

UNAMIR

REPATRIATION

4 AUG 1995 - 18 MAR 1996

[ 1 CONFIDENTIAL ]

EL/WG APR 2009

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BOX 32

FILE 2

ACC. 1998/0278

Correspondence

Reçu le 12 MARS 1996

*Wjy*

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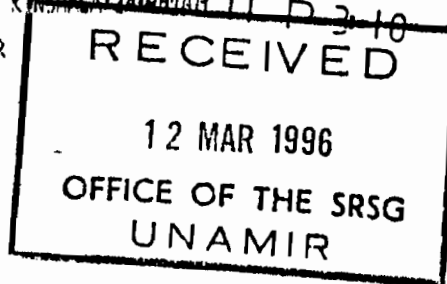
12/3/96

UNITED NATIONS  
ASSISTANCE MISSION FOR RWANDA  
LIAISON OFFICE  
KINSHASA-ZAIRE



NATIONS UNIES  
MISSION POUR L'ASSISTANCE AU RWANDA  
BUREAU DE LIAISON  
KINSHASA-ZAIRE

UNAMIR - MINUAR



OUTGOING FAX NO. 021/96/OFF.

MIR NO. \_\_\_\_\_

MISC NO. \_\_\_\_\_

A : M. Shaharyar Khan Représentant Spécial du Secrétaire Général KIGALI, RWANDA	DE : Cheikh-Tidiane Gaye Directeur du Bureau de Liaison de la MINUAR KINSHASA, ZAIRE
FAX NO.: (1) (212) 963 3090	
ATTN.:	DATE: 11 mars 1996
CC:	PHONE: 243 88 45 325 FAX NO: (212) 3769466
CC:	SECTION:
OBJET: Situation dans les camps encerclés.	

1. Depuis notre Fax 018/96/OFF du 27 février 1996, le nombre de soldats zaïrois encerclant les camps Kibumba et Nyangesi n'a cessé de diminuer.
2. A Kibumba, une vingtaine de soldats sont en faction pendant le jour et retournent à Goma pendant la nuit.
3. Avec l'absence des militaires, les réfugiés reprennent leurs activités pendant la nuit.
4. Deux réfugiés coupeurs de bois furent tués fin février 1996 par des gardes forestiers.
5. Par ailleurs, les fermes environnantes souffrent de plus en plus de la pénurie de la main d'oeuvre, et on craint des conséquences néfastes sur les prochaines récoltes.

*Mr Diallo*  
*Rafin*

1...

6. Il faut aussi noter que la station locale de la radio a intensifié la diffusion des mesures administratives arrêtées par le gouvernement:

- Les réfugiés n'ont plus le droit de travailler dans les chantiers, entreprises et fermes de la région.
- Les organisations humanitaires et les ONG doivent remplacer leurs employés rwandais par des zaïrois.

7. En dépit de toutes ces mesures, le rapatriement volontaire est dans une impasse, faute de candidat.

8. Enfin, les autorités zaïroises ont identifié 1011 réfugiés qui avaient quitté Kibumba pour se retrancher au camp de Kahindo. Des ordres ont été donnés pour que ces réfugiés ne bénéficient d'aucune assistance dans le camp de Kahindo.

Haute considération.



UNAMIR - MINUAR

**MILOB GROUP HQ : OPS BRANCH**

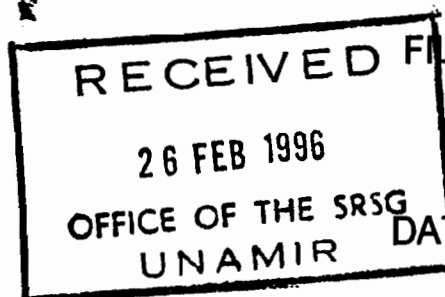
*Copy*

*ED  
Radio  
Spokesman  
SA/SASG  
26/2/96*

FROM : CMO

TO : Office of SRSG

INFO : MA to A F C  
ADCOS(OPS)



FILE : MILOB/CMO/OPS/46

DATE : 24 FEB 96

● **REPATRIATION OF REFUGEES DURING 95 / 96**

1. Please refer to your memo of 23 Feb 96 on above subject.
2. **Details of Returnees.** Almost two million refugees left Rwanda during the Rwandan crisis in 1994 and settled in refugee camps in Burundi, Tanzania and Zaire. However, only limited number of them have returned to Rwanda. Their details are given below :

(a) For the Year 1995. A total of 240,388 refugees returned to Rwanda in 1995. Monthly figures are :

<u>Month</u>	<u>Number of Returnees</u>
Jan	34477
Feb	26421
Mar	30347
Apr	23051
May	23245
Jun	11199
Jul	10829

*AK*  
*Please copy*  
*to Mr DAO*  
*Mr Javed Khan*  
*Rafii*  
*MS*  
*11-3-96*  
*WS*

Reçu le 26 FEB. 1996



Aug	27044
Sep	20468
Oct	13022
Nov	6702
Dec	13583
Total	240,388

(c) For the Year 1996. During 1996 the following returnees came back to Rwanda :

<u>Month</u>	<u>Number of Returnees</u>
Jan	13264
Feb	25498 ( up to 22 Feb )

3. **Assistance Provided By MILOBs / UNAMIR.** The MILOBs monitor the movement of returnees from the border up to their home communes. MILOB patrols visit the border posts regularly (almost everyday for the active border posts and at reasonable frequency for other border posts ). Thereafter they visit the transit camps to check the figures as well as to assess the requirements of returnees.

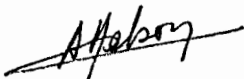
4. UNHCR requests for transport whenever the number of returnees are large. UNAMIR has been frequently assisting them by providing transport for the movement of returnees from border posts to transit camps. UNAMIR uses both first line and second line transport for this purpose.

5. MILOB patrols visiting communes check on the resettlement of returnees. They also assess their needs and try to coordinate these with necessary NGOs who could support those needs. UNAMIR has also undertaken other important tasks like dozer works in transit camps and improvement on roads and bridges to assist refugee repatriation.

6. MILOBs have also tried to reunite the orphans with their parents.

7. MILOB visits to communes also act as a great source of confidence and inspiration

to the returnees who are otherwise very apprehensive.

  
CHARLES NELSON  
Col  
CMO



UNAMIR - MINUAR

**MILOB GROUP HQ : OPS BRANCH**

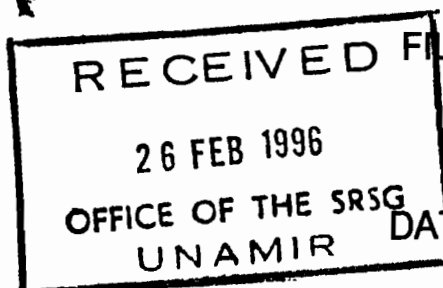
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ED  
Radio  
Spokesman  
SA/SASG  
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Please copy  
to Mr DAO  
Mr Jourd Khan  
Ms Rafii  
11-3-96  
WS

Reçu le 26 FEV. 1996



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CHARLES NELSON  
Col  
CMO

Frank George

11098

RECEIVED

15 SEP 1995

OFFICE OF THE SRSG  
UNAMIR

Ishami ry'Umuryango w'Abibumbye riharanira Amajyambere

Kigali, le 13 Septembre 1995

N° 550

Monsieur l'Ambassadeur,  
Monsieur le Consul,  
Monsieur le Chargé d'Affaires,  
Monsieur le Chef de mission,

WJN

159

**Objet : Plan d'Action pour le Rapatriement, la Réinstallation et la Réinsertion des réfugiés et personnes déplacées.**

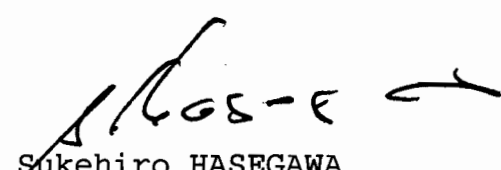
J'ai l'honneur de me référer au Plan d'Action susmentionné que le Gouvernement a soumis aux Partenaires au Développement lors de la revue à mi-parcours de la Table Ronde tenue à Kigali en juillet dernier.

Au regard des derniers développements et pour une meilleure complémentarité de l'assistance fournie au Gouvernement, je vous saurais gré de me faire parvenir au plus tard lundi 21 septembre 1995, des informations sur les actions initiées et/ou envisagées par votre institution dans le cadre dudit Plan d'Action.

Compte tenu des délais rapprochés, je suggère que les informations me soient communiquées sur une fiche synoptique selon le canevas ci-joint.

Je vous remercie d'avance des dispositions que vous prendrez afin que ces informations nous parviennent dans les délais requis.

Dans cette attente, veuillez agréer, Monsieur le l'Ambassadeur, Monsieur le Consul, Monsieur le Chargé d'Affaires, Monsieur le Chef de mission, l'assurance de ma considération distinguée.

  
Sukehiro HASEGAWA  
Représentant Résident

Ambassadeur Shaharyar Khan  
Représentant Spécial  
du Secrétaire Général  
MINUAR  
Kigali



S.E. Mr Frank De Conninck  
Ambassadeur de Belgique  
Kigali

S.E. Mr David Rawson  
Ambassadeur des Etats-Unis  
d'Amérique  
Kigali

S.E. Mr Huang Shejiao  
Ambassadeur de Chine  
Kigali

S.E. Mr Anatole Smirnov  
Ambassadeur de Russie  
Kigali

Mr Robert Schriewer  
Chef de Mission de Coopération  
Ambassade de Belgique  
Kigali

Mr Christian Logoz  
Chargé de Bureau  
Ambassade de France  
Kigali

MR Bernard Abels  
Chargé d'Affaires a.i.  
Ambassade d'Allemagne  
Kigali

Mr Claude Latulippe  
Conseiller et Consul du Canada  
Kigali

Mr Pierre Antonio Costa  
Consul d'Italie  
Kigali

Mr Michael Zeletzki  
Consul Général d'Autriche  
Kigali

Mr Buddy Shanks  
Relief Officer - USAID  
Kigali

Mr Bengt Van Loosdrecht  
Représentant des Pays-Bas  
Kigali

Dr. Kurt Reineger  
Chef de Mission  
Ambassade de Suisse  
Kigali

Mr Michel Gadoulet  
Conseiller, Union Européenne  
Kigali

- Plan of action regarding repatriation, reintegration and rehabilitation of refugees and displaced persons.
- Plan of action as discussed in the mid term review conference held in July at Kigali.
- Action taken so far and being envisaged as per the project as has forwarded.

PROGRAMME DE RAPATRIEMENT, DE REINSTALLATION  
ET DE REINTEGRATION DES REFUGIES ET PERSONNES DEPLACEES

Pays/Organisme :

Zone d'intervention :

Type d'activités : Rapatriement/Réinstallation ou  
Réintégration

A. Description d'activités

B. Résultats atteints ou escomptés



**RALLY FOR THE RETURN OF  
REFUGEES AND DEMOCRACY IN  
RWANDA**

**R.D.R**

B.P 10  
4980 TROIS PONTS  
BELGIQUE  
Tel/Fax: 32-80-880716

7, RESIDENCE MONTESQUIEU  
49000 ANGERS  
FRANCE  
Tel/Fax: 33-41489987

October 21, 1995

**Subject: UNHCR complicity to force  
rwandese refugees home**

Her Excellency the UN High Commissioner for Refugees  
Geneva-Switzerland

Your Excellency,

In our press releases n°26 dated October 5, 1995 and n°29 dated October 16, 1995, we denounced the use of strong arm methods, to force rwandese refugees home, in total violation of the 1951 convention, pertaining to rights of refugees.

Reacting to our statement, a spokesman of UNHCR-Nairobi, Mr Kessler, swiftly denied it rejecting the responsibility of any possible force repatriation on governments of Zaire and Tanzania who had " said that they could no longer sustain the refugee population ".

Surprisingly, the UNHCR had never condemned them earlier.

Despite this denial, RDR maintains that the plan does exist and is entitled : "OUTLINE OF A STRATEGY FOR ACCELERATED REPATRIATION " (UNHCR-OSE, 1 September 1995). According to information from camps in Zaire, Tanzania and Burundi, it has already started being implemented.

In order to avoid any more speculation, RDR would like to give a more detailed account of said plan , whose objective is to empty all camps latest by March 1996.

The plan consists of a set of actions that will run separately or concurrently, depending on camps, and asylum countries. They are the following :

*RDR has access to UNHCR's confidential plans. See ED.*  
Reçu le 27 OCT. 1995

### 1. Tight censorship of refugee leaders.

This plan of action having never been tested anyway in the history of UNHCR, the latter fears that there might be some resistance, by refugees, who are for sure aware of their rights, as per the relevant international conventions, pertaining to the protection of refugees. In order to pre-empt any such move, the plan of action provides for a draconian censorship of real or potential refugee leaders so as to manipulate the unsuspecting mass of uneducated people at ease.

In this vein any refugee who dares criticize this forced repatriation is labelled " intimidators " and shall be dealt with accordingly. Sanctions provided for in the plan of action range from expulsion out of camps, to detention in specially designed centre.

This will apply for anybody who could jeopardise the promotion of that forced repatriation, in one way or the other.

### 2. Reduction of the economic power base of refugees

The plan intends to lure potential candidates for forced repatriation by cash or in kind payment, and to drastically reduce the economic power base of those who will stubbornly refuse to go.

This will be done through the interdiction of any economic activity by refugees, in and out of the camps, and the sacking of refugees, who are employed by UNHCR and NGO' operating in the camps.

This economic suffocation of refugees has already started in camps in North-Kivu, Zaire with the interdiction of any lucrative business within the perimeter of the camps, an unnecessary curfew from 6 Pm, as well as the interdiction to circulate in the nearby GOMA town, where everybody used to get the basic commodities that are not supplied by humanitarian agencies. The move will very soon apply to all other camps of rwandese refugees in South-Kivu, Zaire and elsewhere.

### 3. Withdrawal of travel documents.

According to the plan of action, leaked out by some unhappy NGO', the UNHCR will support the move by the RPF regime to withdraw all national passports, and issue new specimen, thereby squeezing refugees in their camps. Simultaneously, UNHCR will freeze any more issuing of its travel documents to Rwandese refugees.

### 4. Freeze of refugee status granting

Even before this plan of action, some of the UNHCR offices were using this strategy, with a view of forcing rwandese refugees to go home.

The most notorious office in this matter is the B.O Nairobi.

This time, UNHCR plans to extend this harassment to all its offices, by erroneously invoking art 1, (f) of the 1951 convention on refugees and paragraph 7 (d) of UNHCR status, dealing with ineligibility clause.

Whereas under normal circumstances, this clause applies to cases with strong evidence of guilt, for the case of rwandese refugees, UNHCR will use, like the whole UN system by the way, wild lists of suspects compiled by none other than RPF and its lobby.

It is for instance surprising for UNHCR to give credit to the numerous reports of African Rights, whose co-director, RAHIYA OMAAR, is a well known RPF staunch supporter, or to reports compiled by RPF itself, some of them having been released less than a couple of weeks, after it took over. Would it be unfair to think that such kind of lists were solely compiled for revenge purposes?

RDR would like to use this same opportunity, to bring to the attention of UNHCR, and countries accommodating rwandese refugees, that so far, none of those lists, including the so called UN list, has been endorsed by the international criminal tribunal on Rwanda, the sole body entitled to name suspects.

All those lists were compiled by RPF and its lobby following its deep seated hatred against refugees, and any other person likely to challenge its illegal hold on power. Therefore, RDR does not feel at all bound by such a list established by RPF, a suspect among others, and whose case is also being opened with the tribunal.

While implementing this plan, the UNHCR-Nairobi office is for instance rejecting applications of some refugees who escaped from Zaire during the time the forced repatriation was taking place, telling them to go back to Zaire, knowing very well that Zaire will not allow them to enter her territory.

### **5. Reduction of community services and closure of some camps**

Taking advantage of the stampede that followed the August forced expulsion in Zaire, the UNHCR has already closed some camps. The case in mind is the camp of HONGO in Bukavu-ZAIRE.

As for community services to be affected, those include the withdrawal of anymore support to educational activities, starting from primary education, the reduction and later on halt of humanitarian assistance, including food, water, and health activities in some targeted camps. Concerning the case of Zaire, priority should go to camps of MUGUNGA and KATARE in North-Kivu, and INERA and KASHUSHA in South-Kivu.

Other measures include the halt of any more undertaking by UNHCR or its affiliated NGO's, of major works in camps, like refurbishment of infrastructure, such as the replacement of old sheetings.

Already, sheetings destroyed in August 1993 in Mugunga camp in North-Kivu, NYANGEZI and UVIRA in South-Kivu, were not replaced.

The idea of transferring food relief to home commune, of refugees is also being mooted, in order to lure inside hungry refugees.

## 6. Manipulation of target groups

High on the agenda are elderly people, orphans, non accompanied children and sick people. Using soft or hard means, the latter will be made to accept an early repatriation, convincing them that it is to avoid a last hour rush, ahead of a major forced repatriation.

The operation has taken off in Katale camp in North-Kivu, Zaire.

## 7. A strong sensitization campaign.

Despite the ever deteriorating security situation on Rwanda, refugees will be flooded with leaflets, various messages, using radio, public address systems etc... giving a wrong picture of the situation in Rwanda,

In this framework, Radio Rwanda will give a wide coverage to UNHCR messages and so will do NGO' radios broadcasting in camps. like radio AGATASHYA.

According to some inside sources within AGATASHYA radio, UNHCR may allocate a special financial subsidy to it, to enable that coverage. This is a clear evidence of UNHCR resolve to leave no stone unturned, in implementing this plan of action.

Those are the highlights of the forced repatriation that UNHCR calls voluntary.

RDR is very much aware of the burden of UNHCR in taking care of over two millions rwandese refugees, and is aware of the pressure exerted by certain asylum countries and donors.

Whatever the case, forced repatriation will never bring about a durable solution, but is likely to lead to a civil strife that can result in another exodus of refugees.

Therefore, there is no other way out apart from direct dialogue between RPF government and rwandese refugees.

If as a non political organization, UNHCR cannot push up this case, it should at least sell the idea to the relevant bodies.

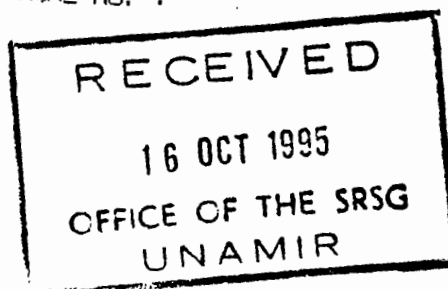
This way, UNHCR will have courageously lived up to its "raison d'être".

For RDR

Dr. BUTARE Innocent

Executive Secretary

For Info -  
Ms. Rafii



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ED

16.10.95

## COMMUNIQUE DE PRESSE

### COORDINATION EUROPEENNE DU RASSEMBLEMENT POUR LE RETOUR DES REFUGIES ET LA DEMOCRATIE AU RWANDA (RDR)

Ce samedi 14 octobre 1995 les représentants des quatre sections principales du RDR en Europe (Allemagne, Benelux, France et Suisse) se sont réunis à Bruxelles.

Ils ont décidé de mettre sur pied une Coordination européenne des activités du RDR pour mieux répondre aux attentes des réfugiés rwandais.

La Coordination européenne du RDR sera basée à Bruxelles et dotée d'un secrétariat permanent.

Aussitôt mise sur pied, la Coordination européenne du RDR s'est penchée sur l'actualité. Elle déplore la récente évolution du problème des réfugiés rwandais au Zaïre qui vient de conclure avec le gouvernement de Kigali des accords de rapatriement forcé des réfugiés rwandais installés dans des camps sur son territoire.

La Coordination européenne du RDR est consciente de la charge que constituent les réfugiés rwandais dans les différents pays d'accueil. Elle demande au Zaïre de surseoir à la décision qu'il a prise de renvoyer les réfugiés au Rwanda où leur vie est menacée.

La Coordination européenne du RDR réitère l'engagement du RDR pour un retour pacifique et volontaire des réfugiés rwandais dans l'esprit des accords de paix d'Arusha et des instruments internationaux sur le droit d'asile.

La Coordination européenne du RDR demande au HCR de renforcer la protection des réfugiés rwandais et de promouvoir des négociations entre les représentants des réfugiés, les pays d'accueil et le gouvernement de Kigali pour trouver une solution pacifique et durable au problème politique à la base de l'exil des millions de rwandais.

La Coordination européenne du RDR invite les pays européens, plus particulièrement les pays bailleurs de fonds du gouvernement FPR, de reconsidérer leur appui au régime de Kigali tant que celui-ci n'aura pas engagé un dialogue franc et sincère avec les réfugiés rwandais.

La Coordination européenne du RDR rappelle aux pays européens, plus particulièrement les pays membres de la Commission européenne, que le régime FPR se livre encore à des violations massives et systématiques des droits de l'Homme (voir rapport Gersony et rapports d'ONG présentes sur le terrain et des organisations de défense des droits de l'Homme).

La Coordination européenne du RDR considère que l'absence d'enquêtes sérieuses et indépendantes sur les crimes commis par le FPR, notamment les massacres de Kibeho et Kanama, constitue un des obstacles au retour des réfugiés.

La Coordination européenne du RDR s'engage à apporter son concours pour un règlement pacifique et durable de la problématique rwandaise.

Pour la Coordination européenne du RDR  
Bruxelles, le 15/10/1995

Reçu le 16 OCT. 1995

Coordination européenne du RDR

4 rue, Alfred Cluysschaer 1050 Bruxelles Tél 02/534 80 35

Fax 02/ 534 80 53

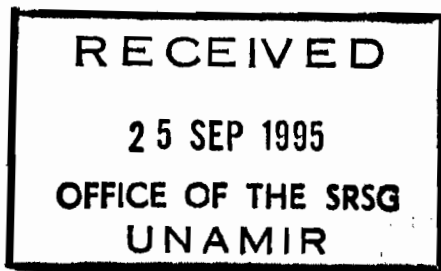


NATIONS UNIES  
HAUT COMMISSARIAT  
POUR LES REFUGIES



UNITED NATIONS  
HIGH COMMISSIONER  
FOR REFUGEES

Télégrammes : HICOMREF  
Télex : 416740 UNHCR CH  
Téléphone : 739 81 11  
Téléfax : 731 95 46



Casse Postale 2500  
CH-1211 Genève 2 Dépôt

Le 14 septembre 1995

ED 25.9  
Monsieur le Ministre,

A la demande du Haut Commissaire, je fais suite à votre lettre du 23 août 1995 relative à l'attentat à la mine du samedi 12 août, pour vous exprimer mes sentiments de solidarité à vous et aux membres de l'équipe du Ministère de la Réhabilitation et de l'intégration sociale, victimes de cet ignoble attentat.

La vocation humanitaire du HCR et la spécificité de son mandat limitent ses compétences à la protection internationale des réfugiés et à la recherche des solutions durables à leurs problèmes. Ce cadre de compétence exclut, à l'évidence, le maintien de la sécurité qui reste le devoir du Gouvernement hôte des réfugiés et des autorités du pays d'origine après le retour des réfugiés, conformément aux textes y relatifs en vigueur.

Je voudrais souligner par ailleurs que l'arrangement exceptionnel mis en place, avec le concours des autorités zaïroises et la communauté internationale, dans les camps de réfugiés au Nord Est du Zaïre a pour but une fonction de police et vise exclusivement le maintien de l'ordre et de la sécurité à l'intérieur des camps de réfugiés.


Tout en rejetant toute responsabilité de quelque nature que ce soit dans cet attentat, et en réaffirmant ma sympathie aux victimes, je voudrais réitérer l'engagement du HCR en faveur du rapatriement volontaire des réfugiés Rwandais, et son intention de le poursuivre avec plus de vigueur.

Son Excellence  
Monsieur Patrick Mazimhaka Kibungu  
Ministre de la Réhabilitation  
et de l'intégration sociale  
de la République Rwandaise

FD  
Copy to  
- Mr DAO  
- Ms Rafii

Ce souci, le Haut Commissaire l'a réaffirmé avec force au cours de ses entretiens avec les autorités rwandaises, durant sa récente visite à Kigali, ainsi qu'avec les autres Gouvernements de la région.

En vous assurant de nouveau de notre entière coopération, je vous prie de croire, Monsieur le Ministre, à l'assurance de ma très haute considération.

  
K. Morjane  
Directeur  
Bureau Régional pour l'Afrique

cc- Son Excellence Monsieur le Président  
de la République Rwandaise.

Son Excellence Monsieur le Vice-Président  
de la République et Ministre de la  
Défense Nationale.

Son Excellence Monsieur le Premier Ministre.

Son Excellence Monsieur l'Ambassadeur  
Représentant Spécial du Secrétariat Général  
des Nations Unies au Rwanda.

Son Excellence Monsieur le Ministre de l'Intérieur  
et du Développement Communal.



TO: Sammy Kum Buò  
Political Adviser

FROM: Ladan M. Rafii  
Political/Legal Officer

DATE: 17 January 1995

SUBJECT: Commission for Repatriation

The Protocol of Agreement Between the (former) Government of Rwanda and the Rwandese Patriotic Front on the repatriation of Rwandese refugees and the resettlement of displaced persons signed on 9 June 1994 provides for the establishment of a Commission for Repatriation. The information provided below is contained in various provisions of this Protocol.

#### Composition

This Commission is to be set up by the Broad-Based Government of National Unity upon the recommendation of the Ministry for Rehabilitation and Social Reintegration. It is to be composed of Government, UNHCR, OAU and refugee representatives.

#### Functions

The Commission's general mandate is to finalise and implement a programme for the repatriation and reintegration of returnees. Specifically, this involves:

1. Conducting a socio-economic survey of refugees.
2. Organising a pre-repatriation census and registration of returnees.
3. Launching an information and sensitisation campaign directed at both refugees and the local population.
4. Identifying settlement sites, supervising distribution of plots and establishing basic infrastructures.
5. Making transportation arrangements for all returnees.
6. Supervising all assistance provided to returnees (e.g., food aid, farming tools, building materials).

#### Implementation of programme

Implementation of the above tasks, at the political and administrative level, is to be supervised by the Ministry for Rehabilitation and Social Reintegration. Technical aspects are entrusted to the Rwandese Government and UNHCR who "shall preferably resort to those NGOs with an established reliability" taking into account their areas of specialisation.



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## TUNIS DECLARATION ON THE GREAT LAKES REGION

March 18, 1996

Presidents Mobutu of Zaire, Museveni of Uganda, Bizimungu of Rwanda, Ntubantunganya of Burundi, and Mkapa of Tanzania met in Tunis, Tunisia from March 16-18, 1996 to carry forward their African Initiative to promote peace, justice, reconciliation, stability, and development in the Great Lakes region. Former Presidents Carter of the United States, Nyerere of Tanzania, and Toure of Mali served as facilitators. The Heads of State reviewed the progress made toward the achievement of their commitments undertaken in Cairo, Egypt on November 29, 1995, decided on additional measures that must be taken to meet fully these commitments, and pledged themselves and their countries to undertake further actions to achieve their common goals for the region.

The Heads of State agreed that, while useful steps had been taken since Cairo, serious problems persist. These include intimidation in the refugee camps, concerns of some of the refugees about their security, cross-border raids into Rwanda and Burundi, inadequate judicial systems in Rwanda and Burundi, and continued violence in Burundi with little progress toward constructing a long-term government structure that will ensure protection of the rights and interests of all groups, including minority groups.

The Heads of State expressed their conviction that these problems can be addressed with the steps described below, which have been taken or will be taken. Together they will significantly reduce tension, hostility, insecurity, and distrust in the area, encourage the return of refugees, stimulate economic rehabilitation and development, and advance efforts to fashion long-term government structures acceptable to their citizens.

They also urged Rwanda and Burundi to enhance and strengthen further the process of confidence building through broad national consultative mechanisms to achieve long-term solutions and national reconciliation.

### On a regional level:

1. The Heads of State reaffirmed their rejection of the ideology of genocide.
2. The Heads of State and their ministers have initiated a dynamic and sustained dialogue, involving frequent meetings with each other, to plan and undertake concerted endeavors in the region. This productive consultative relationship will continue at the Heads of State level.
3. The Heads of State expressed approval that, consistent with the Cairo Declaration, the Governments of Zaire and Rwanda had agreed in January

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on the return to Rwanda of heavy military equipment taken into Zaire by ex-Armed Forces of Rwanda. Zaire, on February 13, 1996, returned the military equipment which it had been able to identify and possess and agreed to continue its search efforts as promised to find the other equipment and to return it as found to the Rwandan government.

4. Cross border incursions continue, and increasingly, the perpetrators kill civilians, particularly local officials, and lay land mines as they retreat. But some significant actions have been taken. There is now greater cooperation and information sharing among governments of the region. Tanzania has rounded up and confined 400 persons known to be involved in such activities. President Mkapa stressed that refugees in Tanzania received neither arms deliveries nor military training. Because of fighting in Burundi spilling across its border, Tanzania has increased its level of troops in the area as a deterrent.

--Additionally, the Heads of State pledge to

--take more rigorous efforts to shut down arms flow and military training to rebel groups engaged in cross-border incursions, including urging the UN to station monitors at airports and border points.

--Heads of State will restrict the travel of leaders associated with cross border incursions and urge other countries to take similar action and freeze the financial assets these persons hold abroad; and

--Heads of State will permit the Commission of Inquiry established by UN Resolution 1013 to investigate reports of military training and arms transfer to former Rwanda government forces.

5. The Heads of State reiterated their hope that most of the refugees will return home in a relatively short period of time. They recognized, however, that many refugees would not likely repatriate in the near future because of their real or perceived association with the genocide in Rwanda. In the camps themselves, intimidation is continuing. They also note that some bureaucratic procedures pertaining to logistics and registration are playing into the hands of intimidators and endanger refugees intending to repatriate.

--It should be noted that Zaire has arrested a few intimidators who have been removed from the refugee camps. In addition, Zaire has banned political activities of the RDR in camps.



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--Tanzania and Burundi have banned RDR political activity, and has tightened security control within the camps. Tanzania has identified the key intimidators in the camps and intends to separate them from the other refugees and house them in a camp in the interior. It is seeking financial assistance to carry through these plans.

--More needs to be done to separate the intimidators, including armed factions, from the other refugees in order to enable them to make a free choice about repatriation. Conscious of the need to avoid forced repatriation, the Heads of State challenge the international community to work with them and finance a major effort that would permit this choice. This effort would consist of the following components:

--preparing the home communes to receive the refugees, including the placement in the communes of an adequate number of human rights and other monitors to ensure security;

--taking measures involving camp administration and management that will guard against cases of insecurity in the border areas.

6. The Heads of State pledged full support to the International Criminal Tribunal for Rwanda and other jurisdictions in accordance with UN security resolution 955 (1994) of November 8, 1994. They promised to turn over to these jurisdictions indicted persons located in their countries and urged all other countries to do the same. President Mkapa said that the genocide suspects located in Tanzania are under surveillance and will be picked up if indicted by the jurisdictions. The Heads of State further affirmed that they will cooperate fully in the investigations of the competent jurisdictions. They will similarly support the work of the International Commission of Inquiry for Burundi. The Heads of State of Rwanda and Burundi pledged to guarantee the security for personnel and witnesses relevant to the work of the International Tribunal and the Commission of Inquiry.

7. The Heads of States expressed continuing concern about the use of radio broadcasts and the print media to spread hate and fear in the region. The participants pledged to take action to curtail the illegal and inflammatory radio broadcasts from one country to another, and reaffirmed their requests for assistance. President Mkapa stressed that Tanzania would not permit hostile propaganda to be broadcast into neighboring countries. President Mobutu said he had asked for assistance to locate and halt inflammatory radio broadcasts despite questions of sovereignty.

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President Carter agreed to continue his discussions with experts to ascertain how and whether technical assistance can be provided to locate and prevent such broadcasts.

Within Rwanda:

8. President Bizimungu expressed deep concern about the slow rate of refugee repatriation. Whereas 26,000 refugees from Burundi returned to Rwanda between December 1995 and February 1996, perceived insecurity within Burundi may have motivated some to repatriate. The refugee flows from Tanzania and Zaire during the same period amounted to 2000 and 20,000, respectively. President Bizimungu attributed these small flows to intimidation in the refugee camps.

9. Consistent with the principle of justice with reconciliation and to demonstrate to the refugees its strong desire for them to return, the Government of Rwanda reaffirms its obligation to ensure the safety of returnees, protect their legal rights, and recover their property. To this end, the Rwandan Government has:

--announced a decision to establish special procedures to expedite legal proceedings for the large number of persons held on charges relating to genocide. These mechanisms, which include specialized chambers within ordinary courts, will enable the judicial system to carry out an expeditious and systematic categorization of genocide perpetrators; release those for whom adequate evidence is lacking; permit plea agreements when appropriate; and conduct early trials of those charged. It has trained personnel in arrest procedures and is appointing prosecutors to authorize all arrests.

--In recognition that many refugees fear they will be arrested when they return, agreed to activate the review mechanism (Commission de Triage) to investigate cases (subject to judicial oversight) prior to arrests. It also accepts that defendants should have the opportunity to have the advice of legal counselors. It called upon the international community, particularly African states, to provide support for a mechanism to assist those who cannot afford legal counsel. The Government of Rwanda expects its genocide trials to begin in May 1996.

--trained 300 new magistrates, 90 new prosecutors, 250 new investigators, and has prepared files on thousands of individuals now ready for trial. The Government of Rwanda expressed

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appreciation to other countries who have provided technical and other assistance for this training and hopes that future assistance, particularly in the legal area, will be extended when requested.

--attached special importance to the UN High Commissioner for Human Rights in Rwanda and declared that it would welcome the strengthening of this office and the deployment of an expanded number of human rights monitors throughout the country. It is prepared to permit the number of such monitors to increase to an authorized level of 300, and called on the international community to provide the resources to finance the critical work of the human rights monitors.

--continue with programs to promote greater professionalism and discipline within the armed forces, gendarmerie, and the police force, including training in non-lethal riot control. It plans to build more barracks for the soldiers and move forward in collaboration with the World Bank to establish a commission on demobilization and reintegration and initiate its work as soon as possible. The government promotes, within the framework of demobilization, integration into the military of those members of the ex-FAR who were not involved in the genocide.

--pledged to encourage initiatives undertaken by indigenous NGOs to rebuild civil society; urged NGOs operating in camps to transfer progressively their services and personnel from countries of asylum to countries of origin; and emphasized the need for these organizations to focus more on rehabilitation and development and less on relief.

--pledged to work out quickly the modalities with international financial institutions and the donor community to permit the early allocation of existing and future pledges of assistance toward critical rehabilitation and development projects. At present only 40 percent of funds pledged have been disbursed.

--reiterated its determination to strengthen administrative procedures that ensure respect of property rights, including land, as well as enable expeditious return of properties to their legitimate owners immediately on demand. In accordance with the Arusha agreement, new sites have been identified to develop for resettling old refugees, and the Government of Rwanda requested international technical and financial assistance in preparing these

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lands for settlement. The government will endeavor to provide special assistance for widows (including land owning rights), for orphans, and for communities that receive large numbers of returning refugees.

--encouraged refugee repatriation by actively promoting "look and see" cross-border visits by refugees, sent senior government officials into camps in Tanzania and Burundi to explain conditions inside Rwanda and urged refugees to come home, plans to make similar visits to camps in Zaire, and is encouraging international organizations and NGOs to intensify the campaign to provide objective information to the refugee camps on events and developments inside Rwanda. President Mobutu and President Bizimungu agreed that a high level Rwandan team would visit refugee camps in Zaire very soon.

--collaborated closely with UNHCR and the countries of Tanzania, Zaire, and Burundi in preparing for the refugee return and encouraging them to do so. Through this continuing collaboration, and with technical support and equipment, these governments and UNHCR should be able to ensure that processing and other re-entry requirements can be met with minimum delay to the returning refugees.

--agreed to take concrete steps to encourage dialogue, social healing, and integration among all Rwandese, including those refugees who were not involved in the genocide and who seek to rebuild Rwanda. The Government of Rwanda requested the facilitators of the Great Lakes Summit to make contact with influential personalities among the refugees to encourage them to come home and to assist in promoting repatriation of other refugees.

--demonstrating its commitment to transparency, agreed to make public a report on implementation of the recommendation of the Commission established to investigate the Kibeho incident, as well as the outcome of the Commission on Inquiry into the Kanama incident.

Within Burundi:

10. The Head of State of Burundi and his delegation emphasized their commitment to bring to an end the climate of insecurity and impunity that

has paralyzed the country. They will move with speed and determination to launch a process leading to new institutional structures agreed upon and supported by all citizens that will ensure protection of the rights of all Burundians, and their participation within the political and economic life of the nation. To that end the Head of State and his delegation:

--welcomed that former Tanzanian President Mwalimu Julius K. Nyerere accepted the mandate given to him by the international community, and endorsed by the Heads of State of the region, to assist the people of Burundi in finding means to achieve peace, stability, and reconciliation within Burundi as a basis for a lasting political settlement. This settlement must include the resolution of fundamental problems relating to the access, control, and management of power, so that either the ethnic or political minority is reassured. The Government of Burundi is committed to take concrete steps to fight exclusion, extermination and genocide which have been used by some to achieve and monopolize power. For the success of any such dialogue, there should be an end to killings within Burundi. All parties, internal and external, should take all possible steps to create the necessary environment for successful progress.

--declared that the National Debate on the major problems facing the country will be launched urgently. The debate will seek a consensus for constitutional structures as described above, which will promote peaceful coexistence among all Burundians. All parties and groups that seek these goals and renounce violence as a means to reach political ends could participate. These principles will be incorporated into the constitution.

--reported positively on the dialogue and growing collaboration among the government, different socio-political partners, and the security forces. They reaffirmed their intention and determination to continue their collaboration. The representatives of the political parties, Frodebu and Uprona, who participated in the Tunis summit, made it clear that they appreciate and support the efforts of the government to restore peace and security to the country.

--reaffirmed its commitment to repatriate the refugees and reintegrate the displaced and dispersed elements of the population, premised on reconciliation at the community level. Adequate security will be essential. International assistance will be required

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initially for communities heavily impacted by returnees, and to promote self-sufficiency of all returnees.

--agreed to create the necessary conditions of security to facilitate the reintegration on campus and in hostels those students who have left them.

--reiterated their commitment to guarantee the security of personnel of the UN, OAU, and humanitarian agencies in order that they can fulfill their mandate, particularly concerning affected populations.

--reaffirmed their commitment to continue to intensify their comprehensive dialogue aimed at ensuring the security of all and restoring mutual confidence among all Burundian citizens. This debate should lead to the establishment of a National Pact of Peaceful Coexistence between the different components of the country and of a constitution adapted to universal democratic principles and to the specificities of Burundi in order to put in place the indispensable instrument for the organization of free and fair elections in 1998.

--declared their support for the deployment of UN Human Rights monitors based on the needs expressed by the government, stated strong hopes to see the current number substantially increased, and pledged to deploy these monitors to all sections of the country and ensure that they can safely carry out their functions.

--reaffirmed their determination to guarantee security for personnel and witnesses relevant to the work of the International Commission of Inquiry for Burundi.

--in order to begin the process by which the population will regain confidence in the security forces (as pledged in Cairo,) committed to undertake a comprehensive training program to enhance professionalism and discipline within the security forces. Such training would include how to uphold international human rights conventions while carrying out military responsibilities. The Government of Burundi also intends to redefine the respective structures and mission of the security and defense forces so that they will assume responsibility for the security of all elements of the population. The international community should be prepared to provide the necessary technical assistance.



--once again called upon the international community in general and neighboring countries in particular to prevent armed external attacks on Burundi and to dismantle the networks of arms flow across borders.

--condemned the ideology of exclusion and genocide and expressed a strong desire for the expeditious establishment by the countries of the region of an early warning mechanism to prevent destabilization and human rights violations, as well as dissemination of the ideology of ethnic hatred, exclusion, and genocide.

--agreed to develop a democratic media policy, including provisions for independent and autonomous media; guarantee wider access to information to journalists on all sides; and support initiatives that promote responsibility of the media. As expressed in Cairo, they reaffirmed their deep concern over the use of radio broadcasts to spread hate and fear in the region. The participants pledged to take all possible action to terminate the illegal and inflammatory radio broadcasts from one country into another. They called upon the international community to assist by providing technology to identify and demobilize mobile transmitters.

--pledged to guarantee neutrality and independence of the courts, and take concrete steps to improve the system of justice, including accelerating the trials of those accused of crimes against humanity; the training of lawyers, judges, and magistrates; and judicial assistance to defendants. They reiterated their request to the international community for assistance, including the use of foreign lawyers, to achieve these goals

--pledged their commitment to organize democratic elections in 1998.

#### Appeal to the International Community:

To enable the governments to fulfill the commitments made above, the Heads of State call upon the international community to assist in arranging and disbursing the necessary funding to achieve them. In Rwanda and Burundi, in addition to funding for rehabilitation, resettlement, and development, international assistance will be required for improving the systems of justice, development of democratic media policy, deployment of human rights monitors, and professionalization of the security forces. Member states of the UN are requested to respond generously to the appeals from UNHCR and UNHCHR. A greater proportion of funding should go to projects within the countries of origin.

387 Funding must also be obtained in order to conduct the National Debate in Burundi, restore  
388 the environment in countries of asylum, and continue the work of the International  
389 Tribunal for Rwanda and the Commission of Inquiry for Burundi. Zaire and Tanzania  
390 require financial, and in some cases technical, assistance for their efforts to separate  
391 intimidators from bonafide refugees. The facilitators agreed to work to obtain and  
392 expedite funding for these efforts.  
393

394 In recognition of the close collaboration between governments in the region and  
395 the international and regional governmental organizations and donor governments, as well  
396 as local and international NGOs, the Heads of State declared their willingness to work  
397 closely with these groups, and particularly with the UN, OAU, and World Bank, in the  
398 future. The focus of this collaboration should be the accomplishment of concrete  
399 programs and projects on the ground that will promote justice, reconciliation, peace,  
400 stability, and development.  
401

402 The Heads of State requested that former Presidents Carter, Nyerere, and Toure  
403 and Archbishop Tutu continue their efforts to facilitate contact and actions by their five  
404 governments, track comprehensively the achievements made at this meeting and in Cairo,  
405 and prepare recommendations for consideration by these governments at their next  
406 meeting. General Touré, who consulted extensively in the region since the Cairo Summit,  
407 suggested the following for future consideration: greater regional collaboration and  
408 economic and security matters; cooperation among African states in the areas of health,  
409 agriculture, and education; and a mechanism to accomplish these purposes. They also  
410 accepted the invitation by CNN to arrange for participation in person or by satellite of the  
411 five Heads of State and the facilitators at the internationally broadcast CNN World Report  
412 in early May at which time they will be able to share worldwide their assessment of the  
413 situation in the Great Lakes region and the efforts being undertaken to deal with the  
414 complex, interrelated problems of the area.  
415

416 The Heads of State were pleased by the frank, open, and constructive discussions  
417 that characterized the Summit. They commended The Carter Center for arranging the  
418 meeting.  
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420 The Heads of State and their delegations expressed their profound appreciation to  
421 President Ben Ali and the Tunisian people for their support and hospitality for this historic  
422 meeting.  
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429 Signed:

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Mobutu Sese Soko

Yoweri Kaguta Museveni

Pastor Bizimungu

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Sylvestre Ntibantunganya

Benjamin William Mkapa

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Mwallimu J. K. Nyerere (witness)

Amadou T. Toure (witness)

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Jimmy Carter (witness)

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**RWANDA  
UNITED NATIONS CONTINGENCY PLAN  
FOR  
REPATRIATION OF REFUGEES  
FROM  
BURUNDI, TANZANIA AND ZAIRE**

This Contingency Plan outlines activities to be undertaken by UNHCR with the assistance of UN agencies, other international organisations and NGOs in support of the government of Rwanda's efforts to repatriate the returnees from Burundi, Tanzania and Zaire up to their communes of origin in Rwanda.

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**Event prompting the implementation of the Contingency Plan**

**A massive movement of 10,000 or more persons per day from one or more countries of asylum into Rwanda, which will continue for such a period that it cannot be dealt with under the existing structures of the Government and UNHCR.**

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### **Mandates & Responsibilities relevant to Mass Return:**

- UNHCR:** Lead UN Agency for Voluntary Repatriation, responsible for transport of returnees across international borders, their registration and reception inside Rwanda, their transport to home communes, the provision of initial reintegration packages, rehabilitation assistance and returnee monitoring to ensure return is realised in safety and dignity.
- UNDP:** Lead (UN) Agency for the Reintegration of Returnees into their communes of origin, responsible for supporting the Government of Rwanda to effect implementation of the Accelerated Plan of Action for the Reinstallation and Reintegration of Returnees and Formerly Displaced Persons (1995-1996).
- UNICEF:** UN agency responsible for advocating the protection of children and women -their access to health, nutrition, water & sanitation, and family reunification- including those children in especially difficult circumstances such as unaccompanied children.
- WFP:** Lead UN agency for food-aid, responsible for provision and primary transportation of food commodities required for the repatriation operation, assistance to different vulnerable groups already in the country, and rehabilitation projects involving food-aid implemented in local communities.
- FAO:** UN agency in charge of agricultural issues, with a special emphasis on seeds and tools distribution. Responsible, in collaboration with WFP, for food needs assessment for emergency programmes. Carrying out the coordination of agricultural programmes for vulnerable groups including repatriated people.
- WHO:** UN agency in charge of technical support to the MOH and all agencies to ensure a satisfactory health coverage to returnees at all phases of repatriation, but more specifically at commune level, that includes: dissemination of guidelines in case management while ensuring they are applied; carrying out epidemiological surveillance and disease control in case of epidemics; reinforcing MOH coordination capacity (central and regional level) and response of local health structures mostly those receiving a major influx.
- IOM:** IOM will continue to be responsible for daily management of the joint

UNHCR/IOM fleet, tasking and deploying the required vehicles to the Goma-Gisenyi area or other border crossing areas or transit centers as necessitated by the repatriation movements, convoy organisation, logistic support to returnees and production of returnee statistics.

**HRFOR:** The Human Rights Field Operation in Rwanda (HRFOR) was established to promote and protect all human rights. This includes, as called for in the Agreement between the United Nations and the Government of Rwanda on the Status of the Human Rights Mission in Rwanda, that HRFOR should inter alia:

- monitor the ongoing human rights situation, and through their presence help redress existing problems and prevent possible human rights violations from occurring and
- cooperate with other international agencies in charge of re-establishing confidence and thus facilitate the return of refugees and displaced persons and the rebuilding of civic society.

---

**JCRRRR:** **JOINT COMMISSION ON REPATRIATION AND REINTEGRATION OF RWANDESE REFUGEES.**

Provided for under the Arusha Peace Accord and established by Presidential Order No. 016/01 of 16.2.95, the Commission members include UNHCR, OAU and representatives of refugees in addition to GOR members. The Commission is responsible for overall policy on repatriation of refugees and their reintegration/resettlement. It is called upon to intervene in streamlining border entry and transit procedures, in ensuring smooth and rapid transfer of returnees to their communes of origin and in resolving operational differences when they arise.

**MINIREISO: MINISTRY OF REHABILITATION AND SOCIAL INTEGRATION.**

MINIREISO is the implementing arm of the government and the JCRRRR. MINIREISO representatives at the communal, prefectural and national levels will work very closely with the local authorities and UNHCR staff to carry out required activities at transit centres, during transportation and in the communes to ensure returnees are well received and are being reintegrated.

**MININTER: MINISTRY OF INTERIOR.**

Officials of MININTER ranging from prefects, bourgmestres, chef de

**secteur and chef de cellule are closely associated in the reception, transit and re-integration of returnees and will play key roles in the shelter committees and the cellules de crise established to assist them. They are the principal operational partners in the reintegration of returnees.**



## **ACTIONS (TO BE) TAKEN BEFORE RETURNEES CROSS INTO RWANDA:**

A. **FOOD:** Although returnees may have benefitted recently from food distributions in countries of asylum, the current plan assumes that for one reason or another returnees will not be carrying food with them -other than possibly High-Protein Biscuits [HPB]- when they arrive in Rwanda.

B. **TRANSPORT/LOGISTICS:** In the event of a mass, uncontrolled influx to Rwanda, it is assumed that all but the most vulnerable returnees will move to the border independently of UNHCR/IOM transport. Vulnerable individuals and families will be moved by the Community Services implementing partners of UNHCR offices in countries of asylum to the borders with Rwanda; vulnerable individuals and families, identified as such before the process of return begins, will be 'passed over' upon arrival to the Community Services implementing partners of UNHCR sub- and field offices in Rwanda.

C. **DOMESTIC NEEDS:** It is assumed that returnees to Rwanda will not bring with them any sort of non-food item previously given to them in the countries of asylum. Thus the package of domestic needs [see page 17 below] normally required by refugees/returnees will be given to them within Rwanda, either at transit centres or in communes of origin.

D. **HEALTH:** It is assumed that all returnees aged between 6 months and 14 years (completed) have received measles vaccination upon departure from the country of asylum. However, unless prior immunisation is documented, measles vaccination should be given in transit centers in Rwanda. The same age category individuals should also receive doses of mebendazole, folic acid and vitamin A, especially malnourished children. Extremely ill returnees, or those otherwise in need of close medical supervision, will be made identifiable in advance by UNHCR Medical Coordinators in countries of asylum. Returnees will also be urged to safeguard all health care-related documents: *Carnet de Santé*, *Carnet de Vaccination*, *Carte du Centre Nutritionel*, *Carte de Suivi Tuberculeux*, and *Carte [du Soin] Natale*, so that medical care can continue throughout the process of repatriation.

E. **COMMUNITY SERVICES:** It is assumed that Unaccompanied Minors [UAMs] will be moved by the Community Services implementing partners of UNHCR sub- and field offices in countries of asylum to the borders with Rwanda; these UAMs, identified as such before the process of return begins, will be 'passed over' upon arrival to the Community Services implementing partners of UNHCR offices in Rwanda.

F. **PROTECTION:** It is assumed that UNHCR offices in countries of asylum will have liaised with security officials in the countries of asylum so as to ensure the safety and dignity of Rwandese as they cross back to Rwanda.

## SECTORS OF INVOLVEMENT IN THE EVENT OF MASS RETURN TO RWANDA:

### **FOOD**

Returnees passing through transit centres currently receive a **2 month** food ration.

When the rate of return surpasses 10,000 persons per day, returnees will receive a **1 month** food ration at the transit centre. The ration will be halved because, this rate of return being reached, many returnees will walk home and it is unrealistic to overload them with things to carry. The decision to move from a 2 month to a 1 month ration will be made by the representatives of UNHCR and WFP in Kigali, within the first twelve hours of the start of the emergency.

Given the difficulties associated with targeting food distribution to returnees in home communes, **every effort will be made to ensure the two month ration is given, even if returnee figures surpass the 10,000 persons per day limit.** Still, discussions continue between UNHCR with WFP to ensure that returnees, receiving the 1 month ration at transit centres, get the second month's ration in the reception centres of their prefectures of origin.

Reduction of the ration at one border point does not necessarily affect the levels of food distribution at other border points, where 2 month ration distributions are still manageable.

The normal and contingency rations distributed are:

Commodity	2 Month Ration (kg/person)	1 Month Ration (kg/person)
Maize Grain <sup>†</sup>	24.00	12.00
Pulses	7.20	3.60
Oil	1.20	0.60
Salt	0.30	0.15

<sup>†</sup> Maize grain may be substituted by Maize Meal, which rations are 21.6 and 10.8 respectively.

High-protein biscuits (HPB) are distributed to returnees in cases of prolonged stay at the transit facilities, because with no cooking facilities, this is the only way to provide food for them. In certain cases, HPB are also given to returning refugees in countries of asylum.

Current rations of High-protein biscuits distributed to returnees are:

Commodity	daily ration (kg/family of 5)
High-protein biscuits	1.5

WFP is responsible for providing food commodities required for distribution to returnees. It has already constructed mobile warehouses as close as possible to UNHCR transit centres, to serve as Extended Delivery Points (EDPs), and stocked them with food. UNHCR will take over the food from these facilities and organise, through its partners, final distributions to returnees in the transit centres. Current situation regarding the EDPs, as part of WFP's Phase 1 level of preparedness, is:

EDP	Capacity		Position as of 12/02/96	
	MTs	Beneficiaries	MTs	Beneficiaries <sup>1</sup>
Gisenyi	1,320	40,300	922	20,217
Cyangugu	770	23,500	586	17,071
Kibungo	310	9,500	234	15,700
Nyagatare	310	9,500	-	-
Butare	310	9,500	99	-
Gashora	40	1,200	-	-
Total	3,060	2 month ration - 93,500	1,841	2 month ration. - 52,988
		1 month ration - 187,000		1 month ration. - 105,976

<sup>1</sup> Represents the minimum number of people who can be assisted. (i.e. cereals for 500 rations, pulses 700 rations and oil 600 rations - common figure used for the EDP would be 500 beneficiaries).

In addition to these facilities, through parallel Phases 2 and 3, WFP is in a process of establishing central and rear supply bases in Kigali ville and Butare / Ruhengeri, respectively. At present, the existing transit centres stocks can be upgraded for an additional 15,000 food-rations (2 monthly) in a matter of hours and the remaining in-country stocks could, in case of emergency provide at least additional 99,409 food rations (2 monthly).

**WFP's current total capacity inside Rwanda:**

167,397 persons (for 2 month, normal ration)  
334,794 persons (for 1 month emergency ration)

Large food stocks of WFP are also stored at the regional warehouses in Isaka (Tanzania) and Kampala (Uganda), and as soon as the emergency stage of the operation begins, significant deliveries of food will be quickly directed towards transit centres and rear supply basis inside Rwanda.

Overall HPB stocks in Rwanda are:

WFP	45 MTs in Rwanda + 200 MTs - region.
UNHCR	24 MTs in Rwanda
UNICEF	24 MTs in Rwanda
Others	24 MTs in Rwanda
<b>Total in Rwanda</b>	<b>179 MTs = 125,000 persons for 10 days</b>

Two months after the repatriation, when the initially distributed food ration is consumed, all those in need of food will be incorporated in WFP's community orientated food-for-work

activities, and those unable to participate in such activities will be assisted through targeted assistance programmes for the vulnerable. Guarantees for the inclusion of returnees into the food-for-work schemes are still being finalised with the authorities.

## ***SEEDS AND TOOLS***

Once the returnees arrive in their communes, they will need seeds and agricultural tools. An initial distribution of essential seeds and one hoe will allow them to start agricultural activities immediately.

All returnees passing through transit centres will receive the following:

Vegetable garden seeds ( <i>maraichère</i> )	20 grams per family
Hoes	1 hoe per family of 1 - 5 2 hoes per family of 6+

Returnees arriving at planting seasons (February/March & September/October 1996) will, in addition to vegetable seeds and hoes, also receive the following:

Bean seeds	10 kilograms per family
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[The Food Security Unit [DGVIII] of the EU provides the largest part of 'humanitarian' seeds and tools to Rwanda; they give them both to UNHCR for distribution at transit centres, and to NGOs for direct distribution to returnees who settle directly in their communes of origin. The Food and Agricultural Organisation provides UNHCR with the vegetable garden seeds for distribution at transit centres.]

## ***LOGISTICS/TRANSPORT***

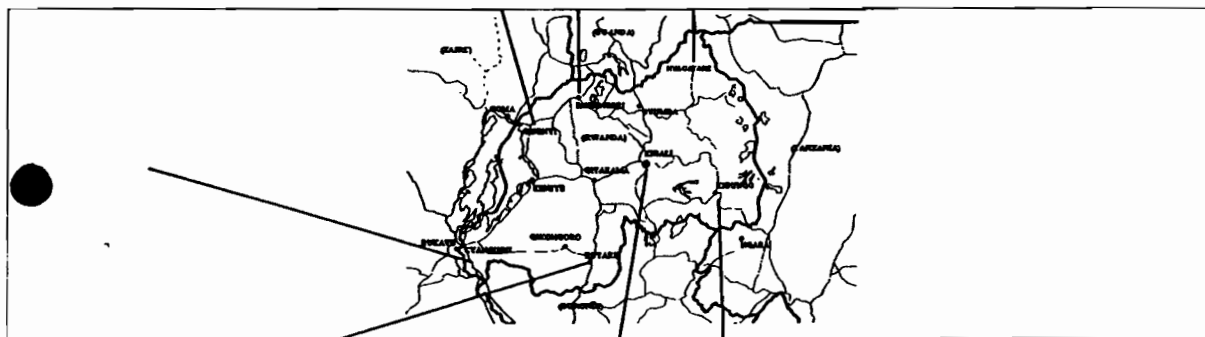
UNHCR has established a network of facilities serving each official border entry point into and each prefecture in Rwanda. This network, comprising transit centres and way stations, ensures that whenever and wherever assisted returnees enter Rwanda, UNHCR/IOM will receive them, transport them and thereafter ensure a safe and dignified passage home.

It is important to note that the repatriation process based on the transit centre system is a unitary one, meaning that returnees will always pass from one UNHCR transit centre to another until they reach the centre in their prefecture of origin. Once processed by local authorities there, returnees will proceed directly to their own homes.

A massive return to Rwanda will exert pressure at various points along the chain of transit

centres and way stations, with degrees of severity reflecting the returnees' prefectures of origin. In consequence, all of the resources which UNHCR has reserved for the repatriation process are directly and invariably linked with transit centres. *Absorption capacity*, on the other hand, is more immediately related to the reconstitution of services in the communities where they finally settle.

### Entry Points & Transit Centres : for Rwandese repatriating



- A. Gisenyi/Ruhengeri : from Goma, Zaire
- B. Cyangugu : from Bukavu and Uvira, Zaire
- C. Butare : from Northern Burundi
- D. Kigali rurale : from N.Burundi and Tanzania
- E. Kibungo : from N.Burundi and Tanzania
- F. Byumba: from Uganda, Tanzania and Zaire
- G. Kigali ville: all countries of asylum
- H. Kibuye ville: from Zaire and N.Burundi

#### I. Existing Entry Points

- A. Gisenyi ville (Gisenyi)
- A. Cyanika (Ruhengeri)
- B. Rusizi 1 & 2 (Cyangugu)
- C. Kanyaru Haut (Butare)
- D. Gasenyi (Kigali rurale)  
[1500]
- E. Rusumo (Kibungo)
- F. Kagitumba (Byumba)
- F. Gatuna (Byumba)

#### III. Existing Transit Centres. [capacity:

- a. Nkamira (Gisenyi). [3000
- a. College (Gisenyi). [10,000
- a. Adventist U. [20,000 = reserve
- b. Nyagatare W. (Cyangugu). [5000
- b. Nyarushishi (Cyangugu). [10,000
- b. Bugarama (Cyangugu). [1000
- c. Butare (Butare). [1500
- d. Dihiro (Kigali rurale).
- e. Nyakarambi (Kibungo). [1500
- e. Birenga (Kibungo). [1700
- f. Nyagatare E. (Byumba). [2000
- g. Runda (Kigali ville). [4500

**II. New Entry Points:**

A. Mutovu (Gisenyi)

*reserve*

B. Bugarama (Cyangugu)  
*opened*

[ F. Trans-Akagera entry,  
for returnees from Karagwe;  
*expanded*  
to be negotiated ]

**IV. New Transit Centres (1996)**

a. Nkamira (Gisenyi). *expanded*  
a. College (Gisenyi). *reopened*  
a. Adventist U. (Gisenyi). *in*

b. Bugarama (Cyangugu).

b. Nyarushishi (Cyangugu). *opened*  
c. Butare ville (Butare). *expanded*  
*/will relocate*

e. Nyakarambi (Kibungo).

f. Byumba ville (Byumba). *opened*  
g. Kigali ville. *relocated/expanded*  
h. Kibuye (Kibuye ville). *opening*

## Transit Centres Basic Activities and Implementing Partners

Center	Registration	Distribution	Shelter	Water / Sanit.	Health	UAMs	Management
Nkamira	gvt/hcr	coopi	coopi	coopi	msf-b	scf/icrc/fhi	coopi
College	gvt/hcr	-	coopi	coopi	merlin	scf/icrc/fhi	coopi
Adventist U.	gvt/hcr	-	-	-	-	scf/icrc/fhi	-
Mukungwa WS	(na)	world vision	hcr	hcr	msf-h	scf/icrc	hcr
Nyagatare W.	gvt/hcr	irc	irc	irc	irc	scf/icrc	irc
Nyarushishi	gvt/hcr	concern	concern	irc	msf-e	scf/icrc	concern
Bugarama	gvt/hcr	concern	concern	irc	msf-e	scf/icrc	concern
Butare	gvt/hcr	coopi	coopi	coopi	msf-b	scf/icrc	coopi
Runda	gvt/hcr	concern	concern	concern	sdr	scf/icrc	concern
Dihiro	gvt/hcr	irc	irc	irc	zoa	scf/icrc	irc
Cyonyo	gvt/hcr	lwf	lwf	arc	arc	scf/icrc	arc
Byumba	gvt/hcr	goal	goal	goal	goal	scf/icrc	goal
Nyakarambi	gvt/hcr	aef	aef	aef	aef	scf/icrc	aef
Birenga	gvt/hcr	irc	irc	irc	imc	scf/icrc	lwf
Kibuye	gvt/hcr	-	sdr	sdr	-	scf/icrc	-

**Transport:**

Trucks and buses serving the repatriation operation total 154 vehicles, as follows:

UNHCR assets	Number	Carrying capacity
Trucks	58	2,690 persons
Buses	22	880 persons
sub-total / UNHCR	80	3,570 persons

**IOM assets**

Trucks	50	1,750 persons
sub-total / IOM	50	1,750 persons

**UNAMIR assets**

Trucks †	24	600 persons
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† These trucks will stay in Rwanda after the departure of UNAMIR

TOTAL assets	Number	Carrying capacity
Trucks and Buses	154	5,920 persons

Upon demand, as many as 25 trucks -average 10MT capacity- will be contributed to the operation by the EU for transport of non-food items.

The 154 vehicles are allocated as follows:

Goma -> Gisenyi	40 vehicles
Bukavu/Uvira -> Cyangugu	33 vehicles
N.Burundi -> Butare	21 vehicles
N.Burundi -> Gashora	15 vehicles
Ngara -> Kibungo	24 vehicles
Runda (Kigali ville) for Rwanda interior	20 vehicles
Antennæ: Nyagatare, Gitarama, Gikongoro, Kibuye	9 vehicles
UNUSABLE: workshop, off-road, support missions & on loan to HCR Ngara + HCR Goma	32 vehicles



## Total Capacity by Region:

[Goma-]	GISENYI	3000 persons / day
[Uvira/Bukavu-]	CYANGUGU	1000 persons / day
[Burundi-]	BUTARE	700 persons / day
[Burundi-]	GASHORA	300 persons / day
[Ngara-]	KIBUNGO	2000 persons / day

In the event of a mass influx of 10,000 or more persons per day, it is assumed that 30% - 50% of returnees will require transport, and the remainder will walk home. Permission to walk will have to be secured in advance from Rwandese security authorities, who currently escort all returnees from points of entry to home communes.

**40 additional trucks** will have to be rented to allow 6000 persons to be transported per day -to replace those which are unusable/off-road at any given time.

**100 additional trucks** will have to be rented to increase transport capacity to a total of 10,000 persons per day.

In an emergency, UNHCR will find itself competing with WFP for trucks in the Kampala rental market, probably raising the rental price above the current (and already-inflated) daily rate of USD 300.

In order to maintain a steady flow of movement from border points through transit centres onward to home communes, the following measures have been or will be adopted:

1. Border Points
  - UNAMIR vehicles will be used as a shuttle service for transporting vulnerable persons from border points to transit centres.
  - UNAMIR vehicles will be driven by UNAMIR personnel; the vehicles will be refueled and serviced at UNAMIR facilities in the area.
  - UNAMIR vehicles will be tasked by IOM/UNHCR field personnel, who will also supervise loading and unloading.
2. Transit Centres
  - Loading and unloading sites at transit centre must be well separated.

- These sites must be large enough to accommodate between 10 - 20 vehicles at any one time.
- Food and non-food items should be distributed on the afternoon of the day of arrival at the transit centre, or by 0600h of the following day. This will allow the first group of trucks to leave the transit centre for communes of origin by 0900h.
- Returnees should be lodged at transit centres according to their communes of origin; first priority for departure will be given to those commune groups whose numbers are greatest, and access to whose communes is easiest.
- Returnees should stay at transit centres for no longer than 48 hours
- Shelter, health services, water points, latrines and HPB will be located at all way stations.

### 3. Way Stations

- HCR/NGO vehicles will pass these way stations on a regular basis to pick-up medical cases and other vulnerables for onward transport to health centres/hospitals or home communes, as appropriate.

### ***ADDITIONAL TRANSPORT ISSUES:***

- Prearrangement with UNAMIR for redirection of helicopter services for benefit of UNHCR and other emergency staff
- Protocol for calling transport from one 'side' of the country to another (eg. Gisenyi vs. Cyangugu, or Zaire vs. Tanzania)
- Protocol for transport involving "cross-border" operations (e.g. Rwanda-Burundi, Rwanda-Tanzania, Rwanda-Zaire)
- Protocol for prioritizing transports requests (e.g. priority 1- passengers, priority 2 - food, priority - 3 non-food ?)

## **FUEL**

Fuel stocks are allocated within Rwanda as follows:

Site	Purpose	Quantity	Storage
Kigali ville	operations (with BDA)	66,000 lt	36k semi-mobile tanker + 2 x 18k mobile tankers
	operations (with BDA)	10 - 15,000 lt	ground storage tank
Kigali ville	contingency (with LWF)	10,500 lt	210 lt drums
	contingency (with ADRA)	5,000 lt	ground storage tank
Field Offices	operations (with HCR)	18,000 lt	diesel tank (at each field office)
Field Offices	contingency (with HCR)	5,250 lt	210 lt drums (at each field office)
Antennæ	operations (with HCR)	2,000 lt	barrels
Antennæ	contingency (with HCR)	1,050 lt	barrels
<b>Total Operational stocks</b>		<b>159,300 litres</b>	
<b>Total Contingency stocks</b>		<b>39,650 litres</b>	

Current consumption in all Rwanda for the repatriation operation is approximately 7,000 litres per day. Existing stocks are enough to run it for 8-10 days. Consequently, once contingency stocks are employed, an order for additional fuel will be made immediately. The Working Group recommended the establishment of a permanent fuel stock, of at least 100,000 litres, in Kampala. Given the need to 'rotate' fuel, this stock may be a reserve 'call' within a commercial contract.

It is assumed that NGOs -both implementing partners of UNHCR and those operating independently- will take responsibility for their own fuel; **UNHCR will not supply fuel from its contingency stocks to NGOs in the event of an emergency.**

## ***DOMESTIC NEEDS***

The following non-food items will be distributed to returnees passing through transit centres, To a family of:

1-2 persons	1 plastic sheet 1 blanket 1 Jerry can 1 bar of soap
3-5 persons	1 plastic sheet 2 blankets 1 jerry can 1 bar of soap
6+ persons	2 plastic sheets 3 blankets † 2 jerrycans 2 bars of soap

† 4 blankets for family of 8 - 9 persons  
5 blankets for family of 10+ persons

Plastic mats and kitchen sets will only be given to selected vulnerable families, at the discretion of the field community services officers.

## ***WATER & SANITATION***

Returnees, whether passing through transit centres or proceeding directly to their homes, will have access to 5 litres / per person / per day over the course of repatriation.

Water and proper sanitation facilities are guaranteed for the stated capacity of the transit centres. Expansion of water and sanitation facilities when necessary at transit centres will be done through the supply of bladders and tap stands from the UNHCR contingency stock.

UNICEF will provide emergency assistance to HCR to support their operations in:

- Delivery, pumping and distribution of potable water;
- Installation of storage and distribution systems;
- Provision of chemicals and equipment for water purification;
- Provision of family water storage equipment (jerry cans);
- Construction of latrines - provision of plastic sheeting.

In the event of massive return, 2m<sup>3</sup> metallic tanks will be installed every 5 - 7 kilometers along the axes of return. The following NGOs are responsible for installation of tanks and latrines within 48 hours of the start of the emergency:

**Gisenyi - Ruhengeri axis:**

COOPI [nr.Mutovu - College - Nkamira - Nkuli - Mukamira - Mukingo - Ruhengeri - Mukungwa]

**Bugarama - Cyangugu axis:**

IRC [Bugarama - Rutambano - Cyimbogo - Cyangugu]

**Cyangugu - Nyungwe forest axis:**

IRC [Kilometres 7 - 15 - 22 - 27 (Ruvumbo) - 32 - 46]

**Nyungwe forest - Gikongoro axis:**

**Gikongoro - Butare:**

OXFAM [tba]

**Gasenyi - Dihiro axis:**

IRC [Kilometres 1 - 8 - 15]

**Rusumo - Nyakarambi axis:**

IRC [tba]

OXFAM [Rukira - Kabarondo]

Among the pieces of water equipment available in country for an emergency are:

**TANKERS:**

Source	Capacity	Quantity	Location
UNHCR Rwanda	19,500 lt	6	Rwanda
UNHCR Tanzania	15,000 lt	4	Ngara (for use in Zaire influx only)
UNAMIR Rwanda	20,000 lt	10	Kigali (released on formal request)
ICRC Rwanda	10,000 lt	1	Kigali (released on formal request)
UNHCR/BDA	10,000 lt	?	lorry-mounted bladders

**BLADDERS & TAPSTANDS:**

There are numerous bladders, ranging from 500 to 20,000 litre capacities, many with accompanying tapstands, in Rwanda. Agencies, by prior agreement with UNHCR, have agreed to put them at UNHCR's disposal in the event of an emergency. These agencies are:

Concern

Cooperazione Internazionale (COOPI)

International Rescue Committee (IRC)

International Committee of the Red Cross (ICRC)

Medecins sans Frontières Belgium (MSF.B)

OXFAM

UNICEF

Prior allocations, by region or by nature of equipment, have been made in the HACU water & sanitation cell.

**TECHNICAL PERSONNEL**

There are tens of water & sanitation expatriate water & sanitation engineers in Rwanda affiliated with partner NGOs. These personnel will also be made available to UNHCR and deployed, by location and expertise, in the event of an emergency.

## ***HEALTH***

### **ENTRY POINTS:**

Each UNHCR health implementing partner will maintain the following personnel at entry points in the event of an emergency:

- 1 physician or experienced nurse
- 2 auxiliary nurses (for screening and treatment)
- 2 local logisticians (for distribution of biscuits)
- 1 ambulance driver

This staff will have the following materials at hand:

*Malle d'urgence* (now prepositioned at border points and transit centres)

Jerrycans

BP5/HPB (300g/pp)

Water points

The gravely ill will be transported directly from the border to the nearest *centre santé* or district hospital, under escort. Vulnerable individuals will also be transported, see below page 24, UAMs section.

UNICEF in close collaboration with the MINISANTE/Region Sanitaires and WHO will:

- Ensure that children are immunized and that vaccinations are recorded on health cards;
- Provide ORS to the general population and to the health services;
- Provide measles vaccines and vaccination equipment and, as needed, meningitis vaccines;
- Provide technical health and epidemiological expertise as required;
- Contribute to the availability of high energy food supplements;
- Assess and monitor the nutritional state of children and women;
- Will provide technical assistance to other aid organisations in setting nutritional rehabilitation and supplementation centers;
- Make available nutritional supplements (high energy biscuits, high energy milk);
- Provide, as required, cash and material in support of nutritional rehabilitation efforts;
- Provide training in nutrition assessment and rehabilitation, as required. (UNICEF)

### **TRANSIT CENTRES:**

Each UNHCR health implementing partner will maintain the following services at transit centres; health centres at transit camps will be clearly marked:

- Screening: of all returnees for inter alia severe diarrhea, severe malaria, dehydration, pregnant women in their last trimester, tubercular cases (with card), traumatised cases, wounded
- Vaccination: of all returnees aged 6 months-14 years for measles depending on history (*Carte de Vaccination*)  
Vaccine stock management: MEDIRESA and UNICEF  
Vaccinators: UNHCR health implementing partner
- Basic Care: Pharmacy (WHO basic kits prepositioned)  
Observation room (maximum 24 hour occupancy)  
Ambulance and driver  
Therapeutic feeding centre (where necessary)
- Control of epidemics: Meningitis: vaccine to be procured by UNICEF/MINISANTE  
chloramphenicol (oil) to be procured by OPHAR (WHO will contribute to make stock available to OPHAR)  
Bloody diarrhea: nalidixic acid/cyprofloxacin by OPHAR (WHO will contribute to make stock available to OPHAR)  
Epidemiological surveillance of the trend to be carried out by WHO, which will also provide guidelines and ensure proper case management.

These services will be provided using the following, minimum staff levels, at each transit centre:

- 1 physician or experienced nurse
- 1 auxiliary nurses (for treatment)
- 1 health auxiliary (for observations, dressings, etc.)
- 1 health auxiliary (for pharmacy)
- 1 expatriate logistician
- 1 ambulance driver

This staff will have the following materials at hand:

- Basic kits (now prepositioned at border points and transit centres)
- Dispensary kits
- Surgical kits
- Basic delivery kits
- ORS
- BP5/HPB (300g/pp)
- Vaccines



### **DISTRICT HOSPITALS:**

The following NGOs are responsible for support to district hospitals in areas where Transit Centres are located:

Gisenyi: German Emergency Doctors  
 Kibuye: Swiss Red Cross (temporarily)  
 Cyangugu: Norwegian People's Aid/MSF-España  
 Butare: MSF-Belgium  
 Nyamata: Medicos en Catastrofe  
 Kibungo: Foreign Aid Mission of China  
 Nyagatare: Norwegian People's Aid  
 Byumba: AMREF

The collection and distribution of epidemiological data generated by a massive influx is the responsibility of the Mediresa representative in each area.

### **AT ALL POINTS (entry points, transit centers)**

WHO will reinforce UNHCR's technical support collaboration with UNICEF in order to facilitate an efficient and coordinated response in the health sector. Actions by WHO will include the following:

- Epidemiological survey, prevention and control of epidemics, procedures and tools for the collection of data, establishment of statistical data and information in view of early warning
- Evaluation of needs for technical material and supplies.
- Facilitate coordination of operations by the Ministry of Health and its regional structures. In addition to WHO staff Rwanda, resources will be available for the recruitment of additional staff and material support to the Ministry of Health

### ***UNACCOMPANIED MINORS [UAMs]***

(Enfants non accompagnés - ENA)

### **TRACING / FAMILY REUNIFICATION**

It is assumed that 50% of the potential returnees are children and many are extremely vulnerable. It is estimated that 30% of all refugee children are in families headed by single women, others are in children centers or being care for by foster families. The Rwandan

Government has identified 7 vulnerable groups as per the Plan of Action submitted to the Round Table for Donors pledges.

UNHCR is implementing country wide programs in favor of UAMs and vulnerable groups in close cooperation with the line Ministries and UNICEF. A tracing programme for family reunification is implemented upon arrival of returnees at border entry points. The current capacity country-wide for the accommodation of UAMs is:

<b>Existing capacity for UAMs in transit centres :</b>	<b>1250 children</b>
<b>Existing capacity in other institutions:</b>	<b>2190 children</b>

SCF/UK, working together with ICRC, coordinates the registration, active tracing, placement and family reunification of all unaccompanied children arriving in Rwanda. The agency's field staff have been trained to deal with mass influxes, including emergency registration and emergency tracing -including photo tracing- for unaccompanied minors.

Programme guidelines to prevent separations have been distributed to all transit centres.

Throughout 1995, WFP regularly provided food for most of the country's hospitals, institutions for unaccompanied minors and supplementary feeding centres for the malnourished. Following the repatriation, all those who are placed in, or assisted through such institutions already supported by WFP, will also receive food-aid.

UNICEF has limited field presence, with a single field office in Butare. Consequently, assistance with respect to UAMs in the emergency phase should likely focus on ensuring that there are sufficient placement arrangements for children caught in a mass influx. Ensuring care and placement of children in the medium and long terms should be coordinated by UNICEF with the Government of Rwanda.

The UNICEF CEDC (Children in Difficult Circumstances) section in close collaboration with the government/NGOs will:

- Dispatch UNICEF staff members to the site to assess the needs of CEDC and coordinate the emergency activities of UNICEF assisted NGO counterparts;
- Organise an on-site monitoring and reporting system for all UAM activities;
- Ensure, in collaboration with government partners, that community services workers from the community itself, government or NGOs are in place to identify and aid children in need of protection and care;
- In collaboration with the government, coordinate inter-agency responses for unaccompanied and other children in need of special protection and care;
- Identify and support collaborating partner agencies in the provision of services for

**CEDC;**

- Provide whatever support is required (advocacy, policy guidance, technical advice, financial support) to ensure that an active tracing and reunification programme is immediately initiated;

- Arrange, in collaboration with UNHCR, ICRC and partner NGOs, for unaccompanied children whose families are not identified immediately, to be photographed for tracing and documentation purposes;

- Provide goods and materials to ensure that survival needs of unaccompanied children are met;

- Mobilize trained personnel to aid children and their care-givers who need special psychological and social assistance.(UNICEF)

**TRANSPORT OF VULNERABLES:**

Transport from border entry points to transit centres and from transit centres to home communes will be guaranteed to persons whose lives would be endangered by having to walk. Those eligible for this transport -arranged in coordination with IOM- include the:

elderly

physically disabled

pregnant women in their last trimester

post-natal women, 1-3 weeks after giving birth

acutely ill or malnourished

mentally ill

UNHCR health implementing partner staff, in coordination with UNHCR field offices, will determine who needs to be transported, in the course of the first *triage* at entry points.

One adult will accompany vulnerable children and vulnerable adults during transport.

Exceptions will be made when the remaining family members (ie. women alone with several small children). Minimal luggage will be put on special transport vehicles; the rest of the family will walk with the vulnerables' possessions. Clear information will be provided to the (walking) family where they can rejoin the transported vulnerables.

## ***PROTECTION***

### **Rwandan security:**

At present, the initial screening of returnees is carried out by security services (RPA, *gendarmerie*) at border points or, in the case of Dihiro (Kigali rurale) and Nkamira (Gisenyi), at transit centers.

UNHCR is giving the Joint Commission, for distribution to the *gendarmerie*, 25 escort vehicles, security and communications equipment, which are expected to speed up the process of movement of returnees through the system. Currently, all returnees are to be conveyed to transit centres in UNHCR transport for baggage search and other formalities; none are permitted to proceed directly to their homes.

### **UNHCR**

Monitoring will be strengthened at border points, and continue through to communes of origin. UNHCR presence at the borders and transit centres will also ensure that the return in dignity and security of returnees is respected by Rwandan authorities. Monitoring will include identification of needs within communes/secteurs which could lead to problems at the local level (health, food security, sanitation, shelter etc) as well as traditional monitoring of the safety and dignity of returnees.

The number of registration clerks at transit centres will be increased to expedite the registration procedures of returnees. This process is important for two reasons: control of material assistance received and collection of data for monitoring purposes. In key entry point locations, UNHCR has 50-100 standby registration clerks to assist in the event of a mass influx. Should the rate of return exceed even their capacities, registration will be suspended.

### **HRFOR (*Droits de l'Homme*)**

HRFOR will keep its presence at the border at a minimum and rely principally on UNHCR to provide statistics and other relevant information on returnees and their communes of origins, to enable HRFOR to concentrate its efforts at the commune level. HRFOR's presence at the border or transit centers, will be to work closely with the authorities to ensure that any security screening of refugees is in accordance with due process of the law and subsequently to ensure that the rights of any detained persons are respected.

At the commune of origin, HRFOR will monitor the well being of returnees including through establishing regular contact with local authorities to determine the progress and reintegration of returnees in terms of security and needs. In this regard, HRFOR will endeavor to facilitate the flow of information to the relevant organisations competent to address the material or institutional

needs at the commune level. By concentrating its efforts at the communes of origin, HRFOR will also provide a regular presence at the communes to foster confidence amongst the population and between the returnee population and the local authorities.

## **MASS INFORMATION**

The main objective of the Mass Information campaign in the event of a mass influx will be to advise refugees and returnees of entry points, formalities at the border, transport facilities, and monitoring activities; in sum, all of the elements in place in Rwanda to facilitate repatriation.

Specifically, emergency 'spots' will be produced by Mass Information teams about

- entry points and transit centres
- registration procedures
- monitoring in communes
- UAMs & vulnerables
- food and water & sanitation
- search procedures
- transportation

A 'spot' involves 3-5 minute radio programmes in Kinyarwanda, broadcast intensively on existing stations in countries of asylum, e.g. Radios Agatashya, Goma/OZRT, Bukavu/OZRT, Mandaleo and Kahuzi/Bukavu, and on Radio Rwanda. Radios Agatashya and Rwanda have already been approached. These spots may also be broadcast in camps and at entry points using a Public Address system [a cassette player hooked to loudspeakers]. Video spots will also be produced, if possible.

## **COMMUNICATIONS**

Communications systems are in place at all official entry points to communicate with UNHCR operations center in Kigali. MINIREISO also has established communication with some the entry points. UNHCR Kigali will coordinate communications to and from the field with HACU, MINIREISO.

## MANAGEMENT

In constant contact and coordination with HACU, the UNHCR Representative will ensure that a regular assessment of equipment and supplies is carried out to enable fast response to field needs to respond to the emergency.

Additional UNHCR staffing needs will be met through redeployment of staff in the region and deployment of additional staff from the emergency roster at Headquarters.

During the emergency, the UNHCR Representative, Deputy Representative, Assistant Representative Protection will cover: Policy, Government Relations, Inter Agency Policy Coordination, Donor relations and PI Policy; as well as ensuring policy support and guidance to the Emergency Operations Cell.

An Emergency Operations Cell [EOC] will be set up in the UNHCR Kigali Conference Room, and will be the focal point for all operational support and assistance. The members of the EOC will normally be staff already at post in Rwanda.

### Core staffing

- . Coordinator (Rwanda operation)
- . Regional Liaison Officer
- . PI Officer/Reports Writer
- . Logistics Officer
- . NGO Liaison Officer (HCR staff member)
- . Programme Officer
- . Admin/Secretarial staff (and equipment)

There will be focal points for :

- . Health
- . Water
- . Community Services
- . Protection
- . Security
- . Logistics/Transport

It is expected that these staff will be mainly in the field dealing directly with problems, but will remain in contact with, and report to, the operations cell. If required, these staff may be based in the cell part-time.

There will be close coordination, if required within the Operations Cell, with focal points in

WFP, UNICEF, ICRC, UNHRFOR, UNAMIR, IOM, WHO and other UN bodies.

There will be daily briefings for all key staff each evening, with a morning meeting called when necessary.

Daily sitreps will be sent to Headquarters, and copied to all offices in the region.

Offices in countries of asylum will appoint a regional focal point to ensure that information is urgently shared with Kigali and other offices involved.

### **COORDINATION:**

In the event of a massive influx, the 'centre of gravity' -for coordination and decision making- moves instantly to the office nearest to the emergency itself, while head offices in the capital and in headquarters provide back-up support and supplementary information both 'up' and 'down' the chain. Coordination systems, involving government officials, UN agencies and NGOs, have developed throughout Rwanda over the last 18 months to deal with both emergency and purely developmental issues; these systems will serve as the core of coordination and decision-making in the implementation, and modification, of this contingency plan. Specifically, and in order of importance, they are:

#### ***Commune level:***

Each commune in Rwanda has established a working shelter committee, comprising local communal officials, representatives of MINIREISO and other technical ministries, UNHCR field officers and NGO staff where present. These committees will reorient themselves, in an emergency, to deal with the issues generated by an influx. These will include not only shelter - although shelter is of central importance- but all aspects related to the early reintegration of returning refugees in their communes of origin.

#### ***Prefecture level:***

Once the emergency has started, UNHCR and the local representatives of MINIREISO convene a cellule d'urgence under the chairmanship of the Prefect. This group, which normally meets every day consists of representatives of all the groups involved in the humanitarian operation: Rwandese and international. In these meetings, priorities are identified by sector and by geographical location, and assignments for coverage and follow-up are given.

The press is normally excluded from these meetings, although press conferences are often held afterwards.

*National level:*

Support for field emergency operations is provided through the appropriate SECTORAL CELLS of the HACU at MINIREISO. The frequency of co-ordination meetings of relevant SECTORAL CELLS will be increased. The importance of HACU is magnified should the emergency develop in more than one prefecture -when the prioritization of resources will have to be made at a central level. HACU is also implicated in maintaining the balance between immediate interventions and the precedents they set, and between short-, medium-, and long-term humanitarian assistance to Rwandese returnees in particular and Rwandese collectively. The dissemination of information, including identified gaps in handling the emergency will be carried out through GOR/UN/NGO meetings called by HACU and co-chaired by MINIREISO and UNHCR in its capacity as the lead agency for the repatriation.

*UN Humanitarian Coordinator*

The Humanitarian Coordinator will ensure that effective inter-agency coordination within specific sectoral areas is undertaken by all UN agencies. In this regard, selected specialists from relevant agencies and implementing partners will form part of the various technical cells at HACU, to be able to address the special needs of the emergency in close coordination with the government and to ensure that the overall needs of the operation are met.

The Humanitarian Coordinator will convene special sessions of the UN heads of agencies, relevant heads of implementing partners, a government designated representative and the specialists from relevant agencies working at various technical cells at HACU to exchange information on developments and advise on further action required.

The UN Humanitarian Coordinator will be assisted in his tasks by a support structure of staff provided by DHA and seconded by UN agencies: Head of Unit (UNHCR), Information Officer (DHA), Emergency Response Officer (DHA), NGO liaison Officer (ICVA), Resettlement/Reintegration Officer (UNDP) as well as support staff. The following staff will be seconded on a part-time basis: Food Distribution Coordinator (WFP), Vulnerable Group Assistance Officer (UNICEF), Health Programme Officer (WHO), Refugee Movement Coordination Officer (IOM), Agriculture and Livestock Coordination Officer (FAO), Human Rights Monitoring Officer (HRFOR).

The Humanitarian Coordinator will also act as a focal point for discussions regarding policy issues of inter-agency concerns and as an interlocutor with the relevant government authorities for resolution of such matters.



**Joint Commission on Repatriation and Reintegration of Rwandese Refugees**

The Commission is responsible for overall policy on repatriation of refugees and their integration/resettlement. It will be called upon to intervene in streamlining border entry and transit procedures, in ensuring smooth and rapid transfer of returnees to their communes of origin and in resolving operational difference when they arise. In this regard, all policies on repatriation including the security of returnees, arrest and detention policy relating to returnees, should all be addressed by the Commission so that there is a cohesive policy guidance to enable UN agencies to act in an emergency in close cooperation with the Government of RWANDA. In this regard, UNHCR as the only UN Agency participating in the Commission, will also act as a focal point between the UN agencies and the Government of Rwanda on repatriation policy and operational issues.



## UNAMIR - MINUAR

**"NOTE FOR THE EXECUTIVE DIRECTOR"**

The Heads of Agencies meeting was attended by me at the UNDP Conference Room on Wednesday, 31 January 1996.

The agenda for the meeting mainly covered an up date on refugee repatriation, the security situation and arrangements with regard to the forthcoming Round Table Conference to be held in Geneva.

Mr. A. Mahiga, Coordinator for Rwanda/Burundi Emergency Unit based in Geneva, who was in Kigali on a visit, said that Zaire had advised, following an agreement at the Tripartite Commission held in Geneva between Zaire/Rwanda/UNHCR on 20 December 1995, that it was going along with closure of refugee camps and would start with the closure of one camp in Northern Goma and then another one in Bukavu; that this exercise would start any time from 1 February 1996.

He also said that the Rwandese Government has been advised for that decision by Zaire and that the Government of Rwanda had accepted to make all necessary preparation to receive refugees provided they would arrive in an orderly manner.

The Rwanda Government has also been requested to conduct mass information campaigns of inviting the refugees to come home. It was further agreed to send some Rwandese officials to the camps in Zaire to go and speak to the refugees provided these Rwandan officials were invited by the Zairian Government.

UNHCR believes that the operation would be carried out in an orderly manner to ensure the voluntary nature of the repatriation.

Mr. W.R. Urasa, UNHCR representative to Rwanda, said that substantial preparations had been made and were being made inside Rwanda, so as to be able to receive large number of refugee.

The representative of the International Criminal Tribunal for Rwanda informed the participants about the incident of harassment and beating of the Tribunal staff members by RPA officials at a road side checking point near Trafipro. He said that a protest note has been lodged with the Rwandan Government and the Tribunal has been assured by the latter to seriously investigate the matter and strict action would be taken against the wrong doers.

Mr. Babacar Cisse representing the UNDP briefed the member about the forthcoming Round Table Conference in Geneva and advised all concerned to submit their recommendation and suggestions in the next Wednesday meeting.

  
Javed A. Khan 612

Political Affairs Officer

## COMMUNIQUE CONJOINT

Conformément aux conclusions de la première réunion de la Commission Tripartite qui s'est tenue le 25 septembre 1995, les trois parties se sont réunies à l'invitation du Haut Commissaire, Madame Sadako Ogata, le 20 décembre 1995 à Genève. La délégation rwandaise était dirigée par Monsieur Patrick Mazimhaka, Ministre de la Réhabilitation et de l'Intégration Sociale. La délégation zaïroise était conduite par Maître Gérard Kamanda wa Kamanda, Vice-Prmier Ministre, Ministre des Affaires Etrangères. L'objectif de la réunion était d'évaluer les progrès accomplis en matière de rapatriement des réfugiés rwandais du Zaïre.

Les trois parties ont réitéré le principe selon lequel le rapatriement constitue la seule solution viable au problème des réfugiés rwandais et que cette solution devrait être trouvée dans le juste respect des principes inscrits dans l'Accord Tripartite signé le 24 octobre 1994 à Kinshasa entre le Rwanda, le Zaïre et le HCR, la déclaration du Sommet de Nairobi sur le Rwanda du 7 janvier 1995, le Plan d'action de la conférence de Bujumbura du 17 février 1995, la déclaration du Sommet du Caire du 29 novembre 1995.

Les trois parties, après avoir examiné les difficultés qu'elles ont rencontrées dans la poursuite de l'objectif de rapatriement massif et volontaire, ont exprimé leurs vives préoccupations devant la chute significative du nombre de rapatriés au cours de ces derniers mois et ce, en dépit de leurs efforts et des activités de promotion entreprises par le HCR.

Les parties ont réaffirmé les engagements pris lors de la session de septembre 1995 à Genève et de Gisenyi en octobre 1995, et ont convenu de la nécessité de prendre des mesures de nature à donner un nouvel élan au retour des réfugiés dans leur pays d'origine.

Les parties ont convenu dans le respect du caractère volontaire, de procéder à un rapatriement ciblé, visant la fermeture progressive des camps de réfugiés au nord et au sud Kivu et le rapatriement des réfugiés de ces camps vers le Rwanda. Au sein de chaque camp devant être fermé, il sera procédé à l'éloignement de ceux qui intimident et au rapatriement des réfugiés en groupe.

Dans le cadre des mesures incitatives au rapatriement que chaque partie s'est engagée à prendre, le HCR assurera la coordination des modalités pratiques relatives à la fermeture des camps et au rapatriement des réfugiés ainsi qu'à l'identification avec le Gouvernement concerné des priorités concernant les camps à fermer.

- Le Rwanda a confirmé sa volonté de continuer à créer les conditions de sécurité, à renforcer les structures d'accueil et de réception des réfugiés et à poursuivre en collaboration avec le HCR la campagne d'information dans les camps de réfugiés et les communes d'origine, et de faciliter les visites transfrontalières.

- Le Zaïre, quant à lui, a confirmé sa volonté de poursuivre jusqu'à terme les opérations d'éloignement de ceux qui intimident les réfugiés dans les camps.

- Le HCR continuera à mettre à la disposition des parties rwandaise et zaïroise les moyens logistiques et l'assistance nécessaire à la réalisation du rapatriement.

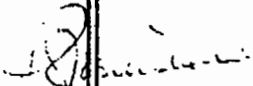
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Les parties sont convenues de l'utilité des réunions d'évaluation de la Commission Tripartite et ont décidé d'en tenir une prochaine, dans les plus brefs délais.

Fait à Genève le 20 décembre 1995, en français et en anglais. Le texte en français faisant foi.

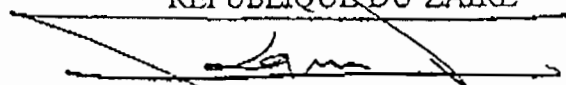
POUR LE GOUVERNEMENT DE LA  
REPUBLIQUE RWANDAISE



Patrick Mazimhaka

Ministre de la Réhabilitation  
et de l'Intégration Sociale

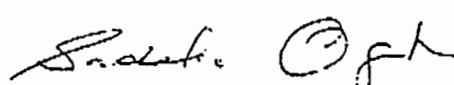
POUR LE GOUVERNEMENT DE LA  
REPUBLIQUE DU ZAIRE



Gérard Kamanda wa Kamanda

Vice-Premier Ministre  
Ministre des Affaires Etrangères

LE HAUT COMMISSAIRE  
DES NATIONS UNIES POUR LES REFUGIES



Sadako Ogata

Important document  
No role for UNHCR!  
Σ

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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

- (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;

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.



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.

## 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 return of returnees in their communities of origin. It shall ensure

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

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

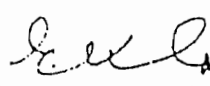
The present Agreement may be amended by mutual agreement between the Signatories.

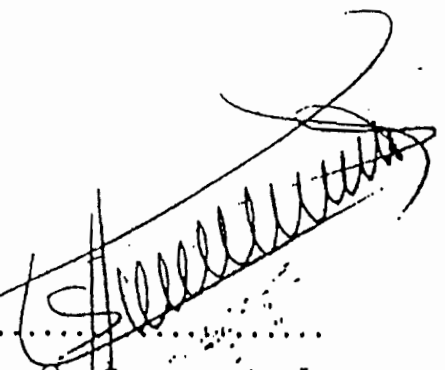
Article 31

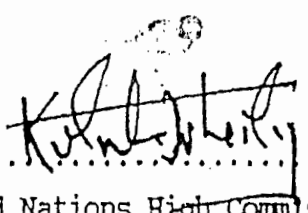
The present Agreement shall remain in force until it is terminated by mutual agreement between the Signatories or upon the issuance of written notice of termination by one Signatory to the other Signatories, which notice shall become effective at the end of ninety days from the date of issuance.

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

Done at DSM....., this 12<sup>th</sup> 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



**RECENT POSITIVE AND NEGATIVE DEVELOPMENTS IN RWANDA**

**Positive**

JUNE 1995

- 02/6/95 - a joint commission comprised of senior representatives from UNAMIR, the ICRC, the offices of the President and Prime Minister, and various other Government ministries, held its initial meeting to discuss measures aimed at improving conditions in Rwandese prisons.
- 05/6/95 - Radio Rwanda reported that following the Rwandese Prime Minister's visit to Burundi, a joint communiqué was signed between the Governments of Rwanda and Burundi whereby Rwandese Government officials would visit the Rwandese refugee camps in Burundi to urge the estimated 200,000 Rwandese refugees located there to return home.
- 06/6/95 - according to Radio Rwanda, the Rwandese President visited Gisenyi along the Zairean border where, in a public speech, he urged Rwandese refugees in neighbouring countries to return home. He also condemned Rwandese Government soldiers responsible for committing acts of insecurity in the country.
- 09/6/95 - The Ministers of Defence of Burundi, Rwanda and Zaire met at Bujumbura and agreed to organise joint border patrols and implement other measures to improve security along their common borders.
- 12/6/95 - a two-day meeting of the Kagera Basin Organisation began aimed at increasing mutual cooperation and development among Burundi, Rwanda, Tanzania, and Uganda.
- 15/6/95 - the Rwandese Vice-President officiated at the graduation ceremony for 301 gendarmes who completed an intensive 6-month training programme organised by UNAMIR. In his address on the occasion which was broadcast live on Radio Rwanda, he praised UNAMIR troops for training Rwandese gendarmes. He also stated that soldiers acting as policemen had made some mistakes due to lack of training, but that the entire army should not be faulted.
- 20/6/95 - the Government of Rwanda issued a communiqué renewing its commitment to the repatriation of Rwandese refugees. According to the communiqué, the

Government has agreed to establish contacts with those Rwandese refugees not involved in acts of genocide, as well as to allow representatives of Rwandese refugees to visit Rwanda to assess conditions for their return home.

## JULY 1995

- 05/7/95 - Radio Rwanda reported that 20 delegates from Rwandese refugee camps located in Burundi arrived in Kibungo in south-eastern Rwanda to assess conditions for the reception of Rwandese refugees seeking to return home.
- 13/7/95 - the U.N. Secretary-General arrived in Kigali for an official visit to Rwanda during which he met with senior Rwandese leaders and addressed the Rwandese National Assembly.
- 13/7/95 - in a communiqué published in Brussels, the European Union decided to resume its assistance to Rwanda which had been suspended following the Kibeho incident earlier in April.
- 20/7/95 - a 2-day tripartite meeting of representatives from the Rwandese and Tanzanian Governments and UNHCR ended in Kigali. The participants discussed modalities for the repatriation of Rwandese refugees from Tanzania and signed an agreement to create a commission on security and the resettlement of refugees.
- 25/7/95 - the German Foreign Minister arrived in Kigali for an official visit to Rwanda. He reportedly stated that Germany was satisfied with the return of normalcy to Rwanda, that it would assist Rwanda in efforts to strengthen peace in the country and continue economic cooperation between the two countries.
- 27/7/95 - in a communiqué, the German Embassy announced that the Foreign Ministers of Germany and Rwanda had signed an agreement whereby Germany would provide Rwanda with DM 50 million of assistance to be used in the areas of health, education and justice, as well as the private sector.
- 29/7/95 - South African Archbishop Desmond Tutu began a 3-day official visit to Rwanda.
- 30/7/95 - the British Minister of Cooperation arrived in Kigali for a 1-day official visit to Rwanda.

## AUGUST 1995

- 02/8/95 - Radio Rwanda reported that the Rwandese Foreign Minister is on an official visit to Belgium aimed at improving cooperation between the two countries. At a press conference, he reportedly stated that relations between Belgium and

Rwanda, which had been tense following the Kibeho incident, had improved. The Belgian Government reportedly agreed to provide 800 million Belgian francs of assistance to be used for refugee repatriation.

- 02/8/95 - according to Radio Rwanda, the Rwandese Foreign Minister met in Brussels with representatives of the European Union (EU). The EU reportedly pledged ECUs 25 million of assistance, to be disbursed by UNHCR and NGOs, destined for Rwandese refugees living in Tanzania and Burundi, as well as recent returnees to Rwanda.
- 07/8/95 - the office of the President of Rwanda issued a communiqué expressing the Government's concern on the disastrous situation resulting from prison overcrowding in Rwanda and appealing to the international community to assist Rwanda in the area of justice.
- 07/8/95 - according to Radio Rwanda, the commission on repatriation composed of representatives from the Governments of Rwanda and Tanzania, and UNHCR, visited Burundi and Tanzania in an effort to persuade Rwandese refugees to return home.
- 14/8/95 - the President of Uganda arrived in Kigali for a 3-day official visit to Rwanda. In a speech before the Rwandese National Assembly, he appealed to the Rwandese population to avoid sectarian and divisive tendencies and to forge unity among themselves.
- 16/8/95 - the Presidents of Uganda and Rwanda signed a joint communiqué in Kigali outlining areas of bilateral cooperation between the two countries.
- 17/8/95 - the swearing-in ceremony of the 6 remaining deputies of the 70-member Transitional National Assembly took place in Kigali.
- 31/8/95 - the new Prime Minister of Rwanda and other newly-appointed Rwandese ministers were sworn into the Government.

#### SEPTEMBER 1995

- 01/9/95 - Radio Rwanda announced that the U.S. Ambassador to Rwanda had declared his Government's support for the new Rwandese Government and had stated that the changes would improve the political situation in Rwanda.
- 04/9/95 - the United Nations High Commissioner for Refugees arrived in Kigali as part of her visit to the subregion to address the problem of Rwandese refugees.
- 05/9/95 - the Rwandese Government issued a presidential statement on the occasion of High Commissioner's visit to Rwanda in which it expressed its strong support for the safe return of all Rwandese refugees.



- 09/9/95 - at a ceremony in Butare in southern Rwanda, about 1,200 members of the former Rwandese Government Forces (RGF) were sworn into the Rwandese Patriotic Army (RPA) following their completion of a 1-year course in political and military training. On this occasion, the Rwandese Prime Minister appealed to all Rwandese civilians and military personnel residing abroad to return to their country.
- 11/9/95 - Radio Rwanda reported that the Finance Ministers of Burundi, Rwanda and Zaire met in Goma, Zaire to relaunch the activities of the Development Bank for the Great Lakes countries.
- 13/9/95 - Following the killings in Gisenyi prefecture (see below), the Rwandese Government welcomed the U.N.'s participation in a joint investigation into the incident with the Rwandese national gendarmerie and local civilian authorities.
- 13/9/95 - The Rwandese Vice-President visited Gisenyi to inquire about the circumstances surrounding the recent killings, to identify those responsible and to take measures to prevent the recurrence of such incidents. He reportedly stated that the RPA had used excessive force and that those responsible would be held accountable.
- 18/9/95 - a two-day tripartite meeting of representatives from UNHCR and the Governments of Rwanda and Tanzania began in Arusha, Tanzania to discuss the repatriation of Rwandese refugees.

### **Negative**

#### **JUNE 1995**

- 12/6/95 - Radio Rwanda reported that the Rwandese Prime Minister chaired a meeting of Rwandese prefects to discuss the security situation in the country and the problem of Rwandese refugees and returnees. The prefects reported acts of insecurity in certain areas, including murder, robbery and theft committed by armed civilians and soldiers, as well as infiltration of bandits from neighbouring countries. They recommended that the Government take swift action as the lack of local administrative structures remained a problem in their prefectures.
- 13/6/95 - at a press conference, the Rwandese Vice-President reportedly stated that "it would not have mattered to us if UNAMIR had left Rwanda completely, because we can get along without UNAMIR, and with UNAMIR the problems remain anyway."
- 14/6/95 - local and international media reported that the Director of Cabinet of the Prime Minister's office in Rwanda defected. In a statement, he reportedly

criticised divisions within the Rwandese Government, and accused the RPF of hampering his work and RPA troops of terrorising the population.

26/6/95 - the Rwandese Government spokesman stated in an interview with Radio Rwanda that the Rwandese Government did not intend to conduct political negotiations with representatives of Rwandese refugees in neighbouring countries, as negotiations implied the setting of conditions between parties. He explained that the Government only intended to continue contacts with innocent Rwandese refugees in order to persuade them to return home.

#### JULY 1995

10/7/95 - the Rwandese National Assembly decided that the draft law on the recruitment of foreign magistrates in Rwanda was an infringement of national sovereignty. The parliamentarians reportedly stated that the judicial power in Rwanda was the exclusive prerogative of Rwandese nationals, and that the Rwandese people should deal with their own judicial cases.

11/7/95 - as reported on Radio Rwanda, at a prefectural conference on national reconciliation held in Gitarama in central Rwanda, the population was advised that the activities on political parties were to be banned as they had been a source of social divisions in the past.

15/7/95 - in an interview with Radio Rwanda, the President of Rwanda stated that he was grateful for the U.N. Secretary-General's visit to Rwanda, but that Rwanda did "not need lessons on talks with Rwandese refugees. Negotiations on power-sharing with criminals are out of the question. All we can do is to have contacts with refugees." He added that the Secretary-General did not understand Rwanda's demands.

26/7/95 - at an official dinner given in Kigali, the German Foreign Minister stated that German aid to Rwanda would be contingent upon the achievement of greater progress by the Rwandese in the areas of refugee return, prison conditions and the rehabilitation of their justice system.

27/7/95 - at a press conference given in Kigali, the German Foreign Minister stated that the Rwandese Government should make visible efforts abroad to demonstrate its firm commitment to the return of Rwandese refugees. Regarding the deplorable conditions in Rwandese prisons, he stated that it was now necessary to do everything possible to ensure that new injustices are not added to the injustices of the past in Rwanda.

#### AUGUST 1995

01/8/95 - the sub-prefect of Gikongoro and the head priest of the Kamonyi Roman

Catholic parish in Gitarama prefecture were assassinated.

- 01/8/95 - a vehicle belonging to UNAMIR's Australian contingent was impounded and its occupants sustained serious injuries resulting from physical assaults by members of the RPA for allegedly running into a Rwandese VIP motorcade.
- 05/8/95 - a shooting incident occurred between UNAMIR troops and the RPA in Cyangugu prefecture in south-western Rwanda during which two UNAMIR Malawi soldiers were injured by the RPA.
- 10/8/95 - in an interview with Radio Rwanda, the Rwandese Foreign Minister stated that there was no need for a national dialogue with Rwandese refugees, as the principles of the Arusha accords were already the basis for the Rwandese Government's actions. He also stated that a regional conference to discuss the problem of refugees was not necessary, except for a meeting to collect funds for purposes of financing refugee repatriation.
- 19/8/95 - the Government of Zaire began the forcible expulsion of thousands of Rwandese refugees from its territory following the partial lifting of the U.N. arms embargo on Rwanda by the U.N. Security Council on 16 August.
- 28/8/95 - the Rwandese Prime Minister and Minister of Interior resigned from their Government positions. A communiqué issued by the Rwandese Minister of Foreign Affairs stated that the Prime Minister had in fact been relieved of his official duties.
- 29/8/95 - in a communiqué issued by the office of the Rwandese President, it was announced that four ministers had left the Government to assume other duties. Three of the four were of the same Hutu ethnic origin as the former Rwandese Prime Minister.

#### SEPTEMBER 1995

- 12/9/95 - 110 civilians were killed by the RPA in Kanama commune in Gisenyi prefecture in retaliation for the murder of an RPA officer the previous day. Following the incident, the Government of Zaire closed its border with Rwanda in the area.



Ladan M. Rafii  
Political/Legal Officer  
19 September 1995

ACCORD TRIPARTITE SUR LE RAPATRIEMENT  
DES REFUGIES RWANDAIS DU ZAIRE

PREAMBULE

Le Gouvernement de la République Rwandaise, le Gouvernement de la République du Zaïre et le Haut Commissariat des Nations Unies pour les Réfugiés, ci-après désignés les Parties contractantes,

a) Reconnaissant que les droits de tous les citoyens à quitter leur pays et à y revenir sont des droits fondamentaux de l'homme consacrés notamment dans l'article 13(2) de la Déclaration universelle des droits de l'homme de 1948 et dans l'article 12 du Pacte international sur les droits civils et politiques de 1966;

b) Considérant la Convention de l'OUA régissant les aspects propres aux problèmes des réfugiés en Afrique du 10 septembre 1969 et plus particulièrement l'article V traitant du rapatriement volontaire;

c) Rappelant que la résolution 428(V) du 14 décembre 1950 de l'Assemblée générale des Nations Unies, établissant le statut du Haut Commissariat des Nations Unies pour les Réfugiés, assigne au Haut Commissaire la fonction de fournir une protection internationale aux réfugiés et de chercher des solutions permanentes aux problèmes des réfugiés, notamment en encourageant et en facilitant le rapatriement librement consenti;

d) Estimant que le rapatriement librement consenti, lorsqu'il est réalisable, constitue la meilleure solution durable au problème des réfugiés et que les conclusions 18 (XXXI) et 40 (XXXVI) du Comité Exécutif du Programme du Haut Commissaire établissant des principes et des normes reconnus au plan international régissant le rapatriement librement consenti des réfugiés;

e) Soulignant l'importance des principes contenus dans le Protocole d'Accord conclu à Arusha, le 9 juin 1993, entre le Gouvernement de la République rwandaise et le Front patriotique rwandais sur le rapatriement des réfugiés rwandais et la réinstallation des personnes déplacées;

f) Considérant le communiqué du 26 juillet 1994 sanctionnant la rencontre entre le Président de la République Rwandaise et le Président de la République du Zaïre ainsi que le communiqué conjoint publié à l'issue des travaux de la réunion ministérielle zaïro-rwandaise tenue à Goma le 1er septembre 1994;

g) Reconnaissant la nécessité de définir les procédures et modalités spécifiques du rapatriement librement consenti et de la réintégration définitive au Rwanda des réfugiés rwandais au Zaïre avec l'assistance de la communauté internationale par le biais du HCR, ce dernier pouvant recevoir, le cas échéant, l'appui d'autres institutions des Nations Unies et des organisations intergouvernementales et non gouvernementales;

H

sont convenus de ce qui suit:

#### DROIT AU RETOUR

##### Article 1

Tout réfugié rwandais qui souhaite regagner son pays a le droit de le faire sans condition préalable.

#### CARACTERE VOLONTAIRE DU RAPATRIEMENT

##### Article 2

Les Parties contractantes réaffirment par les présentes que le rapatriement des réfugiés rwandais au Zaïre n'interviendra que sur la base de leur souhait librement exprimé.

#### RESPONSABILITES DU PAYS D'ASILE: LA REPUBLIQUE DU ZAIRE

##### Article 3




Le Gouvernement de la République du Zaïre s'engage à garantir le caractère volontaire du rapatriement des réfugiés rwandais en prenant, en consultation avec le Haut Commissariat des Nations Unies pour les Réfugiés, toutes les dispositions nécessaires pour assurer la mise en oeuvre de ce principe fondamental inhérent à la protection internationale. A cet effet, il prendra toutes les mesures qui s'imposent pour éviter que les réfugiés ne soient indûment influencés. Il s'engage à respecter les clauses pertinentes des Conventions de Genève de 1951 et de l'OUA de 1969 sur les réfugiés.

##### Article 4

Le Gouvernement de la République du Zaïre garantira au Haut Commissariat des Nations Unies pour les Réfugiés l'accès sans entraves à son territoire et aux réfugiés pour la mise en oeuvre de l'opération de rapatriement.

##### Article 5

Le Gouvernement de la République du Zaïre facilitera le départ des Réfugiés rwandais et simplifiera les formalités de la sortie de leurs biens et effets personnels à la frontière.



RESPONSABILITES DU PAYS D'ORIGINE: LA REPUBLIQUE RWANDAISE

Article 6

Le Gouvernement de la République Rwandaise, s'engage à renforcer voire créer les structures administratives, policières et judiciaires et à tout mettre en oeuvre afin d'assurer le retour des réfugiés dans la sécurité et la dignité. Il sollicitera pour ce faire l'appui de la Communauté Internationale.

Article 7

Le Gouvernement de la République Rwandaise prendra, toutes les mesures nécessaires pour créer les conditions propices à la réintégration des réfugiés.

Article 8

Le Gouvernement de la République Rwandaise prendra toutes les dispositions nécessaires à l'information, à la sensibilisation et à la préparation de la population résidant dans les régions où les réfugiés rentreront, afin d'apprendre aux uns et aux autres à vivre en harmonie sans autres considérations.

Article 9




Le Gouvernement de la République Rwandaise simplifiera les formalités de retour des réfugiés et facilitera l'entrée de leurs biens et effets personnels qui seront exemptés des droits de douane conformément à la réglementation en vigueur. Les contrôles à la frontière seront limités au minimum nécessaire et s'exerceront dans le plein respect des droits fondamentaux des rapatriés.

Article 10

le Gouvernement de la République Rwandaise facilitera l'action du Haut Commissariat des Nations Unies pour les Réfugiés dans l'opération de rapatriement et notamment l'accompagnement des rapatriés et l'accès de fonctionnaires du HCR à leurs lieux de résidence.

Article 11

En vue d'assurer une paix sociale durable et une réconciliation nationale effective, le Gouvernement de la République Rwandaise prendra toutes les mesures à même de permettre aux rapatriés de s'établir à nouveau dans les localités d'origine ou de leur choix et d'assurer la protection de leurs biens meubles et immeubles. Il règlera également avec toute la diligence requise, les contentieux relatifs à la propriété et à la jouissance desdits biens.



Article 12

Le Gouvernement de la République Rwandaise prendra, en étroite coopération avec le Haut Commissariat des Nations Unies pour les Réfugiés, les mesures nécessaires pour assurer la réintégration de tous les rapatriés y compris ceux qui ont longuement séjourné en dehors du Rwanda.

Article 13

Le Gouvernement de la République Rwandaise assurera la réintégration des réfugiés rwandais dans la vie économique et sociale et, dans la mesure du possible, dans les différentes sphères de la fonction publique nationale. Il garantira l'égale jouissance par ces derniers, de tous les droits économiques et sociaux, civils et politiques, consacrés par le droit interne et le droit international.

Article 14

Le Gouvernement de la République Rwandaise garantira au Haut Commissariat des Nations Unies pour les Réfugiés l'accès sans entraves à son territoire et aux rapatriés pour la mise en oeuvre de l'opération de rapatriement.

RESPONSABILITES DU HAUT COMMISSARIAT  
DES NATIONS UNIES POUR LES REFUGIES

Article 15

Le Haut Commissariat des Nations Unies pour les Réfugiés vérifiera à travers le libre accès aux réfugiés, le caractère volontaire de la décision de rapatriement.

Article 16

Le Haut Commissariat établira une présence dans les principales zones d'installation des rapatriés afin de faciliter leur retour dans la sécurité et la dignité et d'encourager la mise en oeuvre de mesures permettant leur réinsertion. Le cas échéant, il sollicitera la coopération des autres agences des Nations Unies et d'autres organisations pour répondre aux besoins des réfugiés.

Article 17

Le Haut Commissariat veillera à ce que les femmes seules et les enfants mineurs non-accompagnés réfugiés jouissent d'une protection et d'une attention spéciale garantissant leurs droits fondamentaux et de l'unité de la famille.

Article 18

Le Haut Commissariat veillera également à ce que les réfugiés rwandais qui n'opteraient pas pour le rapatriement continuent de bénéficier de l'asile sur le territoire zairois et ce jusqu'à ce qu'ils puissent retourner dans leur pays d'origine dans la sécurité et la dignité.

Article 19

Le Haut Commissariat assurera la coordination ainsi que la mobilisation des moyens financiers et logistiques nécessaires pour la mise en oeuvre des opérations.

LA SOUS-COMMISSION CHARGÉE DES QUESTIONS DE RAPATRIEMENT

Article 20

Une sous-commission chargée des questions de rapatriement a été créée au terme de la réunion ministérielle zairo-rwandaise tenue le 1er septembre 1994 à Goma.

Article 21

La sous-commission sera composée de 16 membres. Le Gouvernement de la République du Zaïre et le Gouvernement de la République Rwandaise désigneront chacun 7 membres provenant des ministères suivants:

- Cabinet du Premier Ministre;
- Intérieur;
- Justice;
- Défense;
- Affaires Etrangères;
- Affaires Sociales;
- Réhabilitation et Intégration Sociale/Coopération Internationale.

Le Haut Commissariat des Nations Unies pour les Réfugiés y sera représenté par deux membres, l'un désigné au sein de sa délégation au Rwanda et l'autre au sein de sa délégation au Zaïre. Elle sera présidée alternativement par un représentant de la République du Zaïre et celui de la République Rwandaise. Le président de la sous-commission désignera un rapporteur pour la réunion et déterminera la date et le lieu de la tenue de la réunion suivante:

Article 22

La sous-commission tiendra sa première réunion au plus tard dans le mois consécutif à la date de la désignation de ses membres et adoptera son règlement intérieur. Elle se réunira au moins une fois tous les deux mois. Des réunions extraordinaires pourront être convoquées à la demande expresse de l'une des Parties au présent accord.



Les réunions de la sous-commission se tiendront sur le territoire zairois ou rwandais ou bien dans un pays tiers, le cas échéant. Elle peut lorsqu'elle le considère opportun inviter ou autoriser toute personne ou organisation concernée par l'opération de rapatriement à participer à ses délibérations en qualité d'observateur.

Les délibérations de la sous-commission seront consignées dans des rapports qui seront transmis aux Parties contractantes.

#### Article 23

La sous-commission est chargée de surveiller la mise en oeuvre des mesures facilitant le rapatriement librement consenti des réfugiés rwandais et l'insertion des rapatriés dans leurs communautés d'origine. Elle veillera au respect des clauses du présent Accord, particulièrement celles afférentes à la sécurité et à l'assistance des rapatriés.

La sous-commission informera les Parties contractantes des progrès réalisés et des difficultés rencontrées. Elle leur recommandera en conséquence toutes les mesures permettant de les surmonter.

#### Article 24

La sous-commission effectuera des missions au Zaïre et au Rwanda après communication de son programme aux parties contractantes. Celles-ci faciliteront ces missions de la sous-commission et notamment l'accès sans entrave aux réfugiés et aux rapatriés rwandais. La sous-commission visitera les sites d'établissement des rapatriés afin de vérifier la prise des dispositions nécessaires au rapatriement dans la sécurité et la dignité et s'assurera de l'application des mesures requises pour faciliter l'accueil des rapatriés. Elle proposera les solutions adéquates aux problèmes constatés.

#### Article 25



La sous-commission organisera des campagnes visant à diffuser parmi les réfugiés rwandais au Zaïre des informations pertinentes relatives au rapatriement afin que ces derniers soient à même de prendre la décision de rentrer en pleine connaissance de cause. Elle facilitera, si nécessaire, des visites au Rwanda de représentants des réfugiés afin qu'ils puissent se rendre compte par eux-mêmes de la situation qui y prévaut et par la suite en informer les leurs.

#### Article 26

La sous-commission élaborera les moyens d'enregistrement des réfugiés souhaitant rentrer au Rwanda.

#### Article 27

La sous-commission conviendra des postes frontières pour les mouvements organisés de rapatriement librement consenti.



Article 28

Afin de faciliter la tâche de la sous-commission les Parties contractantes lui fourniront à sa demande toutes les informations ainsi que la logistique nécessaires pour la mise en oeuvre du présent accord.

CLAUSES FINALES

Article 29


Le présent accord entrera en vigueur dès sa signature par les parties contractantes.

Article 30

Tout différend relatif à l'interprétation ou à l'application du présent accord, ou au sujet duquel aucune disposition n'est expressément prévue dans le texte dudit accord, sera résolu à l'amiable par le biais de consultations entre les parties contractantes.

Article 31

Le Présent accord pourra être révisé par consentement mutuel entre les signataires.



Article 32

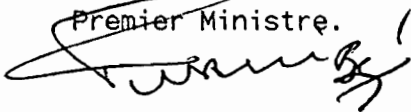
Le présent accord restera en vigueur jusqu'à ce qu'il soit dénoncé par consentement mutuel entre les signataires ou par la notification écrite de la dénonciation unilatérale d'un signataire aux autres signataires, la dénonciation prenant effet à l'expiration d'un délai de 90 jours à compter de la date de notification.

En foi de quoi, le présent accord a été signé ci-dessous par les représentants dûment mandatés des Parties contractantes.

Fait à Kinshasa , le 24 octobre 1994.

POUR LE GOUVERNEMENT DE LA  
REPUBLIQUE RWANDAISE

Faustin TWAGIRAMUNGU  
Premier Ministre.



POUR LE GOUVERNEMENT DE LA  
REPUBLIQUE DU ZAIRE

Léon KENGO wa DONDO  
Premier Ministre.



POUR LE HAUT COMMISSARIAT  
DES NATIONS UNIES POUR LES REFUGIES



John McCALLIN  
Adjoint à l'Envoyé Spécial du Haut Commissaire  
pour le Rwanda.

### NOTE FOR THE FILE

On 22 November 1994, the SRSG attended a meeting with the following UNHCR officials: Mr. Dennis McNamara (Director, Division of International Protection), Mr. Sanda Kimbimbi (Senior Legal Officer for Africa), Mr. W.R. Urasa (Representative for Rwanda), and Mr. W. van Hovell (Deputy Representative for Rwanda). The Force Commander and a Political/Legal Officer were also present.

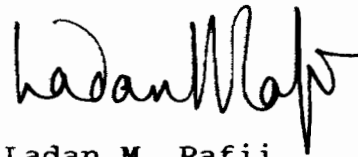
The meeting commenced with a general overview of the situation of Rwandan refugees in neighbouring countries and displaced persons within Rwanda, and the threats posed to humanitarian relief operations in these camps. Mr. McNamara emphasised that the focus of the repatriation efforts should be to ensure the safety and security of the first group of repatriated refugees, as this would have a significant bearing on the remainder of the refugee population's desire for repatriation.

In response to an enquiry made by the SRSG, both Mr. McNamara and Mr. Urasa assured him that UNHCR's policy was to provide assistance to both refugees and displaced persons, regardless of the particular category to which a returnee belonged. They added that due to recent world events, UNHCR had become increasingly involved in assisting both groups of people and, in fact, views the situation of displaced persons as a "litmus test" for the entire reintegration process. In this regard, the SRSG suggested that the number of people being assisted in their return should not be underestimated (approximately 30,000 internally for the month of November).

The next issue to be addressed was the moral dilemma involved in providing humanitarian relief to criminal and armed elements within the camps, and the syphoning off of relief supplies by these individuals. Mr. McNamara assured the participants that the 1951 Convention on the Status of Refugees governing UNHCR's mandate specifically excludes criminals from receiving aid, but that the UNHCR did not have the necessary political and military means of enforcing the exclusion clauses in the refugee camps. Until such measures could be implemented effectively, they were obliged to continue feeding and protecting the entire camp populations, regardless of the ensuing consequences. The Force Commander added that there was a need to define with greater precision which individuals constitute "criminal" elements in order to distinguish between those who are deserving of protection and those who are not.

All the participants agreed that now that the international community's focus had shifted from the crisis phase to the long-term development needs of the country, the humanitarian relief agencies faced more difficulties due to the problems of donor fatigue and the misconceived perception that the country had now become properly functional.

Mr. McNamara concluded by stating that UNHCR was very supportive of the role of the International Tribunal for Rwanda, and that it intended to work closely, but discreetly, with the Tribunal and the human rights teams. He reiterated the importance of obtaining some indictments of war criminals, and stated that the Deputy Prosecutor of the Tribunal for Rwanda had yet to be nominated. The SRSB advised that it would be preferable not to have a West African francophone appointed to this position due to certain perceptions held by the current Rwandan Government.



Ladan M. Rafii  
Political/Legal Officer  
23 November 1994

COMMUNIQUE CONJOINT SANCTIONNANT LA VISITE  
DE TRAVAIL DU PREMIER MINISTRE RWANDAIS EN  
RÉPUBLIQUE DU ZAIRE

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ASC/0276

1. A L'INVITATION DE SON EXCELLENCE MONSIEUR LÉON KENGO WA DONDO, PREMIER MINISTRE DE LA RÉPUBLIQUE DU ZAIRE, SON EXCELLENCE MONSIEUR FAUSTIN TWAGIRAMUNGU, PREMIER MINISTRE DE LA RÉPUBLIQUE RWANDAISE, A EFFECTUÉ UNE VISITE DE TRAVAIL EN RÉPUBLIQUE DU ZAIRE, DU 22 AU 24 OCTOBRE 1994.
2. LA DÉLÉGATION RWANDAISE ÉTAIT CONDUITE PAR SON EXCELLENCE MONSIEUR FAUSTIN TWAGIRAMUNGU, PREMIER MINISTRE DE LA RÉPUBLIQUE RWANDAISE, ASSISTÉ DE MONSIEUR CHARLES NTAKIRUTINKA, MINISTRE DES TRAVAUX PUBLICS ET DE L'ÉNERGIE; TANDIS QUE CELLE DU ZAIRE ÉTAIT DIRIGÉE PAR SON EXCELLENCE MONSIEUR LÉON KENGO WA DONDO, PREMIER MINISTRE, ASSISTÉ DE MESSIEURS GUSTAVE MALUMBA MBANGULA, VICE-PREMIER MINISTRE ET MINISTRE DE L'INTÉRIEUR, LE GRAND AMIRAL MAVUA MUDIMA, VICE-PREMIER MINISTRE ET MINISTRE DE LA DÉFENSE NATIONALE, GÉRARD KAMANDA WA KAMANDA, VICE-PREMIER MINISTRE ET MINISTRE DE LA JUSTICE, GARDE DES SCEAUX ET RÉFORMES INSTITUTIONNELLES, DE MADAME SOKI FUANI EYENGA, MINISTRE DES AFFAIRES SOCIALES, ET DE MONSIEUR MUKULUMANYA WA NGATE ZENDA, VICE-MINISTRE DES RELATIONS EXTÉRIEURES.

3. AU COURS DE LEURS ENTRETIENS, LES DEUX CHEFS DE GOUVERNEMENT ONT PASSÉ EN REVUE L'ÉTAT DES RELATIONS ENTRE LE ZAÏRE ET LE RWANDA.

4. LA QUESTION RELATIVE AUX RÉFUGIÉS RWANDAIS SE TROUVANT AU ZAÏRE A PARTICULIÈREMENT RETENU L'ATTENTION DES DEUX DÉLÉGATIONS.

A CE SUJET, LES DEUX CHEFS DE GOUVERNEMENT ET LE HAUT COMMISSARIAT DES NATIONS UNIES POUR LES RÉFUGIÉS, ONT PROCÉDÉ À LA SIGNATURE DE L'ACCORD-TRIPARTITE SUR LE RAPATRIEMENT DES RÉFUGIÉS RWANDAIS DU ZAÏRE.

5. OUTRE LA QUESTION DU RAPATRIEMENT DES RÉFUGIÉS RWANDAIS AU ZAÏRE, LES DEUX CHEFS DE GOUVERNEMENT ONT DISCUTÉ DU PROBLÈME DES AUTEURS PRÉSUMÉS DES CRIMES DIVERS COMMIS AU RWANDA ET AYANT TROUVÉ ASILE AU ZAÏRE.

6. LE GOUVERNEMENT DU ZAÏRE S'ENGAGE À RESPECTER LES DISPOSITIONS DE LA DÉCLARATION SUR L'ASILE TERRITORIAL ET RÉAFFIRME SA VOLONTÉ DE POURSUIVRE LA COLLABORATION AVEC L'ORGANISATION DES NATIONS UNIES (O.N.U.), DANS LE CADRE DES POURSUITES À ENGAGER CONTRE LES AUTEURS DES MASSACRES ET DU GÉNOCIDE AU RWANDA.

7. S'AGISSANT DE LA SÉCURITÉ MUTUELLE, LES DEUX CHEFS DE GOUVERNEMENT S'ENGAGENT À NE PAS PERMETTRE QUE LE TERRITOIRE DE L'UN SERVE DE BASE DE DÉSTABILISATION DE L'AUTRE.

8. PAR AILLEURS LES DEUX CHEFS DE GOUVERNEMENT ONT CONVENU DE RENDRE OPÉRATIONNELLES, DANS LA PREMIÈRE QUINZAINE DU MOIS DE NOVEMBRE 1994, LES SOUS-COMMISSIONS CRÉÉES À L'ISSUE DE LA RÉUNION MINISTÉRIELLE DE GOMA ET QUI AVAIENT ÉTÉ CHARGÉES D'EXAMINER DE COMMUN ACCORD LES PROBLÈMES RELATIFS :

A. AU RAPATRIEMENT DES RÉFUGIÉS RWANDAIS ;

B. À LA SÉCURITÉ MUTUELLE ET ,

C. AUX BIENS, AUX FINS DE RESTITUTION DE BIENS RWANDAIS ET DE RÉPARATION DU PRÉJUDICE SUBI PAR LE ZAÏRE.

9. LA RENCONTRE ENTRE LES DEUX CHEFS DE GOUVERNEMENT A PERMIS À LA RÉPUBLIQUE DU ZAÏRE DE RENOUVELER SON APPEL À LA COMMUNAUTÉ INTERNATIONALE EN VUE DE L'AIDER À ASSURER L'ÉLOIGNEMENT, DES FRONTIÈRES COMMUNES, DES ANCIENS MILITAIRES ET DIGNITAIRES RWANDAIS SE TROUVANT AU NORD ET AU SUD-KIVU, EN ATTENDANT QU'IL LEUR SOIT TROUVÉ UNE AUTRE TERRE D'ACCUEIL.

10. LES DEUX CHEFS DE GOUVERNEMENT LANCENT UN APPEL PRESSANT À LA COMMUNAUTÉ INTERNATIONALE POUR QU'ELLE AIDE LA RÉPUBLIQUE RWANDAISE À CRÉER LES CONDITIONS PROPICES À LA RÉINTÉGRATION DES RÉFUGIÉS RWANDAIS, NOTAMMENT EN METTANT EN PLACE DES CENTRES D'ACCUEIL À L'INTÉRIEUR DU TERRITOIRE RWANDAIS. CES CENTRES SERONT LIBREMENT ACCESSIBLES AUX AGENTS DU HCR ET À CEUX D'AUTRES AGENCES DU SYSTÈME DES NATIONS UNIES DANS LE CADRE DE L'EXERCICE DE LEURS MANDATS RESPECTIFS.



11. LES DEUX CHEFS DE GOUVERNEMENT ONT ÉMIS LE VOEU DE  
VOIR REDÉMARRER RAPIDEMENT LES ACTIVITÉS DE LA C.E.P.G.L.

12. LES ENTRETIENS DES DEUX CHEFS DE GOUVERNEMENT SE SONT  
DÉROULÉS DANS UNE ATMOSPHÈRE EMPREINTE DE FRANCHISE ET DE COMPRÉ-  
HENSION MUTUELLE.

FAIT À KINSHASA, LE 24 OCTOBRE 1994.

POUR LA REPUBLIQUE DU ZAIRE.      POUR LA REPUBLIQUE RWANDAISE.

LE PREMIER MINISTRE,

LE PREMIER MINISTRE,

LÉON KENGO WA DONDO.

FAUSTIN TWAGIRAMUNGU.

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 KYEMBWA 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 Ephraim 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-butatoire 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;

- (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.



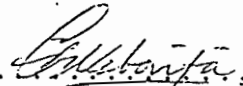
Les trois délégations se sont félicitées de l'esprit de coopération et de compréhension mutuelle qui a caractérisé leurs travaux.

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.

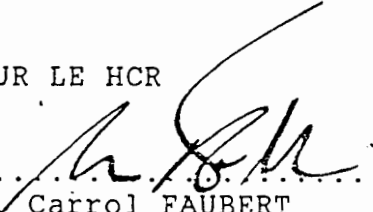
POUR LE GOUVERNEMENT DE LA  
REPUBLIQUE RWANDAISE

  
.....  
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 KYMBWA 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.

SUMMARY OF RECOMMENDATION  
AND CONCLUSIONS OF THE FIRST MEETING  
OF THE TRIPARTITE SUB-COMMISSION  
RWANDA/ZAIRE/UNHCR IN CHARGE OF REPATRIATION  
ISSUES OF RWANDESE REFUGEES FROM ZAIRE

In accordance with the recommendations made at the first session of the Rwandese/Zairian/UNHCR Tripartite Commission on the repatriation of Rwandese refugees in Zaire, organised in Geneva, September 25 1995, the Sub-Committee responsible for repatriation, held its first meeting on the 11 and 12 October 1995 in Gisenyi, Rwanda.

The Zairian delegation was led by the Governor of South-Kivu, Mr. Jules KYEMBWA WALUNONA, assisted by Governor of North-Kivu, Mr. MOTO NUPENDA.

The UNHCR Delegation was led by the Special Envoy of the United Nations High Commissioner for Refugees in the Great Lakes region, Mr. Carrol FAUBERT.

The Rwandese Delegation was led by Mr. Ephraim KABAIJA, President of the Joint Repatriation Committee of Rwandese Refugees, and Chairman of the meeting.

The main objective of the meeting was to take joint practical measures towards the encouragement and acceleration of voluntary, organised or spontaneous, repatriation of rwandese refugees in Zaire.

The delegations took into consideration the declaration made in Kigali on 5 September, 1995, in the presence of the High Commissioner for Refugees, by his excellency Mr. Pasteur BIZIMUNGU, President of Rwanda, concerning the unconditional return of refugees to Rwanda and the announcement of the Zairian authority's decision to have all refugees return to their country at the latest on 31 December 1995.

All contracting parties reaffirmed their commitment made in the framework of the 24 October 1994 Tripartite Agreement, of the Nairobi Regional Summit Meeting of January 7, 1995, of the Bujumbura conference 15 to 17 February 1995, and the Geneva Tripartite on September 25, 1995, and formulated practical measures for their implementation.

The Government of Rwanda has undertaken to:

- (1) To receive, unconditionally all Rwandese refugees in Zaire before the 31 December 1995 deadline at a daily rate of 20,000 refugees or more; i.e. 10,000 through Gisenyi and 10,000 through Cyangugu.
- (2) To submit necessary information on security conditions, measures taken towards reception, reinstallation and reintegration of returnees;

- (3) To facilitate cross border visits aiming to communicate objective impartial information to refugees in camps;  
At the first stage to facilitate the visits of Zairian authorities in the refugees' communes of origin;
- (4) To examine, in cooperation with the other two parties the necessity of opening new entry points for returnees in accordance with their numbers and means available.

The Government of Zaire has undertaken to:

- (1) To intensify the information campaign in the camps;
- (2) To cooperate with the Government of Rwanda and UNHCR on cross border missions with the objective of communicating to refugees in camps impartial information on the prevailing security conditions, reinstallation and reintegration in communes of origin;
- (3) To pursue, in cooperation with UNHCR, the neutralisation campaign of intimidators in camps;

The United Nations High Commissioner for Refugees has undertaken to:

- (1) To pursue its efforts with the view of mobilising all necessary means towards promoting repatriation;
- (2) To specially mobilize the necessary logistical resources required in view of promoting repatriation operations by the two governments.

At the conclusion of the Sub-Commission's proceedings the following recommendations and conclusions were made:

- (1) The creation of two Working Technical Committees in Goma/Gisenyi and a Bukavu/Cyangugu, responsible to study the practical modalities of reinforcement capacities of reception, transit, transport and reinstallation of refugees;
- (2) The Goma/Gisenyi Working Technical Committee will meet on Friday, 13 October, 1995, and the Bukavu/Cyangugu will take place on Monday, 16 October, 1995.
- (3) The facilitation of information gathering visits to Rwanda by the Zairian authorities in view of rendering testimony on the real conditions of security, reinstallation and reintegration prevailing in the communes of origin and to inform the refugees in the camps.
- (4) The pursuit of actions towards the neutralization of camp intimidators.

The three delegations congratulated the mutual spirit of cooperation, and comprehension which prevailed during the proceedings.

They convened to hold the second session of the Tripartite Sub-Commission in Zaire between 20 and 30 November 1995. The precise dates and venue of this meeting will be communicated later by the Zairian delegation.

The Heads of UNHCR and Zairian delegations expressed their gratitude to the Rwandese delegation for the warm welcome extended to their respective delegates.

Done at Gisenyi, Thursday, 12 October 1995 in English and French.  
The French text being considered as original.

For the Government of the  
Republic of Rwanda

For the Government of the  
Republic of Zaire

Dr. Ephraim KABAIJA  
President of the Joint Commission  
for Repatriation  
Head of the Rwandese Delegation

Mr. Jules KYEMBWA WALUMONA  
Governor of South-Kivu  
Head of Zairian Delegation

For the United Nations High Commissioner for Refugees

Mr. Carrol FAUBERT  
Special Envoy of the High Commissioner

## DRAFT OUTGOING FACSIMILE

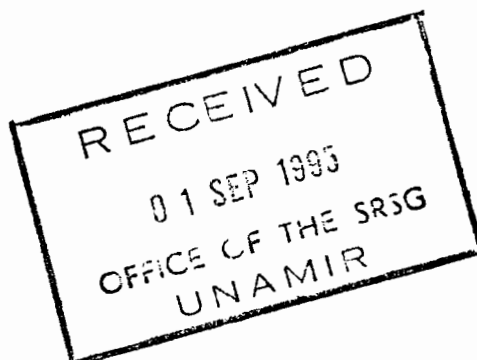
DATE: 31 August 1995

*Lander*  
*Your info:*  
*Mu*  
*1-9-95*

TO: Ms. Isel Rivero UNAMIR Kigali Rwanda	FROM: Florence Barrillon-Pomés Africa II Division DPA New York <i>FBL</i>
FAX NUMBER: 3-3090	FAX NUMBER: (212) 963-4037
COPY TO:	
TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 2	

The only thing we could find was this declaration which, as you can see, was adopted on 14 December 1967. We discussed this matter with HCR. They say that there is an article in the 1951 Convention on Refugees which deals with expulsion and refoulement of refugees. They wonder why Prime Minister Kengo did not refer to that article instead. Best wishes.

*florence*





2. *Invites* participating States to submit to the Secretary-General not later than 15 February 1968, for circulation to Governments, any additional comments and draft amendments to the draft articles prepared by the International Law Commission that they may wish to propose in advance of the Conference;

3. *Requests* the Secretary-General to transmit to the Conference the summary records relating to the consideration of this item at the twenty-second session of the General Assembly, together with all other relevant documentation.

*1621st plenary meeting,  
6 December 1967.*

## 2312 (XXII). Declaration on Territorial Asylum

*The General Assembly,*

*Recalling* its resolutions 1839 (XVII) of 19 December 1962, 2100 (XX) of 20 December 1965 and 2203 (XXI) of 16 December 1966 concerning a declaration on the right of asylum,

*Considering* the work of codification to be undertaken by the International Law Commission in accordance with General Assembly resolution 1400 (XIV) of 21 November 1959,

*Adopts* the following Declaration:

### DECLARATION ON TERRITORIAL ASYLUM

*The General Assembly,*

*Noting* that the purposes proclaimed in the Charter of the United Nations are to maintain international peace and security, to develop friendly relations among all nations and to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

*Mindful* of the Universal Declaration of Human Rights, which declares in article 14 that:

"1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

"2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations";

*Recalling also* article 13, paragraph 2, of the Universal Declaration of Human Rights, which states:

"Everyone has the right to leave any country, including his own, and to return to his country";

*Recognising* that the grant of asylum by a State to persons entitled to invoke article 14 of the Universal Declaration of Human Rights is a peaceful and humanitarian act and that, as such, it cannot be regarded as unfriendly by any other State,

*Recommends* that, without prejudice to existing instruments dealing with asylum and the status of refugees and stateless persons, States should base themselves in their practices relating to territorial asylum on the following principles:

#### Article 1

1. Asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, including persons struggling against colonialism, shall be respected by all other States.

2. The right to seek and to enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes.

3. It shall rest with the State granting asylum to evaluate the grounds for the grant of asylum.

#### Article 2

1. The situation of persons referred to in article 1, paragraph 1, is, without prejudice to the sovereignty of States and the purposes and principles of the United Nations, of concern to the international community.

2. Where a State finds difficulty in granting or continuing to grant asylum, States individually or jointly or through the United Nations shall consider, in a spirit of international solidarity, appropriate measures to lighten the burden on that State.

#### Article 3

1. No person referred to in article 1, paragraph 1, shall be subjected to measures such as rejection at the frontier or, if he has already entered the territory in which he seeks asylum, expulsion or compulsory return to any State where he may be subjected to persecution.

2. Exception may be made to the foregoing principle only for overriding reasons of national security or in order to safeguard the population, as in the case of a mass influx of persons.

3. Should a State decide in any case that exception to the principle stated in paragraph 1 of this article would be justified, it shall consider the possibility of granting to the person concerned, under such conditions as it may deem appropriate, an opportunity, whether by way of provisional asylum or otherwise, of going to another State.

#### Article 4

States granting asylum shall not permit persons who have received asylum to engage in activities contrary to the purposes and principles of the United Nations.

*1631st plenary meeting,  
14 December 1967.*

## 2313 (XXII). United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

*The General Assembly,*

*Recalling* its resolutions 2099 (XX) of 20 December 1965 and 2204 (XXI) of 16 December 1966 regarding the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law,

*Noting with appreciation* the report of the Secretary-General on the implementation of the Programme<sup>1</sup> and the recommendations made to the Secretary-General by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dis-

<sup>1</sup> *Ibid.*, Twenty-second Session, Annexes, agenda item 90, document A/6816.

Ladan

UNITED NATIONS



NATIONS UNIES

## OUTGOING FACSIMILE

DATE: 4 August 1995

TO: KHAN, SRSG FOR RWANDA UNAMIR KIGALI	FROM: ANNAN DPKO New York
FAX NO: 3-3090	FAX NO: (212) 963-4879 ROOM S-3727
SUBJECT: Letters to the Secretary-General	

TOTAL NUMBER OF TRANSMITTED PAGES INCLUDING THIS PAGE: 16

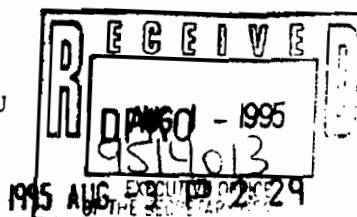
Please find attached, for your information, letters addressed to the Secretary-General by two organizations of Rwandese refugees in Zaire.

Regards.

SRSG

ASSOCIATION RWANDA RWACU  
CAMP KAHINDO  
NORD-KIVU / ZAIRE

001354



Kahindo, le 12 Juillet 1995

026/ARR/95

## INCOMING MAIL

Action by:

Info copy to:

\* Please return original to Central Memorandum sur la crise rwandaise

A son Excellence Mr BOUTROS BOUTROS GHAL  
Secrétaire Général des Nations-Unies  
à NEW-YORK.

*Mr Boutros Boutros Ghali*  
*à New York*  
*le 12/07/95*

Excellence Monsieur le Secrétaire Général,

A l'occasion de votre visite au Rwanda, l'Association Rwanda Rwacu, a l'honneur de vous transmettre, en annexe de la présente, un mémorandum sur quelques aspects importants de la crise rwandaise ainsi que des recommandations et suggestions y relatives.

Veuillez agréer, Monsieur le Secrétaire Général, nos salutations distinguées.

Pour l'Association Rwanda Rwacu

UWURUKUNDO Révérend  
Secrétaire Exécutif

HABUMUREMYI Pierre Damien  
Président

C.P.I.

S.E. Mr le Président de la République du Zaïre, KINSHASA  
S.E. Mr le Secrétaire Général de l'OUA, ADDIS ABEBA  
Pays Membres Permanents du Conseil de Sécurité  
des Nations Unies (Tous), NEW YORK  
Représentant du UNHCR, COMA  
Représentant du UNHCR, Camp KAHINDO  
Monsieur le Président du RDR, MUGUNGA  
Monsieur le Président du FPR, KIGALI.

MEMORANDUM DE L'ASSOCIATION RWANDA RWACU ADRESSE A SON EXCELLENCE  
Mr BOUTROS BOUTROS GHALI, SECRETAIRE GENERAL DES NATIONS UNIES  
A L'OCCASION DE SA VISITE AU RWANDA - JUILLET 95

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A l'occasion de votre visite au Rwanda, l'Association Rwanda Rwacu (ARR en sigle), basée au camp de réfugiés de Kahindo, tient à vous exprimer sa sincère et profonde gratitude pour les actions menées par les Nations-Unies en faveur de la résolution de la crise rwandaise, et pour vos efforts personnels en ce sens. Elle ne peut que vous encourager à poursuivre vos efforts pour mener à bon terme votre noble mission.

Ayant la ferme conviction que vous appréciez toute contribution constructive à la compréhension et à la résolution du drame rwandais, l'ARR a jugé opportun de vous adresser le présent memorandum, présentant des points de vue largement soutenus par la communauté rwandaise en exil.

I. - COMMUNAUTE INTERNATIONALE FACE A LA CRISE RWANDAISE

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1.- Les Accords de paix d'Arusha

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Les accords de paix d'Arusha, signés le 4 Août 1993 entre le Gouvernement de la République Rwandaise et le Front Patriotique Rwandais (FPR) avec la bénédiction de la Communauté Internationale, et notamment de l'ONU sont devenus à juste titre une référence incontournable à tous ceux qui se penchent avec franchise et bonne foi à la résolution du drame rwandais. Comment se fait-il alors que la Communauté Internationale, celle-là même qui s'est énergiquement investie dans le processus de négociation préalable à ces accords, qui a exercé de fortes pressions sur la partie gouvernementale quand elle tergiversait peu avant la signature, qui continue de crier haut et fort qu'Arusha reste l'unique porte de sortie de la crise, comment se fait-il que cette communauté, notamment l'ONU, reste les bras croisés quand ces accords sont notoirement foulés aux pieds par l'un des signataires, après s'être emparé du pouvoir par la force des armes, étrange façon s'il en est, de respecter les engagements de paix ?

Que l'on s'y trompe plus : les institutions mises en place par le FPR à Kigali, mouvement militaro-politique ayant conquis le pouvoir par les armes (ce que l'on semble vouloir oublier), sont loin de refléter l'esprit et la lettre des Accords de paix d'Arusha.

2.- Des enquêtes internationales sur les crimes commis au Rwanda

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Le 22 Avril 1995, l'Armée Patriotique Rwandaise (APR), fidèle à elle-même, perpétrait des massacres inqualifiables au camp des déplacés de KIBeho, au vu et au su de la Communauté internationale. La Communauté Rwandaise en exil avait salué et soutenu l'initiative de mise en place d'une commission d'enquête internationale indépendante, pour faire toute la lumière sur cette tragédie.

Mais quelle ne fut sa déception à la publication du rapport de la commission ! D'indépendance, la commission n'en avait que dans le nom.

D'ailleurs, on aurait dû s'en douter :  
Tout d'abord, quelle indépendance attendre d'une commission supposée internationale et indépendante qui voit (et l'accepte) son mandat et sa composition définis et délimités par le pouvoir du FPR sur une enquête touchant les forfaits de son armée ? Un autre élément autorisant le doute c'est la précipitation avec laquelle la commission s'est empressée de conclure l'enquête (2 semaines en tout pour ouverture, enquêtes sur le terrain, rédaction et présentation du rapport...). Comme si la précipitation permettait de faire toute la lumière sur un dossier aussi délicat

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La confusion que laisse planer le rapport tant sur les responsabilités que sur le bilan des victimes amène d'aucuns à affirmer qu'il s'agit d'un simulacre d'enquête, dans le but inavoué de calmer, voire de faire taire les voix qui s'étaient levées de par le monde.

Plus choquant encore, c'est l'attitude de la communauté internationale, qui n'a pas osé dénoncer cette fallacieuse manoeuvre. Seul l'Amnesty International a critiqué ouvertement les maigres résultats de l'enquête.

En outre, personne ne s'est inquiété du sort des déplacés rescapés du carnage de Kibeho.

L'absence ou l'échec des enquêtes internationales sur les crimes commis au Rwanda depuis le 1er Octobre 1990, sont devenus une habitude. Nous citerons à titre d'exemple l'absence d'enquêtes sur les massacres de plusieurs milliers de civils par le FPR au mois de Février 1993 dans le nord du pays; les résultats de l'enquête menée par le général Dallaire alors Commandant de la MINUAR I, sur les massacres de Kirambo et de Mutura en Octobre 1993, n'ont jamais été publiés; est-il normal qu'il n'y ait jamais eu d'enquête internationale sur les circonstances dans lesquelles l'avion à bord duquel se trouvaient les Présidents Juvénal HABYARIMANA du Rwanda et Cyprien NTARYAMIRA du Burundi, a été abattu, alors que c'est ce double assassinat qui a servi d'étincelle aux massacres d'Avril 1994 ?

### 3.- De la réduction des effectifs de la MINUAR II

Au moment où la mémoire des douloureux événements de Kibeho est encore vive, autrement dit au moment où les tensions sont toujours fortes, le Conseil de Sécurité des Nations Unies vient de se plier aux exigences inopportunes du Général Major Kagame, véritable maître de Kigali, quant à la réduction des forces de la MINUAR II. Cette attitude, loin de redorer son blason, vient ternir l'image de la plus prestigieuse organisation du monde. Or, l'image des Nations Unies sérieusement atteinte, n'avait nullement besoin de ce coup de grâce. Vous conviendrez, Excellence Monsieur le Secrétaire Général, que le retrait quasi-total des forces de la MINUAR I au plus fort des massacres d'Avril 1994 fut une erreur grave. Les forces de la MINUAR II étaient présentes lors des massacres de Kibeho et ont assisté à la boucherie humaine sans lever le petit doigt ! Est-il vraiment nécessaire d'en rajouter en se retirant du Rwanda, et laissant un peuple aux abois à la merci d'un pouvoir qui a, à maintes fois, prouvé que le respect du droit à la vie est le cadet de ses soucis. Car les observateurs ne s'y trompent pas, la réduction des forces de la MINUAR II, est un prélude à son retrait définitif.

S'il est vrai que jusqu'à présent la présence onusienne au Rwanda n'a pas empêché les pires tragédies, cela devrait inciter les responsables à revoir les modes d'intervention plutôt que de se retirer purement et simplement. Pourquoi persister à refaire les erreurs du passé ? Est-ce que la puissante organisation ne se rend-elle pas compte que la méfiance, voire même l'hostilité affichée du FPR à l'endroit de la MINUAR II, son insistance et la hâte à la voir partir visent à éloigner les témoins gênants du martyr auquel le peuple rwandais est astreint ? Nous persistons à croire que les Nations Unies se ressaisiront à temps.

#### 4.- De l'embargo sur les armes

Au mois de Mai 1994, le Conseil de Sécurité des Nations Unies a voté un embargo sur les armes à destination du Rwanda. C'est une mesure qui reste sage pour autant qu'elle soit appliquée à toutes les parties. Mais le pouvoir de Kigali, militarisé à tous les échellons, voudrait se dérober à son application par des moyens frauduleux. Dernièrement, il présentait une demande de levée d'embargo au conseil de sécurité, en avançant des raisons plutôt fantaisistes. Kigali continue à dire à qui veut l'entendre qu'il est menacé par une attaque de la part de la Communauté Rwandaise en exil. De là à prétendre que pour sa "légitime défense" il voudrait obtenir la levée de l'embargo, il n'y a qu'un pas vite franchi. C'est dans cette optique que doit être analysée la campagne mensongère orchestrée par le FPR pour faire croire au réarmement des réfugiés rwandais. Nous ne le dirons jamais assez, les réfugiés rwandais réduits à la plus stricte misère, ont d'autres préoccupations beaucoup plus vitales que la préparation d'une guerre. Ils désapprouvent avec vigueur les méthodes utilisées par le FPR pour accéder au pouvoir, et de ce fait, ils ne peuvent pas les prendre à leur compte.

On parle actuellement de l'envoi des observateurs dans les camps des réfugiés pour veiller à la stricte application de l'embargo sur les armes. Nous n'avons rien contre cette mesure, et plus encore nous la soutenons dans un souci de transparence et pour couper court aux fausses accusations du FPR, mais nous demandons qu'elle s'applique également sur le territoire rwandais, notamment à la frontière avec l'Ouganda dont tout le monde sait qu'il est le principal fournisseur en armes du FPR.

#### 5.- Du Tribunal Pénal International sur le Rwanda

La communauté Rwandaise en exil a salué la mise en place du Tribunal Pénal International pour le Rwanda. Elle regrette cependant que la période considérée (1er Janvier 94 - 31 Décembre 94) ait été arbitrairement fixée. Il aurait été plus utile et juste de considérer la période à partir du 1er Octobre 1990, date à partir de laquelle le FPR a mis le pays à feu et à sang, laissant dans son sillage un spectacle de désolations sans précédent dans l'histoire du pays. Depuis cette triste date les crimes allaient se succéder jusqu'à l'indescriptible tragédie d'Avril 1994. A l'heure actuelle ces crimes se poursuivent. Ignorer toute cette période, c'est se contenter de la partie visible de l'iceberg, ce qui ne rendrait pas honneur à la justice internationale.

Depuis que le principe de ce tribunal a été accepté, le FPR s'est empressé d'établir des listes de "criminels" sur base de critères connus de lui-même. Nous avons de fortes raisons de croire que l'établissement de ces listes constitue une manœuvre politicienne, visant à faire retirer de la circulation d'éventuels adversaires politiques du FPR. En outre, les enquêteurs de ce tribunal semblent vouloir ignorer que les réfugiés ont des témoignages intéressants à livrer, et se contentent de mener leurs investigations uniquement à l'intérieur du Rwanda.

Nous souhaiterions que tout soit mis en oeuvre pour assurer l'impartialité de ce tribunal qui devra juger les criminels de tous les bords rwandais et étrangers, et pour que la présomption d'innocence à l'égard des présumés coupables soit respectée jusqu'à ce que le tribunal rende son jugement.

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## 6.- De la table ronde des bailleurs de fonds du Rwanda

Une table ronde avec les bailleurs de fonds pour soutenir le gouvernement de Kigali dans ses supposés efforts de reconstruction et de réconciliation, à l'instar de celle qui s'est tenue à Genève en janvier 94 et de celle qui vient de se tenir à Kigali du 6 au 7 Juillet 1995, les organisations de la famille des Nations Unies, comme le PNUD, y participaient, ainsi que la Banque Mondiale, le FMI, et les grandes puissances économiques telles que les USA, la Grande Bretagne, la France, l'Allemagne etc....

En soutenant des projets présentés par le pouvoir de Kigali, ces organisations et les puissances les plus démocratiques du monde se rendent-elles compte qu'elles contribuent à asseoir un régime totalitaire qui s'est emparé du pouvoir de la façon la plus anti-démocratique qui soit ? Ont-elles un minimum de garanties sur l'utilisation de ces fonds placés dans les mains d'un groupe militaro-politique ? Ignorent-elles que la reconstruction du pays sur des bases solides a comme préalable la réconciliation nationale consécutive à un retour pacifique de près de 3 millions de rwandais réduits à l'exil ? Or, dans les projets présentés par le FPR, cette dernière variable n'intervient que passablement, purement et simplement pour faire bonne figure. A titre illustratif le FPR demande des fonds importants pour la formation des fonctionnaires dans divers domaines, alors qu'à quelques kilomètres de la frontière, des milliers de fonctionnaires rwandais disposant d'une formation adéquate et complète et d'une expérience incontestable croupissent dans les camps de réfugiés ! La simple logique voudrait qu'en lieu et place d'engloutir des sommes considérables pour une nouvelle formation, l'on fasse appel aux rwandais déjà formés, qui ne demandent qu'à regagner leur pays aussitôt que les conditions politiques et sécuritaires seraient remplies. Des investigations dans ce sens seraient de loin beaucoup plus judicieuses.

## 7.- De votre visite au Rwanda.

Excellence Monsieur le Secrétaire Général, vous avez jugé bon d'effectuer une visite au Rwanda, et c'est une très bonne chose dans la mesure où cette visite vous permettra d'avoir de plus amples éclaircissements sur un dossier des plus épineux dont s'occupe l'ONU. Votre visite fait suite à celle de bon nombre de vos émissaires. Cependant, la compréhension de la crise rwandaise, et partant sa résolution, restera partielle voire tronquée, tant que ces visites ignoreront la communauté rwandaise en exil. La réconciliation est le résultat de la volonté des deux parties en désaccord, et non d'une partie seule, fut-elle celle au pouvoir !

## II.- QUELQUES CONSIDERATIONS SUR LE POUVOIR EN PLACE A KIGALI

### 1.- De l'illégitimité du pouvoir en place à Kigali

Nous voudrions attirer votre attention sur le caractère on ne peut plus illégitime du gouvernement auto-proclamé de Kigali. Nul n'ignore par quels moyens le FPR a pris le pouvoir: c'est ni plus ni moins, un pouvoir sorti de la bouche des canons ! A quelle légitimité peut prétendre un tel pouvoir ?

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Aussitôt le pouvoir pris, le FPR s'est empressé de mettre en place des institutions à sa convenance, à commencer par le gouvernement qualifié pompeusement de gouvernement d'union nationale ! De quelle union s'agit-il ? Une véritable union nationale supposerait la participation au gouvernement de diverses sensibilités et tendances politiques. Or, le gouvernement de Kigali est formé d'une union entre le FPR (prépondérant) et ses alliés politiques qui par ailleurs font figure de figurants.

Pour mener à bon terme son projet totalitaire, le FPR a décidé unilatéralement d'enterrer le processus démocratique en renvoyant aux calendres grecques les activités politiques des partis, hormis les siennes. Et il ose déclarer que tous les partis politiques n'ayant pas pris une part active dans les massacres d'Avril 1994 sont représentés au gouvernement ! Dans la foulée, il a été décidé que le peuple devra se soumettre au rythme imposé par le FPR pendant 5 ans, avant de pouvoir s'exprimer par le biais des élections.

Que dire du parlement dont les députés sont nommés (unique cas au monde) et où les hauts officiers de l'armée ont fait une entrée remarquable ? L'omniprésence de l'armée qui fait croire que le pays est en état de siège, prouve à quel point le pouvoir est déterminé à imposer son rythme par la force. La terreur que répandent les abakada et les afandi (cadres du FPR) en étroite collaboration avec les militaires, sur toutes les collines, s'inscrivent dans cette logique.

Après avoir pris connaissance de tous ces éléments, y a-t-il un seul démocrate digne de ce nom qui oserait parler de la légitimité du pouvoir de Kigali sans se renier ?

## 2. De l'Armée Patriotique Rwandaise (APR)

Les anciens rebelles du FPR, après avoir pris le pouvoir, se sont autoproclamés armée nationale ! Une armée nationale qu'ont déjà fui près de 3 millions de nationaux ! Une armée nationale qui compte encore dans ses rangs beaucoup d'éléments de l'armée ougandaise (la NRA) ! Et pour berner l'opinion internationale, l'APR a intégré dans ses rangs, avec force publicité, quelques mille éléments, transfuges des ex-forces armées rwandaises (FAR). L'APR qui, en violation de la convention internationale sur les droits de l'enfant compte dans ses rangs beaucoup de mineurs, reste une armée mono-ethnique au service d'un groupe militaro-politique, prêt à se maintenir au pouvoir.

## 3.- Du pouvoir de Kigali et les confessions religieuses

Non satisfait d'avoir muselé les partis politiques, le FPR s'attaque maintenant aux confessions religieuses, qu'il voudrait voir au service exclusif de son pouvoir. Les harcellements et les intimidations incessants à l'égard des églises, sous prétexte que certains de leurs responsables auraient eu une quelconque responsabilité dans les massacres d'Avril 1994, ne visent qu'à miner leur autorité morale et à les réduire au silence.

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#### 4.- De l'exploitation politique des massacres

Le gouvernement du FPR a pris l'habitude de faire visiter à ses hôtes de marque les lieux où sont entassés les restes des personnes massacrées l'an dernier. Ces massacres sont condamnables à tous points de vue. Mais ils sont aussi le fait de deux parties, alors en conflit. On semble ignorer que dans les régions de l'Est (Nord-Est et Sud-Est confondus), c'est le FPR qui s'est rendu maître du terrain dans les tout premiers jours de la reprise des hostilités en Avril 1994, et qu'il est responsable du gros des massacres qui s'y sont produits. Il n'est d'ailleurs pas étonnant de constater que les endroits érigés en lieux de pèlerinage se retrouvent dans ces régions : lors des massacres, le FPR avait à l'esprit la destination qu'il réserverait à ces lieux. Il est facile pour le FPR de mettre tous ces massacres au compte de l'ancien gouvernement, vu qu'il est impossible de distinguer entre les restes humains, ceux qui ont succombé aux exactions du FPR ou des miliciens de l'ancien gouvernement.

Les cérémonies d'exhumation et d'inhumation des restes des victimes des massacres de l'an dernier sont organisées à grande échelle au Rwanda. Ces cérémonies en soi ne sont pas mauvaises. Mais les discours qui les accompagnent véhiculent des messages de haine et de vengeance préjudiciables à un climat de réconciliation nationale.

#### 5.- Du terrorisme d'état au Rwanda

Le terrorisme d'état pratiqué par le régime de Kigali n'est plus un secret pour personne. Les intimidations tous azimuts, l'omniprésence oppressante de l'armée, les emprisonnements arbitraires, les disparitions, les exécutions sommaires, les incursions dans les camps de réfugiés pour y distribuer la mort, telles sont les exactions dans lesquelles le FPR est en passe de devenir champion.

Le FPR n'hésite pas à terroriser les agents des ONG, les journalistes ainsi que les visiteurs étrangers qui osent critiquer ouvertement ses agissements.

La situation des prisons débordées est inquiétante. A titre d'exemple, que dire de la prison de Gitarama, construite pour 400 personnes, mais qui en abrite aujourd'hui plus de 7.000 ? MSF vient d'ailleurs de dénoncer ce cas précis (Information diffusées par RFI & BBC le 5 et 6 Juillet 1995) plus de 1.000 personnes au moins auraient trouvé la mort depuis Septembre 94. Ce cas n'est malheureusement pas le seul, mais illustre à lui seul à quel point la situation est dramatique. Les décès qu'enregistrent ces prisons font penser aux camps de concentration nouvelle formule, dont le brevet d'invention reviendrait de plein droit au FPR.

Les responsables de Kigali reconnaissent cependant qu'environ 40 % des détenus seraient innocents, mais il n'en demeure pas moins qu'ils continuent à croupir dans les prisons où leur vie est à chaque instant en danger. Et contre toute logique, au lieu d'investir dans la justice pour dégorger les prisons en acquittant les innocents, le pouvoir fait de l'élargissement des prisons tout un programme ambitieux. Ce choix n'est-il pas plus éloquent que tout autre discours ?

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### III.- LA QUESTION DES REFUGIES RWANDAIS.

#### 1.- Du statut des réfugiés rwandais

Après un an d'exil, les réfugiés rwandais ne disposent d'aucun statut précis. Dans la plupart des cas, ils ne bénéficient pas du droit d'asile dans les pays d'accueil, et le HCR leur refuse l'attribution des documents d'usage (carte de réfugié, documents de voyage). Qu'attend le HCR pour remédier à cette situation, source de beaucoup de préjudices à l'endroit des réfugiés ?

#### 2.- Des conditions de vie des réfugiés

On assiste à une dégradation inquiétante des conditions de vie dans les camps des réfugiés, tant sur le plan sanitaire, alimentaire qu'éducatif. Maintenir tout un peuple dans ces conditions, n'est-ce pas une façon sans détour de le condamner à une mort certaine quoique lente. Nous comprenons qu'il soit difficile de subvenir aux besoins de près de trois millions de réfugiés réduits malgré eux à l'inactivité totale. C'est pourquoi, tout en tentant d'améliorer le sort des réfugiés, il est plus logique de songer au long terme en s'investissant beaucoup plus pour la résolution de la crise rwandaise à la base de cette situation.

#### 3.- Du rapatriement "volontaire" des réfugiés

Le HCR vient de reprendre les activités de rapatriement des réfugiés. La convention des Nations-Unies sur les réfugiés stipule que le rapatriement doit être volontaire. Peut-on vraiment parler de volonté pour un réfugié qui, confronté aux problèmes d'insuffisance alimentaire tant qualitative que quantitative, à qui on renie les droits élémentaires inhérents à la personne humaine (liberté de mouvement, liberté d'opinion, droit à l'éducation et à l'information, libre établissement, etc...), se lasse de cette situation et se sent obligé de retourner, malgré les risques, dans son pays ?

Qu'advienne-t-il de ces rapatriés "volontaires" dès leur retour au Rwanda. Y a-t-il un mécanisme permettant de s'enquérir de leur sort ?

#### 4.- Du retour des réfugiés

Les réfugiés rwandais, n'en déplaise au FPR, aspirent à un retour pacifique dans leur chère patrie. Seulement, un minimum de conditions doivent être remplies avant ce retour. Dire que les réfugiés sont maintenus en exil par la pression des militaires ou des dignitaires de l'ancien régime, c'est la plus grave insulte à leur endroit. Les raisons sont tout autres. Comment faire croire aux réfugiés que la sécurité règne dans le pays, alors que les plus hauts placés du régime n'y croient apparemment pas. En effet, les familles des personnalités aussi importantes que le Président de la République, le premier ministre, certains ministres, ont été maintenues ou envoyées à l'étranger, visiblement pour les soustraire à l'insécurité persistante au pays. A noter que les familles des hautes personnalités pouvaient bénéficier des mesures de sécurités spéciales. Que dire alors d'un simple citoyen laissé à lui même ?

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Après les départs de Mr JMV NDAGIJIMANA, ancien ministre des affaires étrangères au gouvernement du FPR, et du procureur Général de Kigali, Mr F.X. NSANZUWERA, c'est le Directeur de Cabinet à la primature, Mr J.D. NTAKIRUTIMANA qui vient de démissionner (Juin 1995) en dénonçant d'une façon aussi claire que catégorique l'éthnisation et la dérive totalitaire du régime de Kigali. Comment dès lors croire au pouvoir que dénoncent et renient ses plus proches collaborateurs ?

Dans ses discours officiels radio-diffusés, le Général-Major P.KAGAME ne cesse de menacer les réfugiés d'éventuelles attaques dans les camps comme ce fut le cas notamment dans son discours prononcé à Kibuye le 14/05/1995. Les attaques à Kibeho, à Birava et dans les camps du nord du Burundi rappellent malheureusement qu'il ne s'agit pas des paroles en l'air. S'il menace des attaques aux réfugiés dans les pays hôtes, quel accueil leur réserverait-il sur le territoire rwandais ?

Le pouvoir de Kigali, ce n'est qu'un secret de polichinelle, n'est pas en mesure de faire respecter le droit à la propriété, en restituant aux nouveaux réfugiés de retour au pays leurs biens dont les anciens réfugiés se sont illégalement appropriés. L'ex procureur général de Kigali lui-même, Mr F.X. NSANZUWERA, n'a pas pu se faire restituer sa maison d'habitation, comme il l'a déclaré lui-même dans une conférence de presse à Bruxelles, malgré les hautes fonctions dont il était investies. Comment aurait-il pu faire entendre la voix du simple citoyen s'il ne parvenait pas à faire entendre la sienne ?

Le peuple rwandais, après avoir vécu douloureusement la période du monopartisme, avait opté pour le multipartisme. Il ne saurait pas se plier au monopartisme de fait imposé par le FPR. Celui-ci s'emploie à faire croire que la communauté rwandaise en exil se compose exclusivement de criminels, membres du MRND-CDR. S'il est faux de dire que tous les membres du MRND-CDR sont des criminels, il est tout aussi faux de prétendre que tous les rwandais en exil appartiennent à cette mouvance. Dans cette communauté, il y a aussi des anciens membres de l'opposition intérieure au régime Habyarimana qui, tout en étant opposé à ce dernier, n'étaient et ne sont pas prêts à se soumettre à la dictature du FPR.

#### IV.- RECOMMANDATION ET SUGGESTIONS

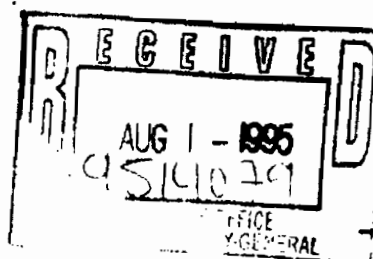
Excellence Monsieur le Secrétaire Général des Nations Unies, dans ce mémorandum, nous avons tenu à vous donner en long et en large les éléments pouvant contribuer à une bonne compréhension du drame rwandais. Nous nous en voudrions cependant de terminer sans vous suggérer des recommandations que nous jugeons aptes à contribuer à la résolution de ce drame.

1.- La Communauté Internationale, et notamment les pays qui ont été observateurs lors des négociations des Accords de Paix d'Arusha, devraient prendre des sanctions sévères à l'encontre du FPR pour avoir violé les Accords.

2.- La même Communauté devrait faire pression sur le FPR pour l'amener à la même table de négociation avec les représentants de la Communauté rwandaise en exil, pour revoir les modalités de mise en application des Accords de Paix d'Arusha.



COMMUNAUTÉ DES RÉFUGIÉS  
RESSORTISSANTS DE LA RÉPUBLIQUE  
DE KIGALI - CAMPS KAMEDO - KATALE,  
KIGALI



REFLEXION SUR L'ÉPISODE DU RETOUR DES  
RÉFUGIÉS RWANDAIS, DE LA RÉCONCILIATION ET DE LA  
RÉCONSTRUCTION NATIONALES

001355

DPKO

A L'ATTENTION DE : 1995 AUG -3 P 2:29

- Son Excellence Monsieur le Président de la République  
du ZAIRE à KINSHASA

- Monsieur le Secrétaire Général de l'ONU  
à NEW YORK

- Monsieur le Secrétaire Général de l'UNHCR  
à ADDIS-ABABA

- Madame le Haut Commissaire des Nations Unies  
pour les Réfugiés à GENEVE

- Monsieur le Président du Tribunal International  
Penal pour le RWANDA à LA HAYE

- Monsieur le Gouverneur de la Région du NORD-KIVU  
à GOMA

- Monsieur le Délégué du HCR à GOMA

- Aux Représentants des Réfugiés (tous)

Mr. Gombani

Mr. H. H. H.

Mr. H. H. H.

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La Communauté Internationale et les médias ont toujours parlé du problème rwandais sans trouver une solution à la violence caractéristique. Tant les sommets régionaux et autres réunions à l'échelle internationale ont été organisés en vue de trouver une solution à la crise rwandaise, mais en vain. La question de savoir si nous avons pu résoudre cette crise persistante en créant un climat d'entente, pour ce faire, un projet de société où s'inscrivent le retour, la réconciliation et la reconstruction s'avère nécessaire. Il ressort des constatations que les origines de la question rwandaise sont liées à son histoire et qu'il n'y aura pas de solution définitive sans la participation active des parties concernées : les réfugiés, le Gouvernement de KIGALI, les pays hôtes et la Communauté Internationale.

C'est dans ce cadre que nous, ressortissants de la République de Kigali vivant dans les camps KAMEDO ET KATALE, avons mené la présente réflexion dans le but de contribuer à une meilleure compréhension de ce problème.

## I. INTRODUCTION

L'analyse critique de la société rwandaise fait état d'une situation confuse qui impose une connaissance de l'histoire du peuple rwandais et porte sur une évaluation des causes principales de l'exil de plusieurs millions d'âmes et sur

.../...

la situation actuelle de ce peuple dans la terre d'exil et à l'intérieur du pays.

### I.1. Rappel historique

Depuis les siècles, le RWANDA a été peuplé par les TWA, les HUTU et enfin les TUTSI. Dans cette société primitive, les trois ethnies vivaient respectivement de la cueillette et de la chasse pour les TWA, de l'agriculture pour les HUTU et de l'élevage pour les TUTSI. La situation socio-politique était caractérisée par des guerres intestines entre les hutu et tutsi, car ces derniers voulaient le monopole du pouvoir. Les tutsi se servaient de l'élevage pour assujettir les hutu tandis que les twa considérés comme des primitifs, jouaient le rôle de bouffons à la cour royale. C'est dans ce contexte que, par exemple, le roi RUGANZU I NDOLI de l'ethnie tutsi a tué plusieurs roitelets hutu (ABAHINZA) durant ses conquêtes en vue d'assurer le monopole du pouvoir à l'ethnie tutsi. La période précoloniale était fondée sur le système d'UBUHAKKE caractérisé par la domination du tutsi au pouvoir sur le hutu voué à la suzeraineté. Cette pratique s'est poursuivie pendant la période coloniale avec quelques modifications dues au fait que les colons voulaient changer les mentalités du colonisé notamment par la venue des confessions religieuses et l'école. Grâce à ces deux derniers éléments, il y a eu la révolution sociale de 1959 et le pays a accédé à l'Indépendance en 1962.

Depuis l'époque précoloniale à la colonisation, la situation socio-politique était caractérisée par une explosion nette des hutu aux instances politico-administratives. Cette situation était caractérisée par une culture de haine ethnique entre les hutu et tutsi plus particulièrement, que le pouvoir en place favorisait à tout prix pour passer la classe hutu qui s'élevait contre celui-ci et il y avait des morts atroces. Durant la colonisation, la gestion du pouvoir appartenait toujours à la royauté et le colon y participait par une action indirecte. Il est à constater que les tutsi, dans leur manière, d'assujettir les hutu, ont toujours prôné la suprématie de l'ethnie tutsi sur les hutu et les twa.

Vers la fin de la colonisation, un bon nombre des hutu qui avaient fréquenté l'école ont exigé l'abolition de la monarchie féodale en faveur d'un régime démocratique. Les tenants du pouvoir à cette époque, ne voulant plus voir le pays dirigé par un hutu, malgré les démarches démocratiques engagées, ont préféré la voie des armes, ce qui est à l'origine de la révolution de 1959. Après l'Indépendance de 1962, les <sup>deux</sup> républiques ont favorisé la politique de cohésion et d'entente entre les ethnies rwandaises notamment en facilitant la participation de toutes les forces vives de la nation à la gestion de la chose publique et à la libéralisation socio-économique.

Le 01 octobre 1990, le FPR - INKOTANYI composé essentiellement d'éléments tutsi déclencha une guerre contre le RWANDA dans le but de reprendre le pouvoir. Marquée par des exactions meurtrières perpétrées par les soldats du FPR à l'encontre

## 3.-

de la population hutu et par la destruction des infrastructures de développement, cette guerre a atteint son apogée avec les massacres inter-ethniques consécutifs à l'assassinat des Présidents HABYALIMANA du RWANDA et NTARYAMIRA du BURUNDI, avec l'exode massif de la population et avec la prise du pouvoir par le FPR. En définitive, il y a lieu de constater que les conflits de pouvoir entre les HUTU et TUTSI enregistrés dans l'histoire du Rwanda sont liés à l'hégémonie ethnique.

### I.2. Situation actuelle

Nous rappelons que: les hutu représentent 80%, les tutsi 14% et les twa 1% de la population rwandaise

Nous rappelons aussi que les causes principales de l'exil massif sont la prise du pouvoir par le FPR avec son armée à domination tutsi et à la poursuite des exactions (enlèvements arbitraires, spoliation des biens, tortures, massacres, diverses disparitions des personnes) à l'encontre de la population.

La ~~situation~~ situation actuelle du peuple rwandais tant à l'extérieur qu'à l'intérieur du pays interpelle la contribution de la communauté internationale en vue de trouver une solution urgente et durable.

#### I.2.1. Dans la terre d'exil

Exceptionnelle par son ampleur, la situation actuelle des réfugiés rwandais dans les camps reste confuse et désespérée.

Principalement, elle est caractérisée par :

- l'insuffisance tant en qualité qu'en quantité des rations alimentaires,
- des problèmes de santé,
- la déscolarisation de la jeunesse,
- des pressions, harcèlements et humiliations de toute sorte initiés par le gouvernement de Kigali en vue du rapatriement forcé,
- le manque d'informations,
- l'incertitude quant à l'avenir.

#### I.2.2. A l'intérieur du pays

La situation à l'intérieur du Rwanda reste marquée par l'instauration d'un pouvoir dictatorial fondé sur l'armée omniprésente du FPR (Armée Patriotique Rwandaise), pouvoir caractérisé par le mensonge et le racisme caché visant l'interdiction de l'opinion internationale contre les hutu. D'où :

- la culture par le pouvoir en place d'un esprit de haine et de ~~de~~ vengeance : exhumation et inhumation des squelettes déterrés,
- discours et festivités accompagnant ces événements,
- arrestations et détentions arbitraires et illégales,
- disparitions et éliminations physiques des gens,
- ternissement de l'ethnie hutu en lui collant l'étiquette

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- l'exclusion de la majorité populaire des instances de décisions,
- le manque de volonté réelle d'intégrer la population dans ses biens,
- embrigadement de la population et limitation de la liberté de circulation,
- l'opinion désabusée et biaisée de la communauté internationale sur tout ce qui se passe au Rwanda (les massacres de Kibeho).

## II. DU RETOUR DES REFUGIES DANS LA PATRIE

Tous les réfugiés sont prêts à rentrer dans leur patrie et attendant par le retour leur réinstallation dans leurs foyers d'origine et dans leurs biens, sans conditions. A cet effet, nous jugeons nécessaire de dégager les facteurs limitants ce retour, les conditions pouvant le faciliter et et de proposer des actions à mener de part et d'autre par la communauté internationale, les pays hôtes, le Gouvernement de Kigali et les réfugiés afin de trouver une solution appropriée à la crise rwandaise.

### II.1. Les facteurs limitant le retour

En plus de la situation précaire prévalant à l'intérieur du Rwanda telle que décrite ci-dessus, le retour des réfugiés reste handicapé par l'ensemble des éléments ci-après :

- un climat d'insécurité
- la monopolisation du pouvoir par le FPR : le FPR a pris les rênes du pouvoir en violation flagrante de l'Accord de Paix d'Arusha,
- le refus du Gouvernement de Kigali à négocier avec les réfugiés,
- la poursuite des massacres opérés systématiquement par l'armée patriotique rwandaise sur la population hutu (génocide des Hutu)
- l'appropriation des biens des réfugiés par le FPR après la prise du pouvoir depuis juillet 1994,
- la balkanisation des zones Est du Rwanda en faveur d'un tutsiland planifiée depuis longtemps par le FPR en violation de l'intégrité territoriale,
- les tentatives de falsification et de réécriture de l'histoire rwandaise (nouvelle reprise de l'hégémonie ethnique).

### II.2. Actions à mener pour le retour

En regard à ce qui précède, la communauté internationale devrait prendre des mesures pratiques pour :

- 1.- ramener la paix au Rwanda et la sécurité dans la sous-région,
- 2.- préparer et organiser les négociations entre les deux parties concernées,
- 3.- poursuivre les aides humanitaires en faveur des réfugiés en attendant le retour et la réinstallation.

Aux pays hôtes, la communauté des réfugiés rwandais réitère ses sincères remerciements pour l'hospitalité et l'aide qu'ils leur offrent. Elle leur fait leur demande



de poursuivre cette action et de mettre tout en oeuvre pour faciliter le retour rapide.

Le Gouvernement de Kigali devrait faire preuve :

- 1.- du respect strict des droits fondamentaux de la personne humaine,
- 2.- de la culture d'un climat de confiance, d'entente et de sincérité,
- 3.- de la volonté à l'ouverture en faveur des négociations.

Dans ce contexte, les réfugiés privilégient le retour par la voie pacifique. La communauté des réfugiés rwandais devrait s'organiser pour :

- 1.- participer effectivement aux négociations pour le retour,
- 2.- aider les pays hôtes à faciliter son séjour,
- 3.- réaliser l'unité, l'entente et la solidarité entre les réfugiés,
- 4.- préparer la réconciliation nationale.

Au Tribunal International pénal pour le Rwanda, il est demandé :

- 1.- de mettre en place des mesures de protection suffisantes des présumés coupables se trouvant tant à l'intérieur qu'à l'extérieur du Rwanda,
- 2.- d'établir des responsabilités respectives des parties à l'Accord de Paix d'Arusha,
- 3.- de prendre conscience que ses conclusions serviront de base à la paix et à la réconciliation nationale.

### III. DE LA RECONCILIATION ENTRE LES RWANDAIS

La conscience pour une meilleure réconciliation impose tout un processus visant au rétablissement des valeurs civiques notamment le patriotisme et la dignité nationale ainsi que la cohabitation entre les ethnies rwandaises. Le processus de réconciliation exige cependant de connaître ceux qui doivent se réconcilier et pourquoi ils doivent le faire. D'après l'histoire, ce sont les hutu et les tutsi qui doivent se réconcilier en vue d'une meilleure gestion du pays.

Compte tenu de la situation actuelle, les dissensions internes entre ces différentes ethnies doivent être tranchées de part et d'autre. Dans ce contexte, la reconnaissance et le respect des valeurs mutuelles des ethnies rwandaises permettra une nouvelle conception de l'éthique morale nécessitant un cadre juridique et institutionnel pour sa mise en action.

Dans ce sens, le processus de réconciliation nationale aboutirait à un projet de société qui consacre la démocratie pluraliste et une cohabitation pacifique reconnaissant les valeurs ethniques et régionales propres.

Ainsi, ce projet de société nécessitera un pardon mutuel pour être réalisé et pour favoriser l'union nationale véritable et le développement.

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#### IV. DE LA RECONSTRUCTION DU RWANDA

Par reconstruction nationale, il faut entendre la réhabilitation des infrastructures socio-économiques endommagés par la guerre et la reprise du développement. Pour le cas du Rwanda, elle pourra se réaliser grâce :

- 1.- à l'idéologie politique et au projet de société adoptés,
- 2.- à un plan de redressement adéquat dans tous les secteurs politiques, sociales et économiques,
- 3.- à la mobilisation de la contribution de la communauté internationale.

Fait à Katala, le 11 juillet 1995

Pour le groupe de réflexion des ressortissants  
de la Préfecture de Kigali  
vivant dans les Camps de réfugiés de KAHINDO  
et de KATALE

NORD KIVU - ZAIRE

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