

RWANDA/TANZANIA/OU/UNACR

12 APR 12 OCT 1995

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Attention - SRSGCoppo DE SOUZA
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Page 1

COMMUNIQUE DE PRESSEVu
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Conformément aux recommandations de la première session de la Commission Tripartite Rwanda-Zaïre-HCR sur le rapatriement des réfugiés rwandais du Zaïre, organisée à Genève le 25 septembre 1995, la Sous-Commission chargée des questions de rapatriement a tenu sa première réunion les 11 et 12 octobre 1995 à Gisenyi, en République Rwandaise.

L'objet principal de la réunion visait à prendre conjointement des mesures pratiques susceptibles d'encourager et d'accélérer le rapatriement volontaire, organisé ou spontané, des réfugiés rwandais se trouvant au Zaïre. A cet effet, les participants ont pris en compte la déclaration faite le 5 septembre 1995 à Kigali, en présence du Haut Commissaire des Nations Unies pour les Réfugiés, par S.E. Mr. Pasteur BIZIMUNGU, Président de la République Rwandaise, sur le retour sans condition des réfugiés au Rwanda et l'annonce de la décision des autorités zaïroises de voir les réfugiés regagner leur pays au plus tard le 31 décembre 1995.

Ouverte par le Ministre rwandais de la Réhabilitation et de l'Intégration Sociale, S.E. Mr. Patrick MAZIMHAKA, la réunion de Gisenyi a poursuivi ses travaux sous la présidence du Docteur Ephraïm KABAJA, Chef de la Délégation Rwandaise.

Elle a examiné en profondeur les questions liées au rapatriement volontaire, organisé ou spontané, telles que : la campagne d'information dans les camps des réfugiés, la réduction du pouvoir économique des réfugiés dans les camps, la logistique du rapatriement à partir des camps, la réception et la vérification des effets des rapatriés à la frontière, la neutralisation des intimidateurs parmi la communauté des réfugiés et les problèmes de réinstallation et de réintégration des rapatriés.

Les trois parties en présence, à savoir, le Rwanda, le Zaïre et le HCR, ont pris acte de la volonté exprimée par le Gouvernement Rwandais de porter à 20,000 ou plus sa capacité journalière de réception des rapatriés et ont chargé les deux Comités techniques de travail d'en étudier les modalités pratiques de mise en oeuvre.

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Parmi les décisions importantes prises par la Sous-Commission figurent :

1. La création de deux comités techniques de travail chargés d'étudier les voies et moyens d'améliorer et d'accroître les capacités d'accueil et de réinstallation des rapatriés, l'élargissement des camps de transit à l'intérieur du Rwanda.

Les travaux de ces deux Comités débiteront à Gisenyi à partir de ce vendredi 13 octobre 1995 et à Cyangugu ce lundi 16 octobre 1995.

2. La visite des autorités zaïroises au Rwanda, avant la fin du mois d'octobre 1995, en vue de se rendre compte des conditions réelles de sécurité, de réinstallation et de réintégration des rapatriés rwandais dans le but de mieux informer les réfugiés dans les camps.

Les trois parties ont convenu de tenir la deuxième session de la Sous-Commission Tripartite au Zaïre, entre le 20 et le 30 novembre 1995.

Les dates et le lieu de cette réunion seront communiqués ultérieurement par la partie zaïroise.

Les travaux de la Sous-Commission se sont déroulés dans une atmosphère de cordialité, de coopération et de compréhension mutuelle.

Fait à Gisenyi, le 12 octobre 1995.

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PROCES VERBAL SANCTIONNANT LA PREMIERE REUNION DE LA SOUS-COMMISSION TRIPARTITE RWANDA/ZAIRE/HCR CHARGEE DES QUESTIONS DE RAPATRIEMENT DES REFUGIES RWANDAIS DU ZAIRE

Conformément aux recommandations de la première session de la Commission Tripartite Rwanda/Zaire/HCR sur le rapatriement des réfugiés rwandais du Zaire, organisée à Genève le 25 septembre 1995, la Sous-Commission chargée des questions de rapatriement a tenu sa première réunion les 11 et 12 octobre 1995, à Gisenyi, en République Rwandaise.

La Délégation zaïroise était conduite par Monsieur Jules KYEMBUWA WALUMONA, Gouverneur du Sud-Kivu, assisté de Monsieur MOTO MUPENDA, Gouverneur du Nord-Kivu.

La Délégation du HCR était conduite par Monsieur Carrol FAUBERT, Envoyé Spécial du Haut Commissaire des Nations Unies pour les Réfugiés dans la région des Grands Lacs.

La Délégation rwandaise était conduite par le Docteur Ephraïm KABAIJA, Président de la Commission Conjointe de Rapatriement des Réfugiés Rwandais, Président de la réunion.

L'objet principal de la réunion visait à prendre conjointement des mesures pratiques susceptibles d'encourager et d'accélérer le rapatriement volontaire, organisé ou spontané, des réfugiés rwandais se trouvant au Zaire.

A cet effet, les participants ont pris en compte la déclaration faite le 05 septembre 1995 à Kigali, en présence du Haut Commissaire des Nations-Unies pour les Réfugiés, par S.E. Monsieur Pasteur BIZIMUNGU, Président de la République Rwandaise, sur le retour sans condition des réfugiés au Rwanda et l'annonce de la décision des autorités zaïroises de voir les réfugiés regagner leur pays au plus tard le 31 décembre 1995.

Chacune des parties a réaffirmé ses engagements pris dans le cadre de l'Accord Tripartite du 24 octobre 1994, du Sommet régional du Nairobi du 7 janvier 1995, de la Conférence de Bujumbura du 15 au 17 février 1995 et de la Commission Tripartite de Genève du 25 septembre 1995, et formulé des mesures pratiques pour leur mise en oeuvre.

Le Gouvernement Rwandais s'est engagé à:

- (1) Accueillir, sans condition, tous les réfugiés Rwandais du Zaire, avant la date-butoire du 31 décembre 1995, suivant un rythme journalier de 20,000 réfugiés ou plus, soit 10.000 à Gisenyi et 10.000 à Cyangugu;
- (2) Fournir l'information nécessaire sur les conditions de sécurité, les mesures prises pour l'accueil, la réinstallation et la réintégration des rapatriés;



(4)

- (3) Faciliter les missions trans-frontalières ayant pour but de communiquer une information objective aux réfugiés dans les camps.
Dans une première étape, faciliter les visites des autorités zaïroises dans les principales communes d'origine des réfugiés;
- (4) Examiner, en collaboration avec les deux autres parties, la nécessité de création de nouveaux points d'entrée des rapatriés, en fonction de leur nombre et des moyens disponibles.

Le Gouvernement Zaïrois s'est engagé à:

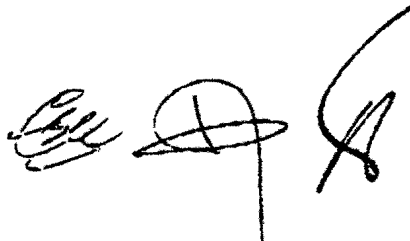
- (1) Intensifier la campagne d'information dans les camps;
- (2) Coopérer avec le Gouvernement Rwandais et le HCR dans les missions trans-frontalières ayant pour but de communiquer aux réfugiés dans les camps une information objective sur les conditions de sécurité, de réinstallation et de réintégration prévalant dans leurs communes d'origine;
- (3) Poursuivre, en collaboration avec le HCR, la campagne de neutralisation des intimidateurs dans les camps.

Le Haut Commissariat des Nations Unies pour les Réfugiés s'est engagé à:

- (1) Poursuivre ses efforts en vue de la mobilisation des ressources nécessaires à la promotion du rapatriement;
- (2) En particulier, mobiliser les ressources nécessaires pour mettre à la disposition des deux Gouvernements la logistique requise en vue de promouvoir les opérations de rapatriement ainsi que de réception, de réinstallation et de réintégration des réfugiés.

A l'issue de ses travaux, la Sous-Commission a formulé les recommandations et conclusions ci-après:

- (1) La création de deux Comités Techniques de Travail à Goma/Gisenyi et à Bukavu/Cyangugu chargés d'examiner les modalités pratiques de renforcement des capacités de réception, de transit, de transport et de réinstallation des réfugiés.
- (2) La tenue, dès le vendredi 13 octobre 1995, de la réunion du Comité Technique de Travail de Goma/Gisenyi; et, le 16 octobre 1995, du Comité Technique de Travail de Bukavu/Cyangugu;
- (3) La visite d'information des autorités zaïroises au Rwanda, en vue de se rendre compte des conditions réelles de sécurité, de réinstallation, et de réintégration prévalant dans les communes d'origine des réfugiés et d'en informer les réfugiés dans les camps;
- (4) La poursuite des actions visant à neutraliser les intimidateurs dans les camps.



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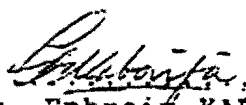
Les trois délégations se sont félicitées de l'esprit de coopération et de compréhension mutuelle qui a caractérisé leurs travaux.

Elles ont convenu de tenir la deuxième session de la Sous-Commission Tripartite au Zaïre, entre le 20 et le 30 novembre 1995. Les dates exactes et le lieu de cette réunion seront communiqués ultérieurement par la partie zaïroise.

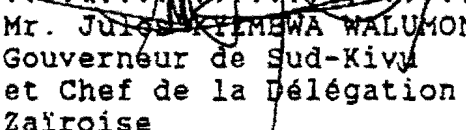
Les chefs de délégations du HCR et du Zaïre ont exprimé leur gratitude à la partie rwandaise pour l'accueil chaleureux qui a été réservé à leurs délégations respectives.

Fait à Gisenyi, ce jeudi, 12 octobre 1995 en français et en anglais. Le texte français étant considéré comme original.

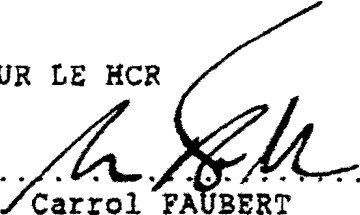
POUR LE GOUVERNEMENT DE LA
REPUBLIQUE RWANDAISE


.....
Dr. Ephraïm KABAYIJA
Président de la Commission
Conjointe de Rapatriement,
Chef de la Délégation
Rwandaise

POUR LE GOUVERNEMENT DE LA
REPUBLIQUE DU ZAIRE


.....
Mr. JULES KYIMENWA WALUMONA
Gouverneur de Sud-Kivu
et Chef de la Délégation
Zaïroise

POUR LE HCR


.....
Mr. Carrol FAUBERT
Envoyé Spécial du Haut
Commissaire, Chef de la
Délégation du HCR.

(6)

**SOUS-COMMISSION TRIPARTITE DE RAPATRIEMENT
DES REFUGIES RWANDAIS DU ZAIRE**

Règlement Intérieur

Les Chefs de Délégations signataires ci-dessous, étant membres de la Sous-Commission Tripartite du Rapatriement des Réfugiés Rwandais au Zaïre, ci-après dénommés la Sous-Commission.

Etant donné que la Sous-Commission a été créée par la réunion ministérielle Zaïro/Rwandaise tenue le 1er septembre 1994 à Goma (Zaïre);

Etant donné que l'Accord Tripartite sur le Rapatriement Volontaire des Réfugiés Rwandais au Zaïre, ci-après dénommé, Accord Tripartite, signé le 24 Octobre 1994 entre le Gouvernement de la République du Zaïre, le Gouvernement de la République Rwandaise et le Haut Commissariat des Nations Unies pour les Réfugiés, a instauré la Sous-Commission et l'a autorisée à adopter son Règlement Intérieur (articles 20 et 22);

Ont convenu ce qui suit:

Article 1

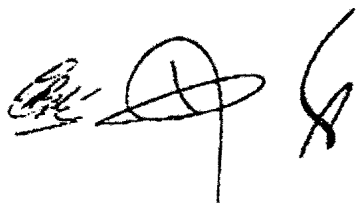
Les membres de la Sous-Commission sont ceux qui ont été désignés par l'Accord Tripartite dans son article 21.

Article 2

Des observateurs peuvent être invités à condition qu'ils soient étroitement associés au programme de rapatriement. La participation des observateurs est approuvée par le président en consultation avec les chefs de délégations.

Article 3

Le rapporteur est un fonctionnaire du HCR. Il est assisté par deux personnes, chacune choisie par l'une des parties contractantes restantes.



(7)

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Article 4

Les réunions se tiennent en rotation entre le Rwanda et le Zaïre au moins une fois tous les deux mois. Néanmoins, la Sous-Commission peut décider de se réunir ailleurs.

Article 5

Un quorum de neuf membres est exigé pour les débats et au moins trois membres de chacune des parties contractantes de l'Accord Tripartite doivent être présents.

Article 6

Les décisions sont prises par consensus.

Article 7

La Sous-commission tient ses travaux simultanément en Français et en Anglais. Elle publie ses documents en Français et en Anglais, le texte Français étant la version originale.

Article 8

Chaque Chef de Délégation envoie un compte-rendu de chaque réunion et tout autre document établi par la Sous-Commission à la partie contractante qu'il représente.

Article 9

La Sous-Commission peut créer des comités techniques de travail dont les travaux sont orientés et supervisés par la Sous-Commission afin qu'elle puisse assumer les responsabilités qui lui sont confiées par l'Accord Tripartite.

Article 10

Le HCR assurera la coordination ainsi que la mobilisation des moyens financiers et logistiques nécessaires pour les travaux de la Sous-Commission.

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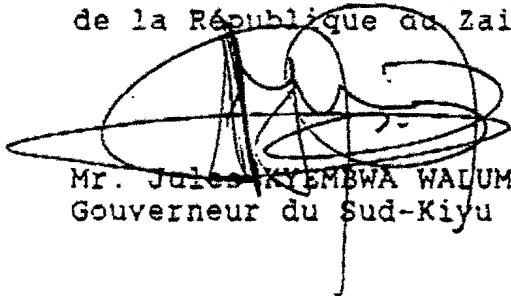
Article 11

Tout Chef de Délégation peut, à tout moment, demander la révision du Règlement Intérieur. La demande par écrit doit indiquer les articles à réviser, les raisons de la révision et le texte des modifications proposées.

En foi de quoi les soussignés Chefs de Délégation, étant dûment autorisés, ont signé le Règlement Intérieur de la Commission Tripartite.

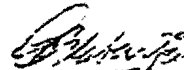
Fait à Gisenyi, le 12ème jour du mois d'octobre 1995, en six exemplaires, dont trois en Français et trois en Anglais, le texte Français étant la version originale.

Pour le Gouvernement
de la République du Zaïre



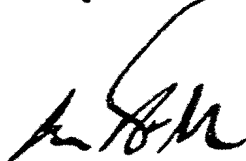
Mr. Jules KYEMBWA WADUMONA
Gouverneur du Sud-Kivu

Pour le Gouvernement
de la République Rwandaise



Dr. Ephrem KABAYIJA
Président de la Commission
Conjointe de Rapatriement des
Réfugiés Rwandais

Pour le Haut Commissariat
des Nations Unies pour les Réfugiés



Mr. Carrol FAUBERT
Envoyé Spécial du Haut Commissaire

OAU MISSION IN RWANDA

To : H.E. Dr. Salim Ahmed Salim
Secretary General

Ref : OAU/RWA/RC/10.95

Re : VISIT OF THE TECHNICAL WORKING COMMITTEE ON
SECURITY AND SAFETY TO REFUGEE CAMPS IN TANZANIA - 6-9
OCTOBER 1995

*This is an extremely
informative report of the Rev. 2el,
visit to Tanzanian camps. Pl. send a
copy to Elizabeth C.
Date: 10 October, 1995
ED/Ret*

INTRODUCTION

Reference my Fax Message Number OAU/RWA/RC/10.95 of 3 October 1995 on the above subject matter. Honour Report hereunder on the meeting of the Technical Working Committee on Security and Safety of the Tripartite Commission held in Kibungo, Rwanda, on 4-5 October 1995 and on the working visit to the Refugee Camps in Tanzania from 6-9 October 1995.

BACKGROUND

1. During the first meeting of the Tripartite Commission for the Repatriation of Rwandese Refugees from Tanzania, held in Kigali, Rwanda from 17-18 July 1995, the Technical Working Committee on Security and Safety was created. This Committee held its first meeting in Arusha, Tanzania on 18 September 1995. (Minutes would be forwarded by DHL).
2. One of the proposals made by the OAU Representative was that the Rwandese Government leaders and members of the Committee travel to the Tanzanian camps in order to dispel fears, counter rumours and clarify arrest procedures. This proposal was subsequently endorsed by the Tripartite Commission at its meeting on 20 September in Arusha, Tanzania.
3. The Technical Working Committee also proposed to meet at Kibungo, Rwanda from 4-5 October 1995 and then proceed to Tanzania on the 6th of October for the purposes already stated above. This proposal was also endorsed by the Tripartite Commission with a request to the Tanzanian authorities to make the necessary arrangements for Security of the team. It was agreed to by the Tanzanian authorities.
4. The Members of the Technical Working Committee on Security and Safety accordingly met from 4-5 October at Kibungo and also undertook a field trip to Kibungo Prefecture in order to see for themselves the situation on the ground, talk to returnees and make an assessment. (Report of this meeting would also be sent by DHL).

VISIT TO REFUGEE CAMPS - SUMMARY REPORT

5. The Technical Working Committee and some Rwandese Government leaders left for Ngara, Tanzania on 6 October 1995. In the team were: Tanzania: Brigadier General

B.N. Msuya, Chairman of the Committee on Security and Safety, Messrs Johnson Brahim, Head of Refugee Section, Ministry of Home Affairs, M.B. Luhanga, Counsellor, Ministry of Foreign Affairs, M.E. Mwangi, Ministry of Home Affairs Coordinator, Ngara.

6. Rwanda: Mr. P.N. Musoni, Regional Governor (Prefet) Kibungo, Mr. Kayumba, Regional Governor (Prefet) Byumba, Mr. Nandwi, Adviser, Prime Minister's Office, Major John Zigira, Ministry of Defence and the Director of Repatriation (Ministry of Rehabilitation) respectively.
7. UNHCR: Mr. Lloyd Dakin - Deputy Representative (Dar es Salaam), Mr. Roberto Quintero Assistant Representative, (Protection) Rwanda
8. OAU: J.B. Felli, OAU Representative in Rwanda.

NGARA

9. At Ngara, a briefing session was held on 6 October 1995 with the Regional Commissioner, Kagera Region, the District Commissioner, (Ngara) the RDD, the Police Commander, the Militia Commander among others on the Tanzania side.
10. On the UNHCR side were the Head of the Sub-office Ngara and her staff. A programme for the visit was distributed to all participants. A dinner was later held by the UNHCR at their camp where everyone except the Tanzanian authorities spent the night.
11. On 7 October, the group visited all the three camps in the Ngara district, namely, Lumasi, Benaco and Musuhura with a population of almost 500,000 Rwandan refugees. Security was adequately and conspicuously deployed with the Field force, the militia, the police and the Army present in addition to invisible eyes of other security personnel. If any refugee had any ideas of disrupting the visit he must have thought twice and revised those ideas and cooperated with the "visitors".
12. Earlier the previous day, the District Commissioner a retired Brigadier-General himself had thoroughly warned the refugees in all the camps that any disturbance, any stone thrown at the visitors would mark the end of the refugees stay in Tanzania. Preparations were also made in terms of the public address system.
13. In all the camps, the Regional Commissioner first introduced the District Security Committee (Tanzania) as well as the Chairman and Members of the Technical Working Committee and the Rwandese government delegation. At all rallies the applause for the Tanzanian and non-Rwandese Members of the Committee was loud and clear. There was, as expected, thunderous silence each time the Members of the Rwandese government delegation were introduced to their compatriots.

Main Elements in Speeches of Tanzania Officials

14. a) Tanzania received the refugees in the spirit of African brotherhood and

solidarity.

- b) With the assistance of the UNHCR and the International Community, the Rwandese refugees had been catered for over a year now.
- c) The war was over, peace had returned and a decision had to be made by the refugees to go back.
- d) The leaders of the region had set up a commission to look into the question of return of refugees. A sub-Committee on Security and Safety had been set up comprising Tanzania, Rwanda, UNHCR and OAU to work out modalities for the return of refugees.
- e) The Committee had met in Rwanda and undertaken a field visit to Kibungo Prefecture (Almost all of the refugees came from Kibungo) and had found empty houses, fallow land. It had also met with and discussed the situation with returnees.
- f) It was time to head for Rwanda and the UNHCR would facilitate such return from Tanzania and in Rwanda in terms of basic needs: hoes, seeds etc.
- g) The Government of Rwanda had decided to send a delegation to address refugee concerns on security, property rights and arrest procedures.

15. Rwanda Government Delegation

- a) Government and people ready and willing to receive compatriots with open arms.
- b) Genocide and massacres were a result of bad leadership. Return and let us build Rwanda together.
- c) Insecurity and rumours were a creation of the leaders/planners of the genocide in exile.
- d) Former leaders are in the cities with their children in schools in some other African countries and in Europe while you are suffering in camps.
- e) Your houses, land would be returned to you once you return. Old caseload refugees occupy empty houses and land temporarily and once you return you would be reinstalled in your property. Your houses are falling because no one is there to take care of them. Fields are overgrown with weed.

16. Refugee Community (Sample number were requested to ask questions)

- a) If there is security why are people still fleeing?
- b) Why did you kill people in Kanama (Gisenyi) and Kibeho? Human rights

must be respected. Justice for all.

- c) || All sides were responsible for the killing. The RPF killed Habyarimana and Ntaryamira
- d) When you (RPF) were in exile, our President (Habyarimana) called you in peace but you refused but instead you came fighting. How can we say there is peace?
- e) The Batutsi are no good. We must share power. You dismissed some Hutu Ministers: The Prime Minister, the Minister of Interior
- f) A one legged man - a former soldier - said the RPF had stated that we those who were outside were killers and rubbish who should be put in the dustbin and that we will never come back. You are now asking us, the rubbish to come back. Where do you intend to put the rubbish.
- g) || A brave woman stated: We are their (Rwandese delegation) people, relatives. Let them give us assurance that nothing will happen to us. I am a Christian. Tell us the truth and we will come back. The Rwandese government and the Tanzanians should accompany us to our communes, our sectors. We have suffered enough. We should be saved from this suffering.
- h) We want Arusha implemented
- i) Some people are being burnt in a secret location.

Rwandese Government Delegation

17. The Government delegation took time to answer the queries and questions asked. The Prefet of Byumba was particularly frank where he stated that:
 - No one can say the Bahutu did not kill
 - No one can say the Batutsi did not kill but shall we continue with this? It should be clear that whoever killed must be punished. He will face justice. Interahamwe killed Batutsi. You can ask the Tanzanians, the OAU and the UNHCR about the punishment which has been meted out to the RPF soldiers who killed people. Some RPF soldiers are in prison. There is a lot of propaganda on radio from those who are in hotels in Nairobi and Belgium.
18. The government delegation went to great lengths to allay the fear of the refugees. On Arusha, the refugees were told that "Arusha was everywhere" as the government comprised representatives from MDR, PSD, PDC and PL in addition to RPF.
19. With regard to people who have allegedly been killed by the RPA, the delegation said some of the people referred to were in actual fact not killed. Some of course may have died but they would not know as some of the deaths occurred in the cause of the

war and genocide.

20. There was the need for all Rwandese to sit together to discuss their problems. Some parts of the Arusha Agreement can be implemented; others were not possible. "We should learn again to sit together, share a meal and inter-marry and resolve our problems", it was stressed. The only solution was therefore for the refugees to return home as problems could not be resolved from outside noting that "Hot water does not forget its cold home."
21. || The refugees were told that they were in the region of 2 million but that there were more than 3 million Rwandese back home, to which there was a loud and noisy disapproval from the refugees.
22. In addition to the questions, there were a number of placards (not many) which had the following statements:
 - Integrate the forces
 - We need peace, justice and reconciliation between Rwandese
 - We want our properties returned
 - The issue of Kibeho and Kanama - What are the results?
 - Why are people still fleeing?
 - Why did you kill the Kanama people?
 - We must respect human rights
 - We want justice for all
23. It was significant to note that the refugees were not prepared to apologise for the atrocities committed. Mr. Musoni asked them whether they would apologise and the response was a loud - No, Never!!
24. || That they should ask for forgiveness, they responded "you also killed" to which Mr. Musoni said, "you can come and provide evidence that I killed". They asked "To whom?" and he replied "There are prosecutors" and the response was "Ha, ha, ha." On this, some of the refugees said " All the killers have remained in Rwanda. They only sent you the innocent ones".
25. The OAU Representative was given the floor to say a few words to the refugees in BENACO.
26. He stated as follows:
 - I speak to you as an African brother.

- I came with an open mind, an open heart and with open arms.
 - I bring you greetings from my Secretary General, Dr. Salim Ahmed Salim, a son of Tanzania.
 - Africa is pained because there is pain in one of her parts, Rwanda.
 - We cannot work for African Unity unless there is unity in all the countries of Africa.
 - There is no unity in Rwanda because you are not in Rwanda.
 - You must help us to help you. The solution lies with you. We can only help.
 - You should therefore heed the call to return home to rebuild your country.
27. The Regional Commissioner normally wound up the statements with a strong call on the refugees to return home as the International Community cannot cater for the needs of the refugees ad infinitum. Besides, Tanzania could not play host to them for ever.

KARAGWE

28. The team drove from Ngara on the evening of 7th of October 1995 to Karagwe accompanied by those already mentioned earlier in the report. The only person who could not accompany the team was the Head of the Ngara Sub-Office, Ms. Maureen Connelly, and that was because there was a lot of work to be done at Ngara.
29. The team was met on arrival by the UNHCR staff at about 1800 hrs. The District Commissioner of Karagwe later came to welcome the team. He had been in the camps putting finishing touches to the arrangements for the visit.
30. Despite the problems of accommodation and feeding, the UNHCR staff demonstrated professionalism and dedication and managed to put everyone up in different places. Comfort was not the issue here. What mattered was that everyone went to bed somewhere and had a good dinner that evening of the 7th October.

VISIT TO CAMPS (KARAGWE)

31. The camps in the Karagwe area approximately 169 Kms from Ngara are quite a distance from each other. The UNHCR and the government of Tanzania, however, made these trips quite comfortable by their ever ready willingness to assist, and indeed, provided transportation and snacks to all members of the team including the drivers and journalists.
32. The refugee population lives in five camps close to the Rwanda/Tanzania border: Kyabalisa I and II 40 Kms, Kagenyi 5 Kms, Rubwera 5 Kms and Omukariro (which

now hosts the Murongo case load) 23 Kms from the border.

33. The team visited three of the camps, namely, Kyabalisa I and II and Kagenyi starting with the latter. At the camps, the questions were almost similar. In fact, there were always more political statements than questions.
 34. The issues raised were on the following:
 - The implementation of the Arusha Peace Agreement.
 - The integration of forces.
 - Power-sharing. One lady stated that power was the problem in Rwanda.
 - The dismissal of the former Prime Minister.
 - Insecurity - asking whether the killing had stopped.
 - The expansion of detention facilities - won't we be locked up.
 - Our army (former) should return to protect us (this was stated by a priest in his cleric's uniform)
 - We came when there was "pipi-pipi" referring to sounds of bullets. "Have those bullets kept quiet" an old woman wanted to know.
 - Have the two governments (Government in exile and the government of Rwanda) started talks.
 - "They keep on saying we are those who committed genocide. RPF is the forerunner to the genocide".
 - "I am the only survivor of the massacres in my area. The people there now speak only English and Swahili and come from Uganda and Burundi."
 35. "You want me to return home. What language do you want me to speak to these people. Thank you. I have spoken. I came to see the prefet.
 - To the Prefet of Byumba: "For the 30 years that you have been a refugee, do you mean to say there was no UNHCR and if the latter called meetings, do you mean you could not come to the meetings?"
 36. The Rwandese Government delegation, as in the other camps, was at pains to answer all the questions and queries raised by the refugees.
 37. The Prefet of Kibungo, Mr. Musoni in his calm manner went through the ritual of
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explaining the situation in Rwanda in general and in Kibungo Prefecture in particular stressing such issues as the improved security situation, the availability of the refugees' land and houses and the readiness of the government and the UNHCR to assist the refugees in resettling back home.

38. The Prefet of Byumba, a politician par excellence and a forceful speaker gave a Kinyarwanda proverb to the following effect: "When you come into a strange land, you are first treated as a visitor; after sometime, you are treated as a cow and after a long time when you have overstayed your welcome, you are regarded as a dog" and therefore called on his refugee compatriots to return home when they were still visitors.
39. Later, a young lady and undoubtedly politicized answered back with another proverb "Yes' a person does not fear darkness but fears what he may meet in the dark" alluding to the unknown.
40. On the issue of the army, the Prefet of Byumba wanted to know whether the refugees interpreted the armies in terms of a Hutu army and Tutsi army to which they shouted "Yes"!
41. In his closing remarks, the Prefet of Kibungo again reiterated the readiness of the Rwanda Government to ensure that properties were returned to them including their houses and land which, in the case of Kibungo prefecture, was lying fallow.
42. At the beginning of every address at each of the camps, the Chairman of the Technical working Committee on Security Brig. General Msuya spoke of the improved situation in Rwanda and the facilities available awaiting the return of the refugees and stressed that Tanzania could not host them for ever.
43. At one of the camps in Ngara, the Head of the UNHCR Sub-Office in Kibungo informed the refugees that voluntary repatriation was the most durable and preferred solution to the refugee problem noting that the solution lay in Rwanda and not in Arusha. He assured the refugees of UNHCR's continued protection and assistance.
44. The team wound up its work in the evening of the 8th October when it drove back to Ngara from where members went to their different stations on 8, 9 and 10 October 1995 respectively.

COMMENTS

45. The decision of the Technical Working Committee on Security and Safety to pay working visits to the refugee camps was appropriate and in the right direction. The decision of the government of Rwanda to send some of its members to address the concerns of the refugees and to speak to them on the situation in Rwanda was a most welcome development in the search for a durable solution to the Rwandese refugee problem.
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46. The support and assistance of the Tanzanian authorities in the exercise was significant in terms of the security of the team. The UNHCR's logistical and financial support was very commendable. The OAU's participation provided the political support to the exercise.
47. As a first visit the exercise was significant and fruitful for a number of reasons:
- (i) The refugees came out in their numbers. In Ngara alone, there were between 70,000 to 80,000 refugees who turned up to listen to the Rwanda government delegation complemented by the rest of the team.
 - (ii) The Rwanda government delegation spoke on the issues of most concern to the refugees, namely, security in Rwanda, property rights including houses and land left behind.
 - (iii) Genocide and massacres and the need for the guilty to be punished and the innocent to be set free through the judicial process.
 - (iv) The need for Rwandese to make a new beginning in order to rebuild their country.
 - (v) The process of integration of the forces is already underway.
 - (vi) The appreciation of the Rwanda government to the Tanzania government for the hospitality and care extended to the Rwandese refugees.

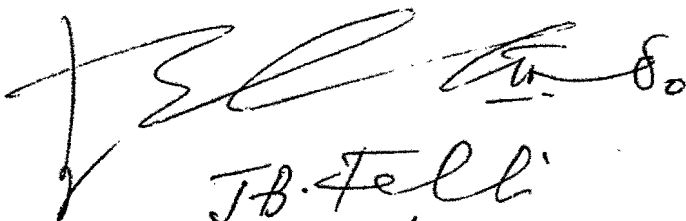
RECOMMENDATIONS

48. i. The Tripartite Commission should consider recommending to both governments, especially the Rwanda government to ensure that follow-up visits are undertaken in the near future and as regularly as practically possible.
- ii. The issue of information dissemination in the camps should be intensified. It was very clear that the former leaders in exile are still spreading a lot of disinformation and have, in the process, created confusion in the minds of many of the refugees. The committee on Repatriation (In charge of Information) should therefore work in close cooperation with the governments of Tanzania and Rwanda on the matter. Radio broadcasts, pamphlets in simple French and Kinyarwanda should be utilized to counter rumours and disinformation to the camps.
- iii. Smaller refugee groups should be organized to visit Rwanda as has already been started by the UNHCR in close collaboration with the two governments.
- iv. Returnees should be brought to the camps and enabled to speak to the refugees on security, land and other property issues.
-

- v. The composition of the Rwanda government delegation should be varied and strengthened in the future.

CONCLUSION

49. As already stated above, the first working visit to the refugee camps was very fruitful. Even though there were many instances of disapproval from the refugees of some of the statements made by the Rwanda government delegation, the message seemed to have sunk in the minds of the refugees. There was silence each time a member of the government was introduced; this should be seen in the overall context of the conflict. Time, no doubt, is a healer and in this respect, time is likely to heal wounds of the recent past.
50. It should, however, be borne in mind that there are some amongst the refugees who still fear for one reason or the other, to return home. These again, would need time to be convinced of their safety and security.
51. All in all, the exercise was very useful and fruitful. It was a teaching and education process and everyone had something to give and to take away. The lessons, no doubt, would guide future visits.
52. In conclusion, the Government of Tanzania deserves all the thanks and appreciation for making the visit possible. The UNHCR staff deserve the commendation of all who participated in this exercise. The UNHCR deployed human and logistical resources to ensure the success of the exercise. Despite the harrowing living conditions of the staff, in particular, the Karagwe Sub-Office, they have demonstrated commitment and dedication to the search for durable solutions to the Rwandese refugee problem.
53. Finally, it was an exercise for which the OAU is proud to have been afforded the opportunity to participate. It was obvious many of the refugees wanted to return home. This should be promoted and encouraged by the UNHCR, the two governments and the OAU.


 10/10/25
 J.B. Fell
 OAU Representative in Rwanda

Important document
no role for UNHCR!
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TRIPARTITE AGREEMENT ON THE VOLUNTARY
REPATRIATION OF RWANDESE REFUGEES
FROM TANZANIA

PREAMBLE

The Government of the United Republic of Tanzania, the Government of the Republic of Rwanda and the United Nations High Commissioner for Refugees, hereafter referred to as the Contracting Parties.

- (a) Recognizing that the right of all citizens to leave and to return to their country is a basic human right enshrined, inter alia, in Article 13(2) of the 1948 Universal Declaration of Human Rights and Article 12 of the 1966 International Covenant on Civil and Political Rights;
- (b) Recalling the OAU Convention Governing the Specific Aspects of Refugee problems in Africa of 10 September 1969 and in particular Article V thereof concerning voluntary repatriation;
- (c) Recalling that the United Nations General Assembly Resolution 428(V) of 14 December 1950, which adopted the Statute of UNHCR, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation;
- (d) Considering that voluntary repatriation, where feasible constitutes the best durable solution for the refugee problem, and that Conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the High Commissioner's Programme set out internationally accepted principles and standards governing the voluntary repatriation of refugees.
- (e) Bearing in mind the importance of the principles contained in the Protocol concluded in Arusha on 9 June 1993 between the Government of the Republic of Rwanda and the Rwandan Patriotic Front on the repatriation of Rwandan refugees and the reintegration of internally displaced persons;

Reçu le 17 AOÛT 1995

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- (f) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation and eventual reintegration in Rwanda of Rwandan refugees in Tanzania with the assistance of the international community through UNHCR as may be supported, where appropriate, by other United Nations agencies and intergovernmental and non-governmental organizations;

Have agreed as follows:

RIGHT TO RETURN

Article 1

Any Rwandan refugee who wishes to return to Rwanda has the right to do so without having to satisfy any pre-condition.

VOLUNTARY CHARACTER OF REPATRIATION

Article 2

The Contracting Parties hereby reaffirm that the repatriation of Rwandan refugees in Tanzania shall take place at their freely expressed wish.

RESPONSIBILITIES OF THE COUNTRY OF ASYLUM: UNITED REPUBLIC OF TANZANIA

Article 3

The Government of the United Republic of Tanzania undertakes to guarantee the voluntary character of the repatriation of Rwandan refugees and will take, in consultation with the United Nations High Commissioner for Refugees, all measures necessary to uphold this fundamental principle of international protection. To this end, it will take all measures necessary to ensure that refugees are in full knowledge of facts. The status of those refugees who decide not to avail themselves of the voluntary repatriation programme under the present Agreement shall continue to be governed by relevant international protection principles and standards, including the relevant provisions of the 1951 Convention and the 1969 OAU Convention, especially those relating to relocation of refugees away from common borders; disarming of armed refugees; and prohibition from undertaking subversive activities.

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Article 4

The Government of the United Republic of Tanzania shall grant to the United Nations High Commissioner for Refugees free and unhindered access to its territory and refugees to allow the implementation of the repatriation operation.

Article 5

The Government of the United Republic of Tanzania shall facilitate the departure of the Rwandan refugees and simplify the formalities for the exportation of their property and personal effects.

RESPONSIBILITIES OF THE COUNTRY OF ORIGIN: REPUBLIC OF RWANDA

Article 6

The Government of the Republic of Rwanda shall establish or reinforce administrative, judicial, and security structures and shall take all measures necessary to ensure that the refugees' return takes place in safety and dignity.

Article 7

To create conditions conducive to the returnees' reintegration, the Government of the Republic of Rwanda shall take all measures to sensitize and prepare local populations residing in areas of return.

Article 8

The Government of the Republic of Rwanda shall simplify formalities for the refugees' return and facilitate the entry of their goods and personal effects exempt from custom duties in accordance with the existing regulations. The controls and inspections at the border will be limited to minimum necessary requirements and will be carried out with due respect to the returnees' basic human rights.

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Article 9

The Government of the Republic of Rwanda shall facilitate the activities of the United Nations High Commissioner for Refugees during the repatriation operation. The latter shall be allowed to accompany returnees and shall have access to their areas of return.

Article 10

To ensure durable peace and achieve effective national reconciliation, the Government of the Republic of Rwanda shall take all measures possible to allow returnees to settle in areas of their origin or choice and shall protect their property. It shall also put in place necessary mechanisms to settle all disputes relating to ownership and enjoyment of properties affecting returnees according to due process of law.

Article 11

The Government of the Republic of Rwanda shall, in close cooperation with the United Nations High Commissioner for Refugees take necessary measures to ensure the reintegration of all the returnees including those who had for a long period of time resided outside Rwanda.

Article 12

The Government of the Republic of Rwanda shall ensure the reintegration of Rwandese returnees in the socio-economic life of the nation, benefiting as much as possible from the different national public services available to all citizens. It shall guarantee the returnees equal enjoyment of all the socio-economic, civil and political rights recognized in domestic and international law.

Article 13

The Government of the Republic of Rwanda shall grant to the United Nations High Commissioner for Refugees free and unhindered access to its territory and to the returnees to allow the implementation of the repatriation operation.

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RESPONSIBILITIES OF THE UNITED NATIONS HIGH COMMISSIONER FOR
REFUGEES

Article 14

The United Nations High Commissioner for Refugees having free and full access to refugees shall verify the voluntary character of their decision to repatriate.

Article 15

To facilitate return in safety and dignity of the refugees and to contribute to the implementation of reintegration measures, the United Nations High Commissioner for Refugees shall establish presence in the main areas of the returnees' settlements.

Article 16

United Nations High Commissioner for Refugees shall ensure that special protection needs of single women and unaccompanied minors refugees and their fundamental rights, in particular the principle of the family unity, are safely guarded.

Article 17

The United Nations High Commissioner for Refugees shall ensure that those Rwandese refugees who do not opt to repatriate continue to enjoy asylum in Tanzania in accordance with recognized international conventions on refugees.

Article 18

The United Nations High Commissioner for Refugees shall coordinate and fund the repatriation operation.

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REPATRIATION COMMISSION

Article 19

A repatriation commission responsible for all issues relating to the repatriation is hereby established.

Article 20

The commission shall be composed of 15 members. The Government of the Republic of Rwanda and the Government of the United Republic of Tanzania shall designate 5 members each. The United Nations High Commissioner for Refugees shall be represented by four members, two designated from its Branch Office in Rwanda and two from its Branch Office in Tanzania. The OAU shall be represented by one member. The commission shall be presided alternately by a Representative of the Republic of Rwanda and a Representative of the United Republic of Tanzania. The Chairman of the commission shall designate a rapporteur and shall determine the date and venue of meetings.

Article 21

The commission shall hold its first meeting at the latest during the month following the designation of its members. The commission shall adopt its rules of procedure. It shall meet at least once every 2 months. Extraordinary sessions may be convened at the express request of one of the Contracting Parties. Meetings of the commission will take place in Rwanda or in Tanzania or as may be agreed upon by the contracting parties. The commission may invite or authorize any individual or organization involved in the repatriation operation to participate in its meetings in an observer capacity. Deliberations of the commission will be recorded in reports which will be transmitted to the Contracting Parties.

Article 22

The commission is responsible for monitoring the implementation of measures to facilitate voluntary repatriation of Rwandese refugees and the reintegration of returnees in their communities of origin. It shall ensure the implementation of the provisions of this Agreement, particularly those relating to returnees' security and assistance.

The commission shall keep the Contracting Parties informed of the progress made and difficulties encountered. It shall advise the latter on measures to be taken to overcome these difficulties.

Article 23

The commission shall undertake missions to Tanzania and to Rwanda. The Contracting Parties shall be notified of the schedules of such mission. The two countries shall facilitate these missions notably by allowing free access to Rwandese refugees and returnees. The commission shall visit returnee areas of establishment to verify that the measures for return in safety and dignity have been taken as well as those aimed at facilitating reintegration of returnees. It will propose solutions to identified problems.

Article 24

The commission shall organize campaigns for Rwandese refugees in Tanzania to provide them with relevant information on repatriation so as to assist them reach an informed decision. If need be, it shall facilitate visits to Rwanda by refugees' representatives in order for them to acquaint themselves with the situation prevailing therein and to report to their groups accordingly.

Article 25

The Government of Rwanda, UNHCR/Rwanda and the OAU will be represented respectively by designated members of the Joint Commission on Repatriation and Reintegration of Rwandan refugees.

The commission shall devise the most appropriate means of registering refugees who wish to repatriate to Rwanda.

Article 26

The commission shall agree on border crossing points for organized voluntary repatriation movements.

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Article 27

To assist the commission to fulfil its responsibilities, the Contracting Parties will make available to it all information relating to the implementation of this Agreement on request.

FINAL PROVISIONS

Article 28

The present Agreement shall enter into force from the date of signature by the Contracting Parties.

Article 29

Any question arising out of the interpretation or application of the present Agreement or for which no provisions is expressly made herein, shall be resolved amicably through consultations between the Contracting Parties.

Article 30

The present Agreement may be amended by mutual agreement between the Signatories.

Article 31

The present Agreement shall remain in force until it is terminated by mutual agreement between the Signatories or upon the issuance of written notice of termination by one Signatory to the other Signatories, which notice shall become effective at the end of ninety days from the date of issuance.

WD

In witness whereof, the authorized representatives of the Contracting Parties have hereby signed the present Agreement.

Done at. DSM....., this...12th...day of April.1995 in three originals, in the...English...language(s).

.....
For the Government of
the United Republic of
Tanzania

.....
For the Government of
the Republic of Rwanda

.....
For the United Nations High Commissioner for Refugees

UNITED NATIONS



NATIONS UNIES

RECEIVED

17 AUG 1995

OFFICE OF THE CO-ORDINATOR
UNAMIR

OUTGOING FACSIMILE

DATE: 16 August 1995

TO: KHAN UNAMIR Kigali	FROM: ANNAN DPKO New York <i>H. Annan</i>
FAX NO: 3-3090	FAX NO: (212) 963-4879 ROOM S-3720
SUBJECT: Tanzanian policy on Rwandese refugees	

TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 2

Please find attached, for your information, a Reuters report dated 16 August relating to Tanzania's policy toward Rwandese refugees. Regards.

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Reçu le 17 AOUT 1995

Tanzania defends decision to close its borders

ARUSHA, Tanzania, Aug 16 (Reuters) - Tanzania's foreign minister has defended its decision to close its borders with Rwanda and Burundi to block refugees fleeing ethnic hatred.

Foreign Minister Joseph Rwegasira told a conference in the northern town of Arusha that international conventions on refugees tended to override national interests and the rights of asylum countries.

Rwegasira said that in a world of dwindling resources even major powers were refusing to accept refugees and urged the United Nations to review conventions on refugees so that equal treatment was given to both countries of asylum and origin.

He said the crisis over some two million refugees central Africa's Great Lakes region had brought catastrophe to countries of asylum as well as to countries of origin -- Rwanda and Burundi.

Most of the refugees are Hutus who fled Rwanda during three months of genocide last year in which up to one million Tutsis and Hutu moderates were killed by Hutu militiamen, troops and mobs.

Rwegasira urged the international community to pressure Rwanda and Burundi to improve conditions to attract people home.

The U.N. High Commissioner for Refugees (UNHCR) said on Tuesday that refugees still fleeing Rwanda and Burundi over the closed border were being robbed and raped by Tanzanian troops.

U.N. officials in Dar es Salaam said fewer refugees were entering Tanzania since the border was closed in March but many of those now getting across are being maltreated en route.

Up to 8,000 refugees fleeing ethnic strife have managed to cross the border since it was closed, the UNHCR estimates.

Tanzania, which until March had been repeatedly praised for its attitude towards refugees, ordered the border closed on the grounds that it had been swamped by more than 720,000 refugees since last year.

The three-day Arusha workshop on the Rwandan and Burundian refugee crisis is being attended by delegates from Burundi, Rwanda, Kenya, Switzerland, Zaire, Zambia, Uganda, Britain and Tanzania.

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KEYWORDS: TANZANIA-REFUGEES

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TRIPARTITE AGREEMENT ON THE VOLUNTARY
REPATRIATION OF RWANDESE REFUGEES
FROM TANZANIA

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PREAMBLE

The Government of the United Republic of Tanzania, the Government of the Republic of Rwanda and the United Nations High Commissioner for Refugees, hereafter referred to as the Contracting Parties..

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- (a) Recognizing that the right of all citizens to leave and to return to their country is a basic human right enshrined, inter alia, in Article 13(2) of the 1948 Universal Declaration of Human Rights and Article 12 of the 1966 International Covenant on Civil and Political Rights;
 - (b) Recalling the OAU Convention Governing the Specific Aspects of Refugee problems in Africa of 10 September 1969 and in particular Article V thereof concerning voluntary repatriation;
 - (c) Recalling that the United Nations General Assembly Resolution 428(V) of 14 December 1950, which adopted the Statute of UNHCR, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation;
 - (d) Considering that voluntary repatriation, where feasible constitutes the best durable solution for the refugee problem, and that Conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the High Commissioner's Programme set out internationally accepted principles and standards governing the voluntary repatriation of refugees.
 - (e) Bearing in mind the importance of the principles contained in the Protocol concluded in Arusha on 9 June 1993 between the Government of the Republic of Rwanda and the Rwandan Patriotic Front on the repatriation of Rwandan refugees and the reintegration of internally displaced persons;
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- (f) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation and eventual reintegration in Rwanda of Rwandan refugees in Tanzania with the assistance of the international community through UNHCR as may be supported, where appropriate, by other United Nations agencies and intergovernmental and non-governmental organizations;

Have agreed as follows:

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KD up

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In witness whereof, the authorized representatives of the Contracting Parties have hereby signed the present Agreement.

Done at DSM....., this 12th day of April 1995 in three originals, in the English...language(s).

E. K. L.
.....
For the Government of
the United Republic of
Tanzania

[Signature]
.....
For the Government of
the Republic of Rwanda

K. N. L. M.
.....
For the United Nations High Commissioner for Refugees

TRIPARTITE COMMISSION OF REPATRIATION OF RWANDESE REFUGEES FROM
TANZANIA

Summary of Recommendations of the Second Meeting of the
Technical Working Committee on Security and Safety

Rwamagana, Kibungo, Rwanda

4th and 5th October 1995

1.- Following the decision taken during the first meeting of the Technical Working Committee on Security and Safety (TWC) held in Arusha (Tanzania) on 18th September 1995, the second meeting of the TWC took place in Rwamagana, Kibungo, Rwanda on 4th and 5th October 1995.

2.- The delegations agreed to request Brig. Gen. B.N. Msuya to serve as the Chairman with Mr. P.N. Musoni as Co-chairman (see annex 1 for names of participants).

3.- The following agenda was adopted

- 3.1.- Approval of the minutes of the previous meeting
- 3.2.- Matters arising
- 3.3.- Future activities
- 3.4.- Any other business
- 3.5.- Adoption and approval of Conclusions and Recommendations
- 3.6.- Date and venue of next meeting

Recommendations

4.- The TWC decided to assess the implementation of the recommendations adopted during its first meeting held in Arusha and endorsed by the Second Tripartite Commission meeting in Arusha (19th and 20th September 1995), based on this exercise the following recommendations were adopted:

Security in the Refugee Camps

(follow up of the recommendation 4. 4.1, (1) of the Arusha meeting)

5.- Separation of refugee categories. It was recommended that:

5.1.- The planning figure for the setting up of this particular camp will be at a maximum of 10,000 persons in order to include the family members of those who will be identified to be separated as per the definition in Recommendation 4, 4.1 (1) (a) (i) of the Second Tripartite Commission meeting in Arusha (19th and 20th September 1995).

5.2.- By the time of the third meeting of the Tripartite Commission

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of Repatriation of Rwandese Refugees from Tanzania which is due to take place on 30th November and 1st December, 1995, the Government of Tanzania and UNHCR should have already selected the site and every effort made for the initial basic infrastructure of the camp to have been planned and set up.

5.3.- Modalities regarding planning and implementation of the separation of refugees should be worked out by the Tanzanian Government.

5.4.- The relevant parties will provide to the Tanzanian government names of persons who might fall under the category of individuals who must be separated. The names should be accompanied by particulars of the persons to facilitate their identification by the Tanzanian government, mainly in cases of those who have changed their names. The list of names is confidential. It was reiterated that names included in the lists may not be exhaustive and the process of identification should continue.

6.- Disarming refugees. It was recommended that:

6.1.- The Tanzanian Government should present to UNHCR by the end of October 1995 a list of specific equipment and means needed, giving the justification and the rationale of the need, for the implementation of what has been agreed by the Tripartite Commission. UNHCR should endeavor to mobilize resources from the international community and closely follow up the matter.

7.- Intimidation of refugees. It was recommended that:

7.1.- Names of intimidators should be communicated by the relevant parties to the Tanzanian authorities.

Security along the border

(follow up of the recommendation 4, 4.1, (2) of the Arusha meeting)

8.- Incidents of armed robbery and theft. It was recommended that:

8.1.- A special frequency for security communication which allows the Governments of Rwanda and Tanzania to coordinate their joint border patrols in order to discourage and prevent cross-border incidents should be allocated. UNHCR should help by providing hand sets to both governments upon receipt of specific requests, as soon as possible.

8.2.- The joint border patrols by the governments of Tanzania and Rwanda to discourage and prevent cross-border incidents should be handled on bilateral basis between the two governments.

8.3.- The TWC should be kept informed by both governments of the steps taken to enter into an extradition treaty.

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9.- Armed incursions into Rwanda aimed at causing destabilization. It was recommended that:

9.1.- The Rwandese Government should present to UNHCR by the end of October 1995 a list of specific equipment and means needed, giving the justification and the rationale of the need, for the implementation of what has been agreed by the Tripartite Commission. UNHCR should endeavor to mobilize resources from the international community and closely follow up the matter.

9.2.- The OAU delegate, using his good offices and acting on behalf of the TWC, will contact the OAU Secretary-General and the Special Representative of the UN Secretary-General to Rwanda to request that transport resources and other equipment of UNAMIR be donated to the Government of Rwanda.

Security in Rwanda

(follow up of the recommendation 4, 4.1, (3) of the Arusha meeting)

10.- Security of returning individuals and return of property. It was recommended that:

10.1.- In addition to the visits to Tanzania by the TWC, the committee should also visit different prefectures in Rwanda to acquaint themselves with conditions in other parts of Rwanda.

11.- Concerns regarding justice and procedures of arrest/detention. It was recommended that:

11.1.- In order to strengthen and facilitate the work of the Screening Committees it was agreed that UNHCR, in close collaboration with the cell of Justice and Human Rights of the Humanitarian Assistance Coordination Unit (HACU) created by the Rwandese government, will endeavor to find support:

11.1.1.- To organize accelerated training courses for all the members of the Screening Committees on legal subjects related to the work of the Committees.

11.1.2.- To provide necessary equipment like computers, printers and training, and adequate stationary to the Screening Committees.

11.1.3.- To extend special financial assistance to the Screening Committees.

11.1.4.- To facilitate that the Screening Committees meet more frequently.

11.1.5.- To provide an additional 22 vehicles for the Screening Committees. The TWC took note with appreciation of the donation of 11 vehicles given to the Gendarmerie Nationale by the Human Rights

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Field Operation for Rwanda (HRFOR) who has in turn made them available to the Screening Committees.

11.1.6.- To request the Rwandese government to publish the legal instrument which created the Screening Committees.

Future Visits

12.- The TWC noted the usefulness of refugee visits to Rwanda, returnee visits to Tanzania, and the visits of officials of the government of Rwanda to the refugee camps in Tanzania. It was agreed that the frequency of visits should be increased and that the Technical Working Committee on Facilitation of Repatriation be informed of this recommendation.

Conclusion

13.- After completing its deliberations, the TWC undertook a field visit to Kibungo Prefecture in order to visit returnees and returnee areas. The details and observations pertaining to the visit will be recorded in the minutes of the meeting.

Internal Rules of Procedure

14.- It was agreed that UNHCR Rwanda shall submit to the next meeting of the TWC a draft of an Internal Rules of Procedures of the TWC on Security and Safety.

Date and Venue of Next Meeting

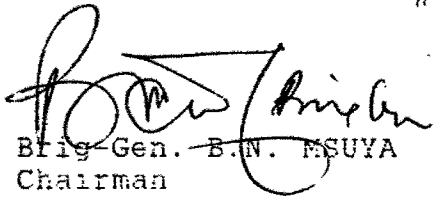
15.- It was agreed that the next meeting of the TWC would be held from 28th to 29th November, 1995, in Kigali.

Document adopted by the TWC to be presented to the Tripartite Commission of Repatriation of Rwandese Refugees from Tanzania which will meet at Kigali from 30th November to 1st December, 1995.

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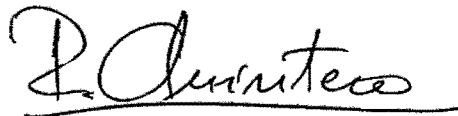
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Brig-Gen. B.W. MSUYA
Chairman
Deputy Head of Repatriation
Committee
Head of
Tanzania Government Delegation

Mr. P.N. MUSONI
Co-chairman
Prefet Kibungo
Head of Rwanda Government
Delegation



Mr. Roberto QUINTERO-MARINO
Assistant Representative (Protection)
UNHCR Rwanda
Head of UNHCR Delegation

Rwamagana, 5th October, 1993



ANNEX I

TRIPARTITE COMMISSION OF REPATRIATION OF
RWANDESE REFUGEES FROM TANZANIA

SECOND MEETING OF THE
TECHNICAL WORKING COMMITTEE ON SECURITY AND SAFETY
RWAMAGANA, 4 and 5 OCTOBER 1995

NAMES OF PARTICIPANTS

<u>NAME</u>	<u>DESIGNATION</u>	<u>COUNTRY/ ORGANIZATION</u>
1. Brig. Gen. B.N. Msuya	Chairman Deputy Head Repatriation Committee	Tanzania
2. Mr. J.P. Brahim	Head of Refugee Section Ministry of Home Affairs	Tanzania
3. 2nd. Lt. G.M. Itangere	ADC to Brig. Gen. Msuya	Tanzania
4. Mr. Joe Felli	CAU representative in Rwanda	CAU
5. Mr. Mathias Mwanza	Ministry of Home Affairs Coordinator, Ngara	Tanzania
6. Col. Charles Muhire	Ministry of Defence	Rwanda
7. Mr. P. N. Musoni	Co-Chairman Prefet Kibungo	Rwanda
8. Maj. J. Eigira	Ministry of Defence	Rwanda
9. Capt. Inyansi Baingana	Minister of Defence	Rwanda
10. Mr. F. Mulindabiwi	Ministry of Defence	Rwanda
11. Mr. L. Dakin	UNHCR Tanzania, Deputy Representative	UNHCR
12. Mr. R. Quintero-Marino	UNHCR Rwanda, Asst. Rep. (Protection)	UNHCR
13. Mr. F. Swai	UNHCR, Rwanda Rapporteur	UNHCR

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UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

15 July 1995

Dear Mr. Urasa,

Request for Assistance

In reply to your letter of 14 July 1995 on the above subject, I am pleased to inform you that I have designated Messrs. Andre GEORGE and Georges FRANK, interpreters/translators, to assist in the forthcoming Rwanda/Tanzania/OAU/UNHCR Tripartite Commission meeting in Kigali (17-19 July 1995).

The two staff members have been instructed accordingly and will contact your office shortly.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. De Souza', written in a cursive style.

Wilfrid De Souza
Executive Director

Mr. W.R. Urasa
Representative
UNHCR, Kigali

cc: CAO
CCPO
Mr. A. George
Mr. G. Frank

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**NATIONS UNIES
HAUT COMMISSARIAT
POUR LES RÉFUGIÉS**

Délégation pour le Rwanda
Satfax : 00.871.175.4312
Satfone : 00.871.175.4311



**UNITED NATIONS
HIGH COMMISSIONER
FOR REFUGEES**

Branch Office for Rwanda

Telephone : (250) 76635
Fax : (250) 77276

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HCR/RWA/Rep/95/0611

14 July 1995

Dear Mr. De Souza,

REQUEST FOR ASSISTANCE

The Rwanda/Tanzania/OAU/UNHCR Tripartite Commission will hold its next meeting in Kigali 17-19 July, to among other things chart out strategies for the repatriation and re-integration of refugees still outside this country.

We would highly appreciate it if you could assist us with two French/English interpreters (translators) for the duration of the meeting.

Please accept our apologies for the late approach, we have just been let down by our former interpreter.

Regards.

Sincerely

A handwritten signature in black ink, appearing to read 'W.R. Urasa', written over a horizontal line.

W.R. Urasa
Representative

Mr. Wilfrid De Souza
Chief Executive
UNAMIR
Kigali - Rwanda

TRIPARTITE AGREEMENT ON THE VOLUNTARY
REPATRIATION OF RWANDESE REFUGEES
FROM TANZANIA

PREAMBLE

The Government of the United Republic of Tanzania, the Government of the Republic of Rwanda and the United Nations High Commissioner for Refugees, hereafter referred to as the Contracting Parties.

- (a) Recognizing that the right of all citizens to leave and to return to their country is a basic human right enshrined, inter alia, in Article 13(2) of the 1948 Universal Declaration of Human Rights and Article 12 of the 1966 International Covenant on Civil and Political Rights;
- (b) Recalling the OAU Convention Governing the Specific Aspects of Refugee problems in Africa of 10 September 1969 and in particular Article V thereof concerning voluntary repatriation;
- (c) Recalling that the United Nations General Assembly Resolution 428(V) of 14 December 1950, which adopted the Statute of UNHCR, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation;
- (d) Considering that voluntary repatriation, where feasible constitutes the best durable solution for the refugee problem, and that Conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the High Commissioner's Programme set out internationally accepted principles and standards governing the voluntary repatriation of refugees.
- (e) Bearing in mind the importance of the principles contained in the Protocol concluded in Arusha on 9 June 1993 between the Government of the Republic of Rwanda and the Rwandan Patriotic Front on the repatriation of Rwandan refugees and the reintegration of internally displaced persons;

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- (f) Recognizing the need to define the specific procedures and modalities for the voluntary repatriation and eventual reintegration in Rwanda of Rwandan refugees in Tanzania with the assistance of the international community through UNHCR as may be supported, where appropriate, by other United Nations agencies and intergovernmental and non-governmental organizations;

Have agreed as follows:

RIGHT TO RETURN

Article 1

Any Rwandan refugee who wishes to return to Rwanda has the right to do so without having to satisfy any pre-condition.

VOLUNTARY CHARACTER OF REPATRIATION

Article 2

The Contracting Parties hereby reaffirm that the repatriation of Rwandan refugees in Tanzania shall take place at their freely expressed wish.

RESPONSIBILITIES OF THE COUNTRY OF ASYLUM: UNITED REPUBLIC OF TANZANIA

Article 3

The Government of the United Republic of Tanzania undertakes to guarantee the voluntary character of the repatriation of Rwandan refugees and will take, in consultation with the United Nations High Commissioner for Refugees, all measures necessary to uphold this fundamental principle of international protection. To this end, it will take all measures necessary to ensure that refugees are in full knowledge of facts. The status of those refugees who decide not to avail themselves of the voluntary repatriation programme under the present Agreement shall continue to be governed by relevant international protection principles and standards, including the relevant provisions of the 1951 Convention and the 1969 OAU Convention, especially those relating to relocation of refugees away from common borders; disarming of armed refugees; and prohibition from undertaking subversive activities.

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Article 4

The Government of the United Republic of Tanzania shall grant to the United Nations High Commissioner for Refugees free and unhindered access to its territory and refugees to allow the implementation of the repatriation operation.

Article 5

The Government of the United Republic of Tanzania shall facilitate the departure of the Rwandan refugees and simplify the formalities for the exportation of their property and personal effects.

RESPONSIBILITIES OF THE COUNTRY OF ORIGIN: REPUBLIC OF RWANDA

Article 6

The Government of the Republic of Rwanda shall establish or reinforce administrative, judicial, and security structures and shall take all measures necessary to ensure that the refugees' return takes place in safety and dignity.

Article 7

To create conditions conducive to the returnees' reintegration, the Government of the Republic of Rwanda shall take all measures to sensitize and prepare local populations residing in areas of return.

Article 8

The Government of the Republic of Rwanda shall simplify formalities for the refugees' return and facilitate the entry of their goods and personal effects exempt from custom duties in accordance with the existing regulations. The controls and inspections at the border will be limited to minimum necessary requirements and will be carried out with due respect to the returnees' basic human rights.

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Article 9

The Government of the Republic of Rwanda shall facilitate the activities of the United Nations High Commissioner for Refugees during the repatriation operation. The latter shall be allowed to accompany returnees and shall have access to their areas of return.

Article 10

To ensure durable peace and achieve effective national reconciliation, the Government of the Republic of Rwanda shall take all measures possible to allow returnees to settle in areas of their origin or choice and shall protect their property. It shall also put in place necessary mechanisms to settle all disputes relating to ownership and enjoyment of properties affecting returnees according to due process of law.

Article 11

The Government of the Republic of Rwanda shall, in close cooperation with the United Nations High Commissioner for Refugees take necessary measures to ensure the reintegration of all the returnees including those who had for a long period of time resided outside Rwanda.

Article 12

The Government of the Republic of Rwanda shall ensure the reintegration of Rwandese returnees in the socio-economic life of the nation, benefiting as much as possible from the different national public services available to all citizens. It shall guarantee the returnees equal enjoyment of all the socio-economic, civil and political rights recognized in domestic and international law.

Article 13

The Government of the Republic of Rwanda shall grant to the United Nations High Commissioner for Refugees free and unhindered access to its territory and to the returnees to allow the implementation of the repatriation operation.

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RESPONSIBILITIES OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Article 14

The United Nations High Commissioner for Refugees having free and full access to refugees shall verify the voluntary character of their decision to repatriate.

Article 15

To facilitate return in safety and dignity of the refugees and to contribute to the implementation of reintegration measures, the United Nations High Commissioner for Refugees shall establish presence in the main areas of the returnees' settlements.

Article 16

The United Nations High Commissioner for Refugees shall ensure that special protection needs of single women and unaccompanied minors refugees and their fundamental rights, in particular the principle of the family unity, are safely guarded.

Article 17

The United Nations High Commissioner for Refugees shall ensure that those Rwandese refugees who do not opt to repatriate continue to enjoy asylum in Tanzania in accordance with recognized international conventions on refugees.

Article 18

The United Nations High Commissioner for Refugees shall coordinate and fund the repatriation operation.

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REPATRIATION COMMISSION

Article 19

A repatriation commission responsible for all issues relating to the repatriation is hereby established.

Article 20

The commission shall be composed of 15 members. The Government of the Republic of Rwanda and the Government of the United Republic of Tanzania shall designate 5 members each. The United Nations High Commissioner for Refugees shall be represented by four members, two designated from its Branch Office in Rwanda and two from its Branch Office in Tanzania. The OAU shall be represented by one member. The commission shall be presided alternately by a Representative of the Republic of Rwanda and a Representative of the United Republic of Tanzania. The Chairman of the commission shall designate a rapporteur and shall determine the date and venue of meetings.

Article 21

The commission shall hold its first meeting at the latest during the month following the designation of its members. The commission shall adopt its rules of procedure. It shall meet at least once every 2 months. Extraordinary sessions may be convened at the express request of one of the Contracting Parties. Meetings of the commission will take place in Rwanda or in Tanzania or as may be agreed upon by the contracting parties. The commission may invite or authorize any individual or organization involved in the repatriation operation to participate in its meetings in an observer capacity. Deliberations of the commission will be recorded in reports which will be transmitted to the Contracting Parties.

Article 22

The commission is responsible for monitoring the implementation of measures to facilitate voluntary repatriation of Rwandese refugees and the reintegration of returnees in their communities of origin. It shall ensure the implementation of the provisions of this Agreement, particularly those relating to returnees' security and assistance.

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The commission shall keep the Contracting Parties informed of the progress made and difficulties encountered. It shall advise the latter on measures to be taken to overcome these difficulties.

Article 23

The commission shall undertake missions to Tanzania and to Rwanda. The Contracting Parties shall be notified of the schedules of such mission. The two countries shall facilitate these missions notably by allowing free access to Rwandese refugees and returnees. The commission shall visit returnee areas of establishment to verify that the measures for return in safety and dignity have been taken as well as those aimed at facilitating reintegration of returnees. It will propose solutions to identified problems.

Article 24

The commission shall organize campaigns for Rwandese refugees in Tanzania to provide them with relevant information on repatriation so as to assist them reach an informed decision. If need be, it shall facilitate visits to Rwanda by refugees' representatives in order for them to acquaint themselves with the situation prevailing therein and to report to their groups accordingly.

Article 25

The Government of Rwanda, UNHCR/Rwanda and the OAU will be represented respectively by designated members of the Joint Commission on Repatriation and Reintegration of Rwandan refugees.

The commission shall device the most appropriate means of registering refugees who wish to repatriate to Rwanda.

Article 26

The commission shall agree on border crossing points for organized voluntary repatriation movements.

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Article 27

To assist the commission to fulfil its responsibilities, the Contracting Parties will make available to it all information relating to the implementation of this Agreement on request.

FINAL PROVISIONS

Article 28

The present Agreement shall enter into force from the date of signature by the Contracting Parties.

Article 29

Any question arising out of the interpretation or application of the present Agreement or for which no provisions is expressly made herein, shall be resolved amicably through consultations between the Contracting Parties.

Article 30

The present Agreement may be amended by mutual agreement between the Signatories.

Article 31

The present Agreement shall remain in force until it is terminated by mutual agreement between the Signatories or upon the issuance of written notice of termination by one Signatory to the other Signatories, which notice shall become effective at the end of ninety days from the date of issuance.

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In witness whereof, the authorized representatives of the Contracting Parties have hereby signed the present Agreement.

Done at. DSM....., this...12th...day of April.1995 in three originals, in the...English...language(s).

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For the Government of
the United Republic of
Tanzania

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For the Government of
the Republic of Rwanda

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For the United Nations High Commissioner for Refugees