To: Ambassador Khan, SRSG

From: Mamady L. Condé, Senior Political Officer

Subject: Provision of assistance to the Government for the organization of the Conference on Genocide (1st to 3rd November 1995)

1. With reference to Ms. Matthew's note of 14 October 1995, I wish to confirm that Mr. Abdi Farah (Budget Officer, ISS) informed me that all requested items, with the exception of the vehicle, had been delivered to Mr. Gasasira, who is in charge of the organisation of the Conference, at the President's office on the 10th of October.

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Cc. Executive Director  
CAO

Reçu le 16 OCT. 1995



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OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

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DATE: 14 October 1995

TO: Mr. Shaharyar Khan, SRSG

FROM: Susan Matthew, CAO

A handwritten signature in dark ink, appearing to read "Susan Matthew", is written over the printed name.

SUBJECT: Conference on Genocide, 1-3 November 1995

With reference to your note of 11 October 1995 regarding the provision of assistance for the above Conference, I should like to record that a copy of your memo to ED of 26 September 1995 was received by me on 5 October; on 7 October Mr. Abdi Farah of ISS informed Mr. Condé that all the items requested at para (c) of your memorandum were ready for delivery/collection.

cc: ED ✓  
Mr. Condé

Reçu le 14 OCT. 1995

A handwritten signature in dark ink, possibly reading "V. a", is written below the distribution list.



**NOTE TO THE SRSG**

**Subject: Conference on Genocide - UNAMIR's related assistance to the Government**

1. As indicated in the attached note, all the items promised were delivered to the President's office on 10 October, except the car which, I am told, is now ready for collection.
2. As of Wednesday evening, Mr. John Issagara, the Liaison Officer designated by the Government, has still not come to take delivery of the car. I have requested Mr. Condé to remind him.

WS  
—

Wilfrid de Souza  
12 October 1995



**INTEROFFICE MEMORANDUM**

**Date:** October 11, 1995

**To:** Mr. J. Lombardo  
STO

**From:** Abdi Farah  
ISS

A handwritten signature in dark ink, appearing to read 'A. Farah', is written over the printed name 'Abdi Farah'.

**Subject:** Conference on Genocide

Further to our brief discussion this afternoon on the above-mentioned subject kindly note the following:

- 1- Mr. Clive passed a copy of the memo from the SRSG on this case on Friday, 6 October 1995 and asked me to take immediate action on the issue;
- 2- On the same day I started contacting the heads of the various section in ISS to see if the items could be made available on rush basis.
- 3- After having received everybody's concurrence, on Saturday, 7 October 1995 I immediately wrote a memo to the CAO informing her that the items are being arranged and wish to know the contact person at the government side.
- 4- I have been directed to Amb. Conde and I went to see him on Monday, 9 October 1995, fortunately Mr. John Issagara, from the Presidents Office was right there and introduced to me by Mr. Conde. Thereafter we came to Trafipro and we went to see the various section heads who were supplying the items and it was agreed by all parties that all items except the vehicle will be ready on Tuesday, 10 October 1995 and I promised that I will personally deliver the items to the President's Office.

5- Yesterday, Tuesday, 10 October 1995 I personal collected the items and went to the President's Office, after almost one hour of finding out the responsible official. It was finally taken inside the compound and handed One Computer, One new Fax Machine and one New Photocopier Machine over to the secretary of Mr. John Issagara who informed me that he is in a meeting and she was expecting the items (see copy of the receipt signed by the secretary).

6- I requested the secretary to inform Mr. Issagara to come to our office and receive the vehicle this morning as agreed. At the same time Mr. Norris Jorsling CITMM informed me today that the vehicle is ready for collection

This is exactly how the situation has taken course, infact we managed with a lot of effort to get all these items in such a short notice when even some of our own units do not have computers or photocopies.

Regards.

cc Ms. S. Matthew  
CAO

Mr. W. Clive  
CISS

Return to the President's Office.



## UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

## UNAMIR

COMMUNICATIONS SECTION  
COMMS STORE UNITON LOAN for  
5th NOV. 95ISSUE VOUCHER NO. :  

NO	DESCRIPTIONS	DEC NO.	S/NO.	SECTION
1	Brother FAX 1000p	BT-unclobr	M41095857	FOR COM
2	NASHUA ph to copy 3415	BR900/040R	2615060446	ON GENOCIDE
3	Feeder	BR900/041R	2425050622	RWIT OFFICE
4	SORTER	BR900/042R	1965040674	OF THE RESIDEN
5	ONE CON/UTET			
6	ONE MONITOR			
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## NOTE:

I HEREBY DECLARE THAT I WILL RETURN ALL ITEMS OF UN EQPT  
OR SUPPLIES ISSUED TO ME..!!

ISSUED BY:

NAME:

SIGNATURE:

ID No. :

DATE:

RECEIVED BY:

NAME:

SIGNATURE:

ID NO.:

DATE:

Minger Shaga

085

10 OCT. 95

Abdi FARAH

S. Farah

424

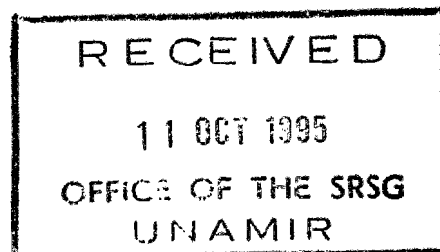
10 OCT. 95



**NOTE A M. MAMADY LAMINE CONDE**

**Objet: Conférence sur le génocide**

1. J'ai regardé rapidement les trois projets de lettre ci-joints. Je ne crois pas qu'il soit prudent d'envoyer ces lettres sans s'assurer auparavant que les invitations du Gouvernement sont déjà envoyées et reçues par les invités.
2. Qui plus est, je ne suis pas certain que nous puissions envoyer des lettres de soutien sans que nous ayons en main copies des invitations qui ont été lancées. En effet, pour un sujet aussi délicat que celui dont il s'agit, le contenu de notre lettre devra tenir compte de la substance de ces invitations.
3. Je recommande donc que nous nous efforcions d'abord d'obtenir ces copies. En attendant, le plus important et le plus urgent c'est de mettre à la disposition du Gouvernement l'assistance matérielle dont il a besoin.



*WS*  
Wilfrid de Souza  
10 octobre 1995

cc. SRSG

Note to Mr. M. Lamine Condé

Telephone conversation with Mr. Gasamira

1. I spoke this afternoon with Mr. Gasamira, who is the contact person at the Ministry of Transportation for the organization of the Conference on Genocide.
2. Mr. Gasamira confirmed that Mr. Ayala-Lasso, Mr. Degni-Ségué and Mr. Goldstone are on the list of personalities to be invited to the Conference. He stated that Mrs. Ogata's name did not appear in the list he had been given.
3. He also confirmed that the Government took the responsibility of issuing the invitations to these officials. Whether this had been done or not he could not confirm, but had it not been done he would see that invitations be sent as soon as possible.
4. In this respect, he stated that despite Mr. Khan's promises, the Government had not received the items UNAMIR had promised to loan to them until the 3rd of November. This state of affairs was impairing the Government's ability to organize the event.

DZ, 10.10.95

Information E.D.

Copies to CAO

5. We should not send the letters. This is the task of the Rwandan govt. We can advise informally.  
6. At least three weeks ago I had received a request, personally from the President for the loan of a vehicle, some equipment until Nov 3. I sent soon a note requiring action. I am shocked that I have been made to look as though I have made false promises. This is a serious matter which affects my credibility at the highest level. I would like to know who is responsible for this and what action was taken. If a vehicle is available take my zero-1 car. There are hundreds of taxicabs we can loan.

EJ  
AM/3/cont  
CAO

Shahungu J. G. G.  
11.10



10 octobre 1995

Monsieur le Rapporteur spécial,

J'ai l'honneur de me référer à l'invitation qui vous a été faite par le Gouvernement du Rwanda pour participer à une Conférence Internationale sur le génocide, l'impunité et la redevabilité, qui se tiendra à Kigali du 1er au 3 novembre 1995. Je me permets de vous écrire en soutien des efforts du Gouvernement pour assurer une importante participation à cet événement.

Le but de la Conférence est de mieux comprendre les causes qui ont déclenché le génocide au Rwanda, les conséquences de tout ordre de cet acte pour le peuple rwandais et les mesures que peuvent être prises par le Rwanda et la communauté internationale ayant pour objectif faciliter le processus de réconciliation nationale. Les conclusions auxquelles arriveront les participants pourront être utilisées par les autorités rwandaises pour développer une stratégie cohérente qui donne réponse notamment aux problèmes que pose le fonctionnement satisfaisant de la justice contre les responsables du génocide.

La conférence doit réunir un nombre limité de hautes personnalités Rwandaises et étrangères dont les responsabilités ont trait aux différents aspects qui devront être mis à débat.

En vue de votre importante contribution dans le cadre de l'amélioration de la situation des droits de l'homme au Rwanda, je pense que votre participation à cette conférence serait extrêmement désirable.

Je vous prie de croire, Monsieur le Rapporteur spécial, à l'assurance de ma considération la plus distinguée.

Shaharyar M. Khan  
Représentant Spécial du Secrétaire-Général  
au Rwanda

Monsieur René Degni-Ségui  
Rapporteur spécial sur la situation  
des droits de l'homme au Rwanda  
Nations Unies  
Genève

10 octobre 1995

Monsieur le Haut Commissaire,

J'ai l'honneur de me référer à l'invitation qui vous a été faite par le Gouvernement du Rwanda pour participer à une Conférence Internationale sur le génocide, l'impunité et la redevabilité, qui se tiendra à Kigali du 1er au 3 novembre 1995. Je me permets de vous écrire en soutien des efforts du Gouvernement pour assurer une importante participation à cet événement.

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La conférence doit réunir un nombre limité de hautes personnalités Rwandaises et étrangères dont les responsabilités ont trait aux différents aspects qui devront être mis à débat.

En vue de la cruciale contribution de l'Opération des Droits de l'Homme sur le terrain au Rwanda à la réhabilitation de l'appareil de justice, je pense que votre participation serait une très importante contribution au succès de la conférence.

Je vous prie de croire, Monsieur le Haut Commissaire, à l'assurance de ma considération la plus distinguée.

Shaharyar M. Khan  
Représentant Spécial du Secrétaire-Général  
au Rwanda

Monsieur José Ayala-Lasso  
Haut Commissaire aux Droits de l'Homme  
Nations Unies  
Genève

10 October 1995

Dear Justice Goldstone,

I have the honour to refer to the invitation made to you by the Government of Rwanda to participate in the International Conference on Genocide, Impunity and Accountability, which will be held in Kigali from 1st to 3rd November 1995. I am writing to you in support of the Government's efforts to ensure a high-level participation of personalities at this Conference.

The goal of the Conference is to better understand the causes that led to the genocide in Rwanda, the consequences of every order of this crime on Rwandese society and the measures that might be taken by Rwanda and the international community in order to facilitate national reconciliation. The conclusions arrived at by participants could be utilized by the Rwandese authorities in developing a coherent policy to give a response to the problems pressing Rwanda, with particular reference to the satisfactory functioning of the system of justice against those responsible for the genocide.

The Conference should gather a limited number of senior officials, both Rwandese and foreigners, whose responsibilities are related to the various topics which will be debated.

In the light of the relevance of the work of the International Tribunal for Rwanda for the issues that will be debated, I believe that your participation would be an essential contribution to the success of the Conference.

Yours sincerely,

Shaharyar M. Khan  
Special Representative of the  
Secretary-General in Rwanda

Justice Richard Goldstone  
Prosecutor  
United Nations International Criminal  
Tribunal for the former Yugoslavia  
The Hague  
Netherlands



INTEROFFICE MEMORANDUM

Date: October 11, 1995

To: Mr. J. Lombardo  
STO

From: Abdi Farah  
ISS

Subject: Conference on Genocide

Further to our brief discussion this afternoon on the above-mentioned subject kindly note the following:

- 1- Mr. Clive passed a copy of the memo from the SRSG on this case on Friday, 6 October 1995 and asked me to take immediate action on the issue;
- 2- On the same day I started contacting the heads of the various section in ISS to see if the items could be made available on rush basis.
- 3- After having received everybody's concurrence, on Saturday, 7 October 1995 I immediately wrote a memo to the CAO informing her that the items are being arranged and wish to know the contact person at the government side.
- 4- I have been directed to Amb. Conde and I went to see him on Monday, 9 October 1995, fortunately Mr. John Issagara, from the Presidents Office was right there and introduced to me by Mr. Conde. Thereafter we came to Trafipro and we went to see the various section heads who were supplying the items and it was agreed by all parties that all items except the vehicle will be ready on Tuesday, 10 October 1995 and I promised that I will personally deliver the items to the President's Office.

5- Yesterday, Tuesday, 10 October 1995 I personal collected the items and went to the President's Office, after almost one hour of finding out the responsible official I was finally taken inside the compound and handed **One Computer, One new Fax Machine and one New Photocopier Machine** over to the secretary of Mr. John Issagara who informed me that he is in a meeting and she was expecting the items (see copy of the receipt signed by the secretary).

6- I requested the secretary to inform Mr. Issagara to come to our office and receive the vehicle this morning as agreed. At the same time Mr. Norris Jorsling CITMM informed me today that the vehicle is ready for collection

To:

This is exactly how the situation has taken course, infact we managed with a lot of effort to get all these items in such a short notice when even some of our own units do not have computers or photocopies.

Regards.

cc Ms. S. Matthew  
CAO

Mr. W. Clive  
CISS

to the President's Office.



## UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

## UNAMIR

COMMUNICATIONS SECTION  
COMMS STORE UNITON LOAN for  
5th NOV. 95ISSUE VOUCHER NO. :  

NO	DESCRIPTIONS	DEC NO.	S/NO.	SECTION
1	Brother FAX 1000p	BT-UNC/00R	M41095857	FOR COMR
2	NASHUA photocopy 3415	BR 900/040 R	2615060446	ON GENOCIDE
3	Feeder	BR 900/041 R	2475050622	RW A OFFICE
4	SORTER	BR 900/042 R	1965040674	OF THE RESIDEN
5	ONE CON/400			
6	ONE MONITOR			
7				
8				
9				
10				
11				
12				
13				
14				
15				

## NOTE :

I HEREBY DECLARE THAT I WILL RETURN ALL ITEMS OF UN EQPT  
OR SUPPLIES ISSUED TO ME..!!

ISSUED BY:

NAME:

SIGNATURE:

ID No. :

DATE:

RECEIVED BY:

NAME:

SIGNATURE:

ID NO.:

DATE:

Mungu Shaga

085

10 OCT. 95

Abdi FARAH

S. Farah

424

10 OCT. 95



**NOTE A M. MAMADY LAMINE CONDE**

**Objet: Conférence sur le génocide**

1. J'ai regardé rapidement les trois projets de lettre ci-joints. Je ne crois pas qu'il soit prudent d'envoyer ces lettres sans s'assurer auparavant que les invitations du Gouvernement sont déjà envoyées et reçues par les invités.
2. Qui plus est, je ne suis pas certain que nous puissions envoyer des lettres de soutien sans que nous ayons en main copies des invitations qui ont été lancées. En effet, pour un sujet aussi délicat que celui dont il s'agit, le contenu de notre lettre devra tenir compte de la substance de ces invitations.
3. Je recommande donc que nous nous efforcions d'abord d'obtenir ces copies. En attendant, le plus important et le plus urgent c'est de mettre à la disposition du Gouvernement l'assistance matérielle dont il a besoin.

WS

Wilfrid de Souza  
10 octobre 1995

cc. SRSG

Note to Mr. M. Lamine Condé

Telephone conversation with Mr. Gasamira

1. I spoke this afternoon with Mr. Gasamira, who is the contact person at the Ministry of Transportation for the organization of the Conference on Genocide.
2. Mr. Gasamira confirmed that Mr. Ayala-Lasso, Mr. Degni-Ségué and Mr. Goldstone are on the list of personalities to be invited to the Conference. He stated that Mrs. Ogata's name did not appear in the list he had been given.
3. He also confirmed that the Government took the responsibility of issuing the invitations to these officials. Whether this had been done or not he could not confirm, but had it not been done he would see that invitations be sent as soon as possible.
4. In this respect, he stated that despite Mr. Khan's promises, the Government had not received the items UNAMIR had promised to loan to them until the 3rd of November. This state of affairs was impairing the Government's ability to organize the event.

Information E.D.  
Copie to CAO

DZ, 10.10.95



10 octobre 1995

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Je vous prie de croire, Monsieur le Rapporteur spécial, à l'assurance de ma considération la plus distinguée.

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Représentant Spécial du Secrétaire-Général  
au Rwanda

Monsieur René Degni-Ségui  
Rapporteur spécial sur la situation  
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Nations Unies  
Genève

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au Rwanda

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Haut Commissaire aux Droits de l'Homme  
Nations Unies  
Genève

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Secretary-General in Rwanda

Justice Richard Goldstone  
Prosecutor  
United Nations International Criminal  
Tribunal for the former Yugoslavia  
The Hague  
Netherlands

## ROUTING SLIP

## FICHE DE TRANSMISSION

TO: A: Mr. Conde		
FROM: DE: Wilfrid de Souza <i>WS</i>		
Room No. - No de bureau	Extension - Poste	Date 03/10/95
FOR ACTION	X	POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION		VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

Please bring the attached  
to the attention of the  
members of your team and  
take necessary action  
according to the SRSG's  
request.



**NOTE TO THE SRSG**

**Subject:**        **Conference on Genocide - November 1-3, 1995**

1.        As a follow-up to your memorandum of 26 September 1995, on the above subject, Mr. Condé has recommended the following team for the servicing of the forthcoming conference.

**- Senior Officers to participate in the conference**

Mr. M. L. Condé	Senior Political Affairs Officer
Mr. N. Ncube	Legal Officer (English)
Ms. L. Rafii	Legal Officer (English and French)

**- Secretariat**

Ms. L. Ouazany	(French)
Ms. A. Atsiaya	(English)

**- Logistics**

Mr. A. Fontie	General Services Unit
---------------	-----------------------

2.        I support that recommendation. As soon as you approve this recommendation, I shall ask Mr. Condé to convene a meeting of the team to begin work on the objectives you assigned to it in your memorandum referred to above.

*WS*  
Wilfrid de Souza  
2 October 1995

3.        Approved. We must ensure full support and success of the  
Conference.

*Seamus/Sean*  
3-10



UNITED NATIONS  
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES  
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TO: ED

FROM: SRSG

*Shaharyar Khan*

DATE: 26 September 1995

SUBJECT: Conference on Genocide, November, 1-3, 1995, Kigali

Dr. Charles Murigande, Minister of Transport, came to see me in connection with the above Conference. He has been given the responsibility to organize it. The Government is attaching great importance to the Conference. Dr. Murigande made the following requests.

- a) Our full support to the Conference. I gave him our concurrence.

**Action:** A Committee headed by <sup>André Comby</sup> ~~ED~~ and comprising a small team should be formed in UNAMIR to service the Conference (ED may select perhaps 1 English, 1 French speaking)

- b) My assistance in the participation of the following VIPs:

- i) High Commissioner Ayala Lasso
- ii) High Commissioner Sadako Ogata
- iii) Judge Goldstone
- iv) Special Rapporteur Degni Seguy

**Action:** Draft letters from me recommending representation may be put up for signature.

- c) The loan of following office equipment/vehicles until 3 November 1995:

- i) a vehicle
- ii) Photocopier
- iii) 1 Fax Machine
- iv) 1 computer with printer

The equipment and vehicle may please be made available immediately to Dr. Murigande at President's office.

Reçu le 26 SEP. 1995



**NOTE TO THE SRSG**

**Subject: Conference on Genocide - November 1-3, 1995**

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**- Logistics**

Mr. A. Fontie	General Services Unit
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2. I support that recommendation. As soon as you approve this recommendation, I shall ask Mr. Condé to convene a meeting of the team to begin work on the objectives you assigned to it in your memorandum referred to above.

*WS*  
Wilfrid de Souza  
2 October 1995

INTEROFFICE MEMORANDUM

Date: 29 September 1995

To: Mr. Wilfrid de Souza  
Executive Director

From: Mamady Lamine Condé *Mamady Lamine Condé*  
Senior Political Affairs Officer

Subject: Conference on Genocide - November 1-3, 1995 - Kigali

1. Reference is made to the memo from the SRSG dated 26 September 1995 on the above mentioned subject.

2. A committee headed by Ambassador Condé and comprising of a small team should be formed as follows:

- Senior Officers to participate in the conference

Mr. M. L. Condé	Senior Political Affairs Officer
Mr. N. Ncube	Legal Officer (English)
Ms. L. Rafii	Legal Officer (English and French)

- Secretariat

<del>Ms. A. Kifle</del> <i>L. OUAZANY</i>	(English and French)
Mrs. A. Atsiaya	(English)

- Logistics

Mr. A. Fontie	General Services Unit
---------------	-----------------------

The six mentioned above will meet to study disposition to be taken in order to obtain office equipment/vehicles from appropriate UNAMIR Departments. They will also discuss ways and means of the assistance the Government requires with Dr. Musigande, and insure the implementation of the directives given by the SRSG.

*Recommendations Approved subject to the final approval of the SRSG*

*Please note, however, that Ms A. Kifle has been replaced by Ms Laila OUAZANY*

*29-9-95 WJ*





Kigali, le 29 septembre 1995


Monsieur le Président,

J'ai l'honneur d'accuser réception de votre lettre du 17 septembre 1995 m'invitant à participer à une Conférence Internationale que le Gouvernement organise sur le Génocide, l'Impunité et la Responsabilité.

Je tiens à vous remercier de cette aimable invitation et à féliciter le Gouvernement Rwandais pour cette initiative qui, comme vous le soulignez, contribuera à la stabilité au Rwanda.

C'est avec plaisir que j'accepte votre invitation. D'autre part, comme je l'ai dit à votre Ministre des Transports et des Communications, la MINUAR prendra toutes les dispositions en vue d'apporter sa contribution à l'organisation de cette importante conférence.

Veuillez agréer, Monsieur le Président, les assurances de ma plus haute considération.

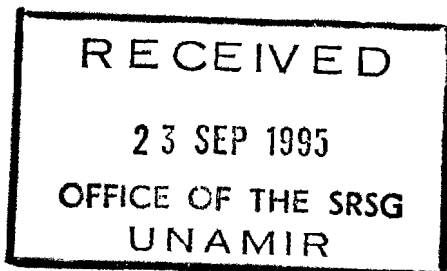
  
Shaharyar M. Khan  
Représentant spécial  
du Secrétaire général

Son Excellence Monsieur Pasteur Bizimungu  
Président de la République du Rwanda  
Kigali



LE PRESIDENT

September 17, 1995



Your Excellency:

I'm pleased to inform you that my government, in its continued search for a national policy to respond to genocide in a manner that uproots impunity but at the same time quickly stabilizes the society, will organize on November 1-3, 1995, an International Conference on Genocide, Impunity and Accountability.

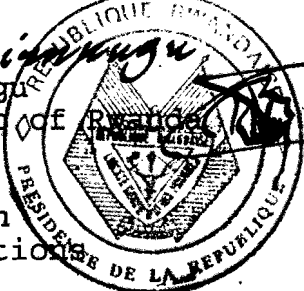
The government plans to invite leaders from countries which have experienced massive violations of human rights, including genocide, human rights and legal experts, and historians to discuss with Representatives of our national policy-making institutions and selected members of the Rwandan civil society, policies and strategies to respond to the various problems facing the Rwandese society in the aftermath of genocide, notably the problems of justice and national reconciliation, social problems of the survivors, and the problem of repatriation of refugees. Our national policy-making institutions will then draw from the debates and conclusions of this conference in order to formulate a national policy to respond to last year's genocide and its consequences.

Knowing your personal attachment to the stability and peace in our country, I am very pleased to invite you to attend this very important conference and to contribute by your expertise to our efforts for finding a solution to the various problems faced by our country following last year's genocide.

Sincerely yours,

*Reply pl. I shall  
accept. UN should  
help in the conf.  
for*

*Pasteur Bizimungu*  
Pasteur Bizimungu  
President of the Republic of Rwanda



His Excellency Ambassador Shaharyar Khan  
Special Representative of the United Nations  
Secretary General to Rwanda  
Kigali

To Mr. Condé

Dear Sir,

I have the honor to acknowledge the receipt of your letter of the 24th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,  
Yours,  
Mr. Condé

30-8-95

418

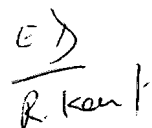
es les  
Consulaires  
envoyer ce  
nd MINUAR, le  
rnational, Mr.

Mr. C. A. 95  
30-8-95

WS  
Jant  
e.  
Mr. 30/8/95

Just

Leahy 27.8/



Reçu le 28 AOUT 1995

Le Ministère des Affaires Etrangères et de la Coopération présente ses compliments à toutes les Ambassade et Missions Diplomatiques accréditées au Rwanda et a l'honneur de leur informer que le gouvernement Rwandais, dans son effort continue de recherche d'une réponse viable et cohérente au génocide de l'an dernier et à ses conséquences sociales, organisera au mois d'Octobre 1995, une Conférence Internationale sur le génocide, l'Impunité et la Rédevabilité.

Il invitera des juristes, des experts en droit de l'homme, des historiens et des dirigeants des pays ayant connus des violations massives des droits de l'homme pour venir discuter et débattre avec les autorités rwandaises, de la manière de répondre aux problèmes causés par le génocide. Il espère que les débats et conclusions de cette conférence aideront les autorités rwandaises à formuler une politique viable et cohérente susceptible de répondre aux multiples problèmes que confronte la société rwandaise à la suite du génocide, en particulier, les problèmes de justice et réconciliation nationale, les problèmes de réhabilitation des survivants du génocide et du rapatriement des réfugiés.

Veuillez trouver, ci-jointe, une copie de la version Anglaise du projet de cette conférence. La version française est encore en préparation et vous sera prochaine transmise avec un agenda détaillé de la conférence.

Le Ministère des Affaires Etrangères et de la Coopération  
.....

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Le Ministère des Affaires Etrangères et de la Coopération  
.....



PRÉSIDENCE DE LA RÉPUBLIQUE  
CABINET DU PRÉSIDENT

N°

Réf. n° :

Annexe :

Objet :

**"GENOCIDE, IMPUNITY and ACCOUNTABILITY:  
DIALOGUE for a NATIONAL and INTERNATIONAL RESPONSE"**

**Appealing Entity :** Office of the President of Rwanda

**Executing Entities :** Office of the President of Rwanda

**Activities:** An International Conference on Genocide and Justice in Rwanda

**Realizing Partners:** President's office, Various Government's Ministries,  
National Assembly, Human Rights and Survivors of genocide  
Associations, Churches.

**Time Frame:** October 17-19, 1995

**I. Overall Objectives**

Provide for the Rwandan government and the Rwandan society a forum for developing a viable and coherent national policy to respond to the genocide in a manner that, on one hand re-establishes accountability and uproots impunity and on the other hand enable us to stabilise the society quickly. This will be achieved by holding an International Conference with the participation of leaders from countries which have experienced massive violations of human rights, including genocide, human rights and legal experts, and historians. The debate and conclusions of this conference will help the relevant national policy-making institutions to elaborate policies and strategies to respond to the various problems facing the Rwandese society in the aftermath of genocide, in particular the problems of the concept of justice and national reconciliation, social problems of survivors, and the repatriation of refugees. Seminars to disseminate the debates and discussions and to explain the national policy developed by National policy-making institutions will also be organised nationwide and in the refugee camps, as a follow up to this international conference.

## **II. Background and Significance of the Program**

Rwanda has recently suffered one of the most traumatic events in world history. Within the brief period of 4 months, from April to July 1994 an estimated one million Rwandans (approximately one seventh of the Rwanda's population) were massacred in an unprecedented genocide. The entire governmental apparatus including the Army and the local administration was used to carry out the genocide and to mobilize or even compel active involvement by a large percentage of the adult population. Genocide is however a recent phenomenon in the history of Rwanda. Although Rwanda has existed as a nation for several centuries, the first signs of ethnic divisions appeared at the turn of this century when racist theories were very popular in Europe and elsewhere. We had successfully strived to build a nation and a people called Banyarwanda from many kingdoms and people. The first ethnic massacres engineered by the authorities in the history of Rwanda occurred in 1959 at the eve of independence. Ever since 1959, there have been human rights violations on massive scale which have been characterized, even in the past, as genocide. Nobel prize winners Sir Bertrand Russell and Jean Paul Sartre called the massacres of Tutsi in December 1963 and January 1964 in Rwanda, the most barbaric and systematic acts of genocide committed since the holocaust of Jews by the Nazis during the Second World War. In March 1993, an International Commission of Inquiry in the violations of humans rights committed in Rwanda since October 1990 issued a report which characterized the massacres of Bahima in 1990, the massacres of Bagogwe in 1991 and the massacres of Tutsi in Bugesera in 1992 as acts of genocide. Why have these massive human rights violations been repeatedly committed in Rwanda? Should we view these as pilot projects for last year's genocide? Why this phenomenon of genocide in Rwanda and what are its causes? Has bad governance and bad leadership contributed to the genocide? Is the culture of impunity a factor that contributed to last year's tragedy?

The high-level of societal participation in the Rwandan genocide is virtually without historical precedent. The sheer numbers of potential defendants threatens to completely overwhelm the newly-emerging legal system. Yet the new Rwandan government and the international community have, under international law, an obligation to sanction those who perpetrated genocide. Justice is also needed for the sake of healing and stabilizing the society and the necessity of uprooting the impunity. Can classical enforcement mechanisms adequately deal with these issues of bringing justice and preventing impunity, while contributing to the stated objective of stabilising the society? What strategies to use to deal with this tremendous problem? What is the experience of other countries which experienced genocide and/or massive human rights violations? Are there alternatives to classical judicial systems that can suit the situation in Rwanda? Can classical and non classical judicial processes coexist in dealing with the crimes committed during last year's genocide?

Similarly, in the area of popular culture, the new government confronts a daunting challenge. The society has been seriously affected by the culture of human rights violations leading to genocide and its social consequences. A new culture emphasizing respect for the rights of all individuals, must be actively promoted. We know that there will no peace without reconciliation. We view the process of national reconciliation as a rebirth of the nation of Rwanda where all Banyarwanda have the same fundamental rights and enjoy opportunities and equal protection from the state. This process requires us to come to terms with what has happened in our recent history. We must acknowledge that terrible mistakes and crimes were committed in Rwanda and undertake courageously to repent and correct the mistakes of the past. This will facilitate forgiveness and administration of appropriate sanctions. We come to terms with our past by understanding it. We believe that we are under obligation to keep the memory of the victims. We have no right to obliterate the memory of a crime against humanity, a crime that violates international law. It is the denial of genocide which creates conditions of its recurrence. A comprehensive documentation of what happened should be part of this process of national reconciliation. Most of survivors of genocide live in absolute poverty as a result of having lost the family bread winner, their properties and their relatives. We believe that reconciliation would be facilitated by a judicial process that include compensation for the victims. To come to terms with our past is therefore, by and large, to make room in our society both for the victims and the wrongdoers. How do we bring people to acknowledge their mistakes? How do we preserve the memory of what happened? How do we compensate the victims? What is the moral and legal obligation of the international community to assisting us in this exercise? What is a realistic expectation for such support?

### III. Specific Objectives

The proposed International Conference is designed to provide a forum in which governmental and non-governmental leaders in Rwanda assisted by International experts from countries where genocide or other massive human rights violations have been committed and from human rights organizations and historians, can discuss options and alternatives to respond to genocide in Rwanda in a manner that, on one hand re-establishes accountability and uproots impunity and on the other hand enable us to stabilise the society quickly. This debate will then enrich the ongoing discussion within the government and the National Assembly and will contribute to the formulation of an appropriate national policy and strategy to respond to the various problems facing the Rwandese society in the aftermath of genocide, in particular the problems of the concept of justice and national reconciliation, social problems of survivors and the repatriation of refugees. This International Conference is envisaged for October 1995. The specific objectives of this Conference are:

1. Understand how the genocide in Rwanda was conceived, planned and carried out. Analyse the birth and causes of ethnic divisions which led to mistrust and animosity in the Rwandese community. What are the factors that contributed to genocide? What are the responsibilities? What is the psychology of a



"genocider" and that of the victim? How did the Rwandans get conditioned to kill their neighbours? What are the social consequences of genocide (orphans, raped women, widows, traumatized population: victims and victimizers alike, etc)? Did past impunity facilitate the development of genocide? What are the social consequences of impunity? How to prevent impunity? How can we make sure that genocide never happens again in Rwanda?

2. What are the obligations under international law of governments which succeed governments which have committed massive human rights violations? What mechanisms exist to deal with these massive human rights violations when those who perpetrated them enacted laws that ensures their impunity and when we have the principle of non retroactivity of laws? Compare and contrast the experiences of other countries which have gone through political transitions from regimes which engaged in gross violations of human rights to successor governments committed to promoting the respect for human rights. What lessons can be drawn for Rwanda?
3. What strategies for bringing perpetrators of genocide to justice exist in the case of Rwanda where you have a high-level of society participation?
  - a. Analyze the prosecution strategy for genocide cases in the classical legal system. How do we apply laws designed to deal with a normal situation to exceptional circumstances generated by the genocide? Stimulate the necessary legal reforms to attach criminal sanctions to violations of existing international human rights law including genocide.
  - b. Examine alternatives to the classical legal system for sanctioning participation in the genocide, with the objectives of establishing the truth, bringing people to acknowledge their wrongs and repent, thus facilitating national reconciliation. These alternatives include for example:
    - Exploring the use of Rwandan customary law
    - initiation of plea bargaining to obtain guilty pleas
    - seeking alternative sanctions (e.g. establishing work camps to rebuild infrastructure, mechanisms for the rehabilitation of participants, especially the children)
    - establishing a Special Prosecutor's Office
    - creating para-legal mechanisms such as a Truth Commission
  - c. Role and responsibility of the international community in punishing genocide. What strategies can be developed to make this role effective?

4. The importance of preserving the memory of the victims and how to achieve it? How to document the genocide? Is compensating the victims important and how to do it?
5. What is the meaning of national reconciliation after a tragedy like genocide and how to achieve it?

#### **IV. Structure of the Conference on genocide**

This Conference would bring top scholars and practitioners with expertise in the law of impunity for human rights abuse to Rwanda for a three-day working session with governmental and non-governmental leaders. The categories of individuals from abroad to be invited should include:

- 1. Heads of Truth Commissions:** e.g. Professor Buerghenthal, head of the United Nations Truth Commission for El Salvador, Chile's Rettig Commission, the 1986 Ugandan Commission of Inquiry into Violations of Human Rights, the Truth and Justice Commission in Haiti, Argentina's Sabato Commission and the Argentine chief prosecutor in military junta cases, the legal advisor to President Zenawi of Ethiopia, etc.
- 2. Leading scholars:** e.g., Kader Asmal, South African/ANC lawyer involved in issues of impunity associated with the former South African government; James Paul, first dean of law school founded in Ethiopia and expert on the use of imposing criminal sanctions for violations of international human rights law; Cherif Bassiouni, law professor at De Paul University in Chicago, Illinois and on the Commission of Experts in the former Yugoslavia, William Shabas, Professor of law at Quebec University, etc.
- 3. Directors of major human rights NGO's:** e.g., Amnesty International, Human Rights Watch/Africa, International Human Rights Law Group, International League for Human Rights, La Federation des Droits de L'Homme, Rakia OMAR of Africa Rights, Gasana Ndoba of Coalition pour les Droits de l'Homme au Rwanda, etc.
- 4. Historians and World Leaders** who have studied or followed the recent history of Rwanda and can help us understand what went wrong in Rwanda's society: e.g. Jean-Pierre Chretien and Claudine Vidal, Researchers at the CNRS, Luc De Heusch and Alain Veraegen, Professors at ULB, Brussels, H.E. Julius Nyerere, Former President of Tanzania, Archbishop Desmond Tutu, Dr. Salim A. Salim, Secretary General of OAU, Mrs. Machel, etc.

5. **Experienced people in preserving the memory of genocide victims:** e.g. Eli Wiesel and/or Mark Talisman, initiators and respectively former Chairman and Vice-Chairman of the Washington Holocaust Museum, etc.
6. **People who have experience in hunting down Nazis:** e.g. Serge and Beate Klarsfeld, responsible of doggedly pursuing hidden Nazis in Latin America and in Europe and who are responsible for finding and bringing Klaus Barbie to the bench of justice. Michael Wolfe, David Maxwell and Alan Ryan, former members of the Office of Special Investigations of the Department of Justice, an office charged with seeking out and deporting Nazis living in the United States, etc.
7. **The United Nations specialized Commissions:** e.g. the UN High Commissioner for Human Rights, the UN Special Rapporteur on Impunity, the UN Special Rapporteur on Civil Compensation for Gross Human Rights Violations, the UN Special Rapporteur on Summary and Arbitrary Executions and/or the UN Special Rapporteur on Violence Against Women, Prosecutor for the International Tribunal for Rwanda, etc.

The Rwandan invitees would include:

1. the Minister of Justice
2. the Minister of Social Affairs
3. the Minister of Internal Affairs
4. the Minister of the Family and Women's Affairs
5. the Minister of Youth and Cooperatives
6. the speaker of the National Assembly
7. three representatives from the National Assembly
8. the chef de cabinet, President's office
9. the chef de cabinet, Vice President's office
10. the chef de cabinet, Prime Minister's office
11. the chef de cabinet, Ministry of Rehabilitation
12. the deputy chief of staff of Gendarmerie
13. representative of the National University, IRST and Grand Seminar
14. representative of Rwandan legal practitioners
14. representative of local human rights group
14. president of the RPF's Human Rights Commission
15. representatives of the Rwandan Churches (Catholic, Protestant, Muslim)
16. two representatives of associations of survivors of genocide

In general, the format of this conference would resemble that of a working group. First, there would be short presentations by the foreign and Rwandan participants on specific topics. These presentations would be followed by a focused discussion on each topic. At the end of each discussion, a summary of the group's conclusions would be drawn up. These conclusions would be compiled at the end of the three days

to produce a brief position paper with proposals for follow-up. It is expected that these discussions will help the Rwandan policymakers ( National Assembly and Government) develop a comprehensive and coherent policy and strategy for a national response to the genocide and its social consequences notably the problem of justice, the social problems faced by the survivors and the problem of refugees.

The conference would be limited to a small, select group of Rwandan leaders and foreign experts, of somewhere between 40 to 50 participants. It could be held as retreat, if possible, in a location away from the capital to remove Rwandan participants from their busy routines. This more removed, less formal setting for the three days of the seminar, we believe, would facilitate more social and spontaneous exchange among the participants. If a remote location cannot be found, the conference will be held in a Hotel, in Kigali. The discussions and speeches (it is expected that the President, Vice-President and Prime Minister of Rwanda will address the conference at various points) at the conference could be taped and also broadcast live by Radio Rwanda to help stimulate public interest and debate on these issues.

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