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G3 OPERATIONS/PLANS - RULES OF ENGAGEMENT 25 JULY - 12 OCT 1995

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UNITED NATIONS **NATIONS UNIES**

ASSISTANCE MISSION IN RWANDA — MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

File No 5000.8 (G3 PLANS)

To: DISTRIBUTION LIST

From: G3 PLANS/A PKMatik

Date: 12 Oct 95

Subject: AIDE-MÉMOIRE - RULES OF ENGAGEMENT

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1. Given the important delays encountered in the procurement of UNAMIR Rules of Engagement Aide-Mémoire from the Nairobi contractor, please find enclosed a replica of the cards in English and in French.

2. Please make copies and distribute to each member of your contingent. The Aide-Mémoires shall be carried at all time to be ready to face any eventualities.

3. For action.

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ACTION

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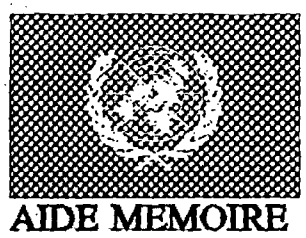
Force Commander
Deputy Force Commander
COS
Operations Branch
Military Personnel Branch
Logistics Branch
~~Plans Branch~~
Camp Commandant
Military Observer Group Headquarters
Force Provost Marshall

UNAMIR  MINUAR

AIDE MEMOIRE

RULES OF ENGAGEMENT (ROE)

The Three Basic Principles

- The three basic principles that you must remember at all times are:
  - You are deployed on a **PEACE KEEPING** Mission.
  - If you have to use force use only the **MINIMUM FORCE** necessary to accomplish your task.
  - Remember you always have the right to act in **SELF DEFENCE**..

Instructions Regarding the Use of Force

- You are to avoid the use of force if it is possible to do so, and your conduct must cause the least possible concern, fear or danger to the local population.
- Your immediate commander will order any change in the states of weapon readiness. While your commander is authorised to issue the order to open fire, you have the right to use appropriate force in **SELF DEFENCE** to protect your self and those it is your duty to protect. Whenever possible a warning should be given before opening fire.

If you have to use force, you must only use the **minimum force** necessary. Minimum force normally involves the following escalation sequence:

- **Verbal or Visual Warning**
  Warn the aggressor to stop the activity, which in normal circumstances, should follow the sequence below:

  (1) depending on the situation, a warning may be given orally, by sign or illumination (ie, hand held red flares, search lights, etc.). The issuance of a warning should also be passed up the chain of command with continuous Situation Reports;

- **Charge Weapons**

- **Non-Deadly Force**
  ie. force which is not intended, nor likely to cause death or serious bodily harm. Examples include barring access, use of fists, batons and other devices which are not likely to cause death or serious bodily harm.

- **Warning Shots**
  If the threat continues, employ aimed warning shots in a safe direction so that there is no danger of personal injury or other damage.

- **Deadly Force.**
  If you have no other choice then under command of your superior you may use the minimum amount of deadly force necessary to remove the threat. Remember you do not have to wait for an order from a superior if you have to act in self defence to save your life or the life of somone it is your duty to protect.

ROE States

- There are three ROE levels, GREEN, YELLOW and RED. Ordinarily you will be at GREEN. Only the Force Commander has the authority to order a change in the ROE level. You will be told through your chain of command what you are permitted to do at each level.

- Unless otherwise ordered the following rules are to apply under each state:

	STATE	
GREEN	**YELLOW**	**RED**
You may carry arms	You may carry arms	You may carry arms
Your weapon may be loaded	Your weapon may be charged and made safe	Your weapon may be charged and made safe
You are not permitted to disarm any person	You are not permitted to disarm any person	You are permitted to disarm paramilitary and civilians

You will be advised of any other rules through your chain of command.

Warnings

- **Warning Before Firing.** When ever possible a warning should be given before firing. The warning should be given in a loud clear voice in English/French and Kinyawanda:

  Stop - Hands Up/Arretez - Levez Les Mains/
  Hagarara - Amaboko Hejuru

  (Pause)

  Stop or I Will Shoot/Arretez ou Je Tire/
  Hagarara, Cyangwa Bakurse

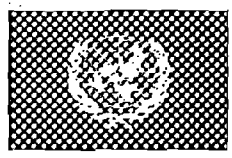
Procedures After Firing

- **Medical.** Any wounded, including those fired upon by UNAMIR personnel will be given first aid, if such action can be done without further endangering the lives of UNAMIR personnel.

- **Recording.** Details of the incidient are to be immediately recorded. This is to include:

  - Date, Time and place of firing;
  - Unit and Personnel involved;
  - The events leading up to the firing;
  - Why UNAMIR personnel opened fire;
  - Who or what was fired on;
  - The weapons fired; and
  - The apparent results of the firing.

- **Reporting.** The above information and the current situation will be reported through the chain of command to UNAMIR Force HQ.

UNAMIR  MINUAR

AIDE MEMOIRE

REGLES D' ENGAGEMENT (RDE)

Les Trois Principles de Base

- Vous devez vous rappeler en tout temps les trois règles de base suivantes:

  - Vous êtes déployés dans une mission de **MAINTIEN DE LA PAIX**.

  - Si vous devez absolument faire usage de la force, utilisez seulement la **FORCE MINIMALE** nécessaire pour accomplir votre mission.

  - Souvenez-vous que vous avez toujours le droit d'agir en cas d'auto-défense.

Instructions sur l'Utilisation de la Force

- Vous devez éviter l'utilisation de la force autant que faire se peut, et votre comportment doit susciter le moins d'inquiétude, de peur, ou de danger possible a la population locale.

- Votre commandant immédiat ordonnera toutes modifications dans les seéarios de préparation des armes. Alors que votre commandant est autorisé à vous donner l'ordre de tirer, vous avez le droit d'utiliser la force appropriée en cas d'**AUTO-DEFENCE** pour vous protéger et ceux dont il est votre devoir de protéger. Chaque fois que possible, un avertissement doit être lancé avant d'ouvrir le feu.

S'il faut absolument faire usage de la force, vous devez utiliser seulement la force minimale nécessaire. Normalement, la force minimale nécessaire implique la succession ascendante suivante:

. **Avertissement verbal ou visuel**
Prévenir l'agresseur d'arrêter l'activité, ce qui, dans les circonstances normales, devrait suivre la séquence suivante:

(1) Selon la situation, un avertissement peut être oral, un signe ou une lumière (i.e. des feux rouge tenus en mains, des lampes-torches, etc.). Le lancement d'un avertissement doit aussi être communiqué à la chaîne de commandement avec des rapports continus sur la situation;

(2) Répéter l'avertissement verbal ou visuel autant de fois nécessaire pour s'assurer qu'il est compris ou accepté.

. **Charger les armes**

. **Force non-mortelle**
i.e. une force qui ne vise pas à et n'est pas susceptible de provoquer la mort ou un dommage corporel grave. Les exemples peuvent être le refus d'accès. l'usage des coups de poings, des bâtons et d'autre systèmes qui ne sont pas susceptibles de provoquer la mort ou un dommage corporel grave.

. **Tirs d'avertissement**
Si la menace persiste, employer des tirs d'avertissement ciblés dans une direction sûre afin de ne pas blesser ou causer de dommages.

. **Force mortelle**
Si vous n'avez pas d'autre choix, alors sous le commandement de votre supérieur, vous pouvez utiliser la quantité minimum de force mortelle nécessaire pour écarter la menace. Rappelez-vous qu'en cas d'auto-défense, vous ne devez pas attendre l'ordre de votre supérieur pour sauver votre vie ou celle de quelqu'un dont il est votre devoir de protéger.

Scénarios des RDE

- Il existe trois niveaux de RDE, **VERT, JAUNE** et ROUGE. Ordinairement vous serez au niveau **VERT.** Seul le Commandant de la Force est authorisé à ordonner un changement dans le niveau des RDE. A travers votre chaîne de commandement, on vous dira ce qu'il vous est permis de faire à chaque niveau.

- A moins d'un ordre contraire, les regles suivantes doivent être appliquées à chaque niveau:

	NIVEAU	
VERT	**JAUNE**	**ROUGE**
Vous pouvez porter des armes	Vous pouver porter des armes	Vous pouvez porter des armes
Votre arme peut être munie d'un magasin sans être chargée	Votre arme peut être chargée mais sécurisée	Votre arme peut être chargée mais sécurisée
Vous n'êtes pas autorisés à désarmer qui que ce soit	Vous n'êtes pas autorisés a désarmer qui que ce soit	Vous êtes autorisés a désarmer les paramilitaires et les civils

Toutes autres règles vous seront communiquées par l'entremise de votre chaîne de commandement.

AVERTISSEMENTS

. **Avertissement avant l'ouverture du feu.** Chaque fois que possible, un avertissement doit être donné avant d'ouvrir le feu. L'avertissement doit être lancé clairement et à haute voix en Anglais/Francais et Kinyarwanda:

Stop-Hands Up/ Arrêtez Levez les Mains/ Hagarara, Amaboko Hejuru

(Pause)

Stop or I will Shoot/ Arrêtez ou Je Tire/ Hagarara, Cyangwa Bakurase

Procédures après l'ouverture du feu

. **Action médicale.** Toute personne, y compris celles sur lesquelles le personnel de la MINUAR a tiré bénéficiera des premiers soins si toutefois une telle action peut se faire sans mettre davantage en danger les vies du personnel de la MINUAR.

. **Enregistrement.** Les détails sur l'incident doivent être immédiatement enregistrés. Ceux-ci doivent comprendre:

. La date, l'heure et la place où l'ouverture du feu a eu lieu;
. L'unité et le personnel impiqués;
. Les événements qui ont conduit à l'ouverture du feu;
. Pourquoi le personnel de la MINUAR a ouvert le feu;
. Sur qui ou quoi on a tiré;
. Les armes utilisées; et
. Les résultats apparents des coups tirés.

. **Rapport.** Les informations ci-dessus ainsi que la situation qui prévaut seront communiquées au QG de la force de la MINUAR à travers la chaîne de commandement.

UNITED NATIONS **NATIONS UNIES**
ASSISTANCE MISSION IN RWANDA — MISSION POUR L'ASSISTANCE AU RWANDA
UNAMIR - MINUAR

File No 5000.8 (G3 PLANS)

To: DISTRIBUTION LIST

From: G3 PLANS

Date: 10 Oct 95

Subject: AMENDMENT TO UNAMIR RULES OF ENGAGEMENT

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1. Please find enclosed the latest version of the UNAMIR Rules Of Engagement (ROE).

2. For necessary action.

G3 plans

S.C. Dadhwal
LCol
G3 Plans

11/10 How many copies being sent. Why not send only the amendment(s)

DISTRIBUTION LIST

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INDBATT
Force Engineer Company
Force Signal Company
Composite Mission Support Group (CMSG)
Medical Company
G3 Air
Humanitarian Assistance Cell (HAC)
Force Provost Marshall
Military Police Company
Human Rights Liaison Officer

- In order to avoid any confusion and nonapplication of the requirements, copies have been sent to all.

PK 12/10.

EXTERNAL

CAO (Div. of Admin. and Management)
SRSG Office
United Nations HQ New York (DPKO)

3 October 1995

UNAMIR STANDING OPERATING PROCEDURES

SECTION 17: RULES OF ENGAGEMENT

PART I

INTRODUCTION

1. The conduct of military operations is controlled and regulated by the provision of international and national law, conventions and precedence. Actions of individuals is also governed by applicable national laws. In the case of a United Nations (UN) conducted operation, it is the responsibility of the UN to set the parameters within which UN Forces will operate. Rules of Engagement (ROE) are the means by which the UN can provide to commanders at all levels the political and legal direction and guidance on the use of Force by UN personnel. ROE are drafted by the Force Commander, but are approved by the UN and may only be changed with UN authority.

2. These UNAMIR ROE are provided for UN Forces operating under the auspices of UN Security Council Resolution 997 (1995) of 9 June 1995. That Resolution states that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their communities (home communes), and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full - time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case

of need.

3. Under the terms of the Arusha Peace Agreement and the UN Security Council Resolution mandates, UNAMIR has a commitment to all parties to assist them to achieve national reconciliation However, circumstances could arise where the use of force by UNAMIR personnel would be necessary and justified. Impartiality will be the fundamental principle of the activities of UNAMIR.

PART II

AIM

4. The aim of this directive is to provide guidance to commanders and soldiers at all levels in the use of force. However, no definitive directive can be created that can detail every possible course of action for every possible situation. It is critical and mandatory that all members of UNAMIR understand these ROE and apply them to any and all situations that develop requiring the use of force.

PART III

DEFINITIONS

5. The following key definitions must be clearly understood by all personnel in UNAMIR:

a. Force. The use of, or the threat to use, physical means to impose one's will. Military force is the use of the physical means provided by formed, armed and disciplined bodies of troops under unified command to achieve the same end and generally implies the potential to use significant levels of violence.

b. Minimum Force. The minimum degree of authorised force which is necessary, reasonable and lawful in the circumstances.

c. Self-Defence. The use of force in Rwanda to protect:

(1) oneself and the personnel in one's unit,

(2) UN Agencies, International Tribunal for Rwanda, including the Prosecutor's Office, Human Rights Officers and Humanitarian Agencies,

(3) non-UNAMIR humanitarian aid personnel, or

(4) other UN-authorized military or civilian personnel, against a hostile act or hostile intent, where there is no other choice or time for deliberation.

NOTE: The right to self-defence is related to, but separate from, ROE and applies no matter what other factors are present. Therefore, notwithstanding any ROE that may be authorised, when an attack occurs, or is anticipated, the right exists to use proportionate force in self-defence to deter, neutralise or destroy the threat.

d. Hostile Act. A hostile act is an attack or other use of force against those entities listed in paragraph 5.c. above.

e. Hostile Intent. Hostile intent is the threat of the imminent use of force against those entities listed in paragraph 5.c. above.

f. Collateral Damage. Damage to persons or property adjacent to, but not part of an authorised target.

g. Non-deadly force. Any physical means of forcing compliance that does not pose a risk of death or serious bodily harm to the individual against whom the force is directed. This is usually through the use of physical force short of the use of firearms or other deadly weapons. Examples include: pushing and lesser forms of striking or hitting, and physically or mechanically restraining persons. Warning shots are non-deadly force, even though they involve the use of firearms.

h. Deadly Force. This is the ultimate degree of force. Deadly force is that level of force which is intended or is likely to cause death or serious bodily harm regardless of whether death or serious bodily harm actually results.

i. Serious Criminal Offence. Any offence which may result in death or serious bodily injury or significant damage to property. Such offences include, but are not limited to: murder, rape, robbery and burglary.

PART IV

INSTRUCTIONS ON THE USE OF FORCE

APPLICABILITY

6. All information contained in this part shall be construed as orders. These orders do not restrict a soldier's inherent right to self-defence.

COMMANDERS' RESPONSIBILITY

7. UNAMIR Commanders at all levels are required:

a. to have this directive translated and disseminated to every subordinate under their command; and

b. to ensure that every subordinate under their command:

(1) is briefed and refreshed on the meaning and application of these ROE as they relate to assigned missions;

(2) understands and complies with the contents of this document; and

(3) has the opportunity to seek additional clarification, guidance or direction if these ROE are considered insufficient.

8. The UNAMIR Force Commander shall issue orders on the readiness of personal weapons to be maintained appropriate to the situation.

USE OF FORCE AND ENGAGEMENT PRINCIPLES

9. When an incident occurs that requires the use of force, the following principles will be adhered to:

a. Reasonable Belief. Mere speculation does not constitute reasonable belief. The use of force must be predicated upon a tangible threat;

b. Minimum Force. UNAMIR personnel will never use more force that the minimum necessary to enable them to carry out their duties and accomplish assigned objectives or the mission;

c. Proportionality. Only a response proportionate to the perception of the level of threat is justified. Any force used must be limited to the degree, intensity, and duration necessary to achieve the objective for which the force is used, and no more;

d. Duration of Force and Disengagement. The application of force, at whatever level, is to cease when the hostile act stops, or whenever the commander considers there is no imminent threat or attack.

e. Negotiation and Warnings. If possible, negotiation and warnings must be exhausted before any use of force is initiated;

f. Deadly Force. Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed;

h. Escalation. Escalation of the level of violence is to be minimised;

i. Collateral Damage. Collateral damage is to be minimised;

j. Retaliation and Reprisal. The use of force in retaliation and reprisal is prohibited; and

k. Application of Force. The use of force shall be controlled, where possible, by the on-scene commander and is to cease once the aim has been achieved

AUTHORITY TO USE FORCE

10. Force may be used as follows:

a. Non-Deadly Force. UNAMIR personnel are authorised to use non-deadly force in the following circumstances:

(1) in self-defence;

(2) against attempts at infiltration or envelopment of UNAMIR units, compounds or locales;

(3) when UNAMIR premises are violated in attempts to steal UNAMIR property or property under the protection of the UN;

(4) when attempts are made to abduct or detain UNAMIR civilian or military personnel; and

(5) when attempts are made to prevent UNAMIR personnel from carrying out their responsibilities as ordered by their commanders.

b. Deadly Force. UNAMIR personnel are authorised to use deadly force in the following circumstances:

(1) in self-defence (as defined in paragraph 5.c.) against persons committing a hostile act or exhibiting hostile intent;

(2) to protect from damage or destruction, property or installations belonging to or under the protection of UNAMIR, including protected sites and the means for the distribution and delivery of humanitarian relief:

(a) which have been designated by the unit Commanding Officer, in consultation with the Force Commander, as essential to the success of the UNAMIR mission,

(b) which justify protection through the use of deadly force, and

(c) where there is no way to prevent the damage or destruction;

(3) to overcome armed attempts to prevent UNAMIR Force from discharging its duties, when authorised by the Force Commander;

(4) to resist armed attempts to disarm, abduct or detain UNAMIR military or civilian personnel;

(5) to resist armed attempts to compel UNAMIR personnel to withdraw from protection areas they were ordered to occupy by the Force Commander or his delegate; and

(6) to resist armed attempts to cut off a UNAMIR force.

c. Use force as appropriate, to protect persons from suffering death or serious bodily injury when there are no Rwandan Authorities available to render immediate assistance.

AUTHORITY TO SEARCH AND DETAIN

11. Authority to Stop and Search. UNAMIR personnel are authorised to stop all individuals attempting to enter or who are discovered inside any facilities under UNAMIR protection and to request that the individual submit to a consensual search of himself/herself and his/her vehicle where applicable. Any individual not willing to be searched shall be denied access, escorted from the premises or detained as appropriate. Searches of persons and their property are also

authorised for the purpose of security. Such searches must be conducted with the minimal use of force necessary.

12. Authority to Detain. Individuals shall only be detained if they commit a hostile act or display hostile intent, or commit a serious criminal offence or carry out any activity which would require that force be used against them in accordance with the ROE, International Humanitarian Law or Rwandan law.

13. Once detained, only minimal non-deadly force is authorised to prevent the escape of a detainee, unless there is a necessity to act in self-defence, in which case minimum force, up to and including deadly force, is authorised. However, if the individuals flee and the threat of their use of force has thus been removed, further force of any kind shall not be employed to apprehend them.

14. Any individual detained shall be turned over as soon as possible to appropriate authorities as designated by the Force Commander. Any weapons or items seized from detainees shall be confiscated and handed over to the appropriate authorities or, if required, rendered militarily ineffective.

15. Treatment of Detainees. Detainees shall not be subject to intimidation, deprivation or humiliation. Medical care and the attention of medical personnel will be provided when required. Detainees will be given rations and shelter equivalent to that of UNAMIR personnel.

16. UNAMIR Personnel may stop, search, and if necessary, detain individuals who committed a serious criminal offence when there are no Rwandan Authorities available to act in time. If detained such individuals shall immediately be handed over to the custody of the competent Rwandan Authorities.

CHALLENGE AND ESCALATION PROCEDURES

17. Except where a response is required to open fire without warning, the following procedures are to be adhered to:

a. Verbal or Visual Warning. Warn the aggressor to stop the activity, which in normal circumstances, should follow the sequence below:

(1) depending on the circumstances, a warning may be

given orally, by a sign or by illumination (ie, hand-held red flares, search-lights, etc.). The issuance of a warning should also be passed up the chain of command with continuous Situation Reports;

(2) repeat the verbal or visual warning as many times as is necessary to ensure understanding or compliance;

b. Charge Weapons. Make use of the visual effect of such action to convince the aggressor that failure to stop the aggressive activity may result in the use of deadly force;

c. Non-Deadly Force. If warnings are ignored, where possible, employ minimal non-deadly force;

d. Warning Shots. If the threat continues, employ aimed warning shots in a safe direction so that there is no danger of personal injury or collateral damage; and

e. Deadly Force. If minimal non-deadly force is either not feasible or fails, on order and under the control of a superior, minimal deadly force, such as single aimed shots, may be used until the threat is removed. If a soldier is acting in self-defence he does not have to wait for a superior to order or control his fire.

PROCEDURES DURING FIRING

18. Any use of firearms as a means of applying deadly force shall be aimed fire. Fire must be controlled and will not be indiscriminate. Automatic fire will only be used as a last resort and fire for effect will only continue as long as it is necessary to achieve the immediate aim of self-defence (or the defence of others).

PROCEDURE AFTER FIRING

19. After firing, commanders should ensure the following actions are taken.

a. Medical. Any wounded, including those fired upon by UNAMIR personnel will be given first aid, if such an action can be done without further endangering the lives of UNAMIR personnel.

b. Recording. Details of the incident will be recorded, including:

(1) date, time and place of firing;

(2) unit and personnel involved;

(3) the events leading up to the firing;

(4) why UNAMIR personnel opened fire;

(5) who or what was fired on;

(6) the weapons fired; and

(7) the apparent results of the firing.

c. Reporting. The above information and the current situation will be reported through the chain of command to UNAMIR Force HQ Attn Force Commander and Deputy Chief of Staff Operations.

PART V

RULES OF ENGAGEMENT

20. The ROE stated in this directive apply to all military personnel provided by troop contributing States and operating in accordance with the United Nations Security Council Resolution 997 (1995) of 9 June 1995. These ROE are written in the form of either prohibitions or permissions. Issued as prohibitions, they are orders not to take specific actions. Issued as permissions they are guidance to commanders that certain specific actions may be taken if they are judged necessary to achieve the aim of the mission. The use of force by UNAMIR personnel is prohibited unless specifically authorised by the ROE.

21. Rule No. One: Authority to Carry Arms:

a. State A: No authority.

b. State B: Authority granted to carry weapons.

22. Rule No. Two: Status of Weapons:

a. State A: Weapons will be carried with loaded magazines.

b. State B: Weapons will be carried, charged and made safe.

23. Rule No. Three: Response to Hostile Intent or Hostile Act without the Use of Fire:

a. State A: Observe and report but will withdraw in order to preserve own force.

b. State B: Stay in place. Make contact and establish liaison with opposing force(s) and/or local authorities concerned.

c. State C: Observe and Report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means without opening fire.

d. State D: Observe and Report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means. Demonstrative use of fire is authorised.

24. Rule No. Four: Disarmament of Paramilitary Personnel or Civilians:

a. State A: No authorisation granted.

b. State B: Authorisation is granted. In doing so, use minimum force and escalate to include use of deadly force if hostile intent is exhibited or a hostile act is committed. Hand over to appropriate authority at the earliest opportunity.

25. Rule No. Five: Intervention and Warning Shots:

a. State A: Intervention between warring factions is prohibited.

b. State B: Intervention with deadly force against positively identified and designated targets only after warning shots have been fired as part of the warning process.

26. Rule No. Six: Control of Weapons Systems:

a. State A: Manning, preparation, movement and firing of weapons in the presence of the forces in conflict is prohibited.

b. State B: Designated activity in the presence of the forces in conflict is permitted but will be specified by the following notes:

(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

27. There are three ROE states that may apply in any given sector in Rwanda. These states are GREEN, YELLOW and RED and are described on UNAMIR Levels of Readiness/Alert pages in Annex A. In normal circumstances, the ROE status shall be GREEN.

28. Changes in the normal status of the ROE for UNAMIR Forces as a whole will be ordered by the Force Commander or his delegate. Sector Commanders may order changes in normal status of the ROE for their sectors, if authorised by the Force Commander or his delegate. Contingent Commanders will inform or, if necessary, seek approval from national authority for the change in status.

PART VI

CONCLUSION

30. Amendments to this Directive will be issued as required and be approved by the UN.

31. This Directive will be classified UN RESTRICTED.

Annexes:

Annex A Instructions for all Members of the UNAMIR Military Component Regarding Opening Fire in Rwanda.

Annex B UNAMIR Levels of Readiness/Alert

ANNEX A TO
RULES OF ENGAGEMENT
DATED 3 OCTOBER 1995

INSTRUCTIONS FOR ALL MEMBERS OF THE UNAMIR MILITARY COMPONENT REGARDING OPENING FIRE IN RWANDA

1. You are to avoid the use of force, if it is possible to do so, and your conduct must cause the least possible concern, fear or danger to the local population.

2. Your immediate commander will order any change in the states of weapon readiness. While your commander will normally issue the order to open fire, you have the right to use appropriate force in self-defence to protect yourself and those it is your duty to protect. Whenever possible a warning should be given before opening fire.

3. If you have to use force, you must only use the **MINIMUM FORCE necessary. MINIMUM FORCE normally involves the following sequential actions:**

a. open display of weapons,

b. verbal warning,

c. barring access to the point being protected,

d. physical restraint,

e. warning shots,

f. pointing weapons, and

g. firing weapons at a person.

WARNINGS

4. **WARNING BEFORE FIRING.** Whenever possible a warning should be given before firing. The warning should be given in a loud clear voice in ENGLISH/FRENCH or KINYARWANDA:

STOP-HANDS UP/ ARRETEZ LEVEZ LES MAINS/ AGARARA, AMABOKO HEJURU

(PAUSE)

STOP OR I WILL SHOOT/ ARRETEZ OU JE TIRE/ HAGARARA, CYANGWA BAKURASE

5. **FIRE AFTER WARNING.** After warning you may fire on a person in order to avoid death or grievous bodily harm only if:

a. the person is carrying a dangerous weapon (e.g. firearm, improvised firing device or machete); AND

b. you believe the person is about to attack you, your unit, or any person it is your duty to protect; AND

c. the person refuses to stop when called upon to do so; AND

d. you believe there is no other way of stopping the person.

6. **FIRE WITHOUT WARNING.** You may fire without warning on a person in order to avoid death or grievous bodily harm only if that person:

a. has used or is using a fire arm or other dangerous weapon against you, your unit or persons it is your duty to protect; OR

b. is carrying what you believe to be a dangerous weapon, AND is clearly about to use it, AND you believe that there is no other way to protect yourself, your unit, or the persons it is your duty to protect.

7. If you have to fire, you must account for all rounds expended in an after action report submitted in writing to your immediate commander.

ANNEX B TO
RULES OF ENGAGEMENT
DATED 3 OCTOBER 1995

UNAMIR LEVELS OF READINESS/ALERT

SERIAL	STATUS	UNITS/HQ	ACTION
1	GREEN	ALL	1. Normal activities 2. **ROE: Rule 1-Status B, Rule 2-Status A, Rule 3-Status B, Rule 4-Status A, Rule 5-Status A, Rule 6-Status A.**
2	YELLOW	HQ	1. Planning for next higher status commences. 2. Liaison increased. 3. VIP visits postponed. 4. No leave granted except on compassionate grounds.
		UNITS	1. Precautionary stage. 2. Double sentries. 3. Night movement restricted. 4. Test shelters. 5. Stand To/Local alarm practice. 6. No leave granted except on compassionate grounds. 7. Backup comms/units/wpns. 8. Reserves put on 3 hrs notice to move.
		ALL	**ROE: Rule 1-Status B, Rule 2-Status B, Rule 3-Status C, Rule 4-Status A, Rule 5-Status A, Rule 6-Status A.**
3	RED	HQ	1. General Alert. 2. VIP visits cancelled. 3. No leave granted. 4. Emergency movement only. 5. Special SITREPS to UNHQ. 6. Civilian evacuation if the situation warrants
		UNITS	1. Troops in defensive positions. 2. Troops in Stand To positions. 3. Reserves put on one hour notice to move. 4. No leave granted. 5. Troops on duty outside to wear flak jackets.
		ALL	**ROE: Rule 1-Status B, Rule 2-Status B, Rule 3-Status D, Rule 4-Status B, Rule 5-Status B, Rule 6-Status B.**

APPENDIX ONE TO
ANNEX B TO
RULES OF ENGAGEMENT
DATED 3 OCTOBER 1995

AIDE MEMOIRE - RULES OF ENGAGEMENT

NOTE: GREEN status indicated in boxes

RULE ONE: **AUTHORITY TO CARRY ARMS**

STATE A: No authority granted.

STATE B: Authority granted to carry weapons.

RULE TWO: **STATUS OF WEAPONS**

STATE A: Weapons will be carried with loaded magazines.

STATE B: Weapons will be carried, charged and made safe.

RULE THREE: **RESPONSE TO HOSTILE INTENT OR HOSTILE ACT WITHOUT THE USE OF FIRE**

STATE A: Observe and report but will withdraw in order to preserve own forces.

STATE B: Stay in place. Make contact and establish liaison with opposing force(s) and/or local authorities concerned.

STATE C: Observe and report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means without opening fire.

STATE D: Observe and report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means. Demonstrative use of fire is authorized.

RULE FOUR: **DISARMAMENT OF PARAMILITARY PERSONNEL OR CIVILIANS**

STATE A: No authorization granted.

STATE B: Authorization is granted. In doing so, use minimum force and escalate to include use of deadly force if hostile intent is exhibited or a hostile act is committed. Hand over to appropriate authority at earliest opportunity.

RULE FIVE: **INTERVENTION AND WARNING SHOTS**

STATE A:	Intervention between warring factions is prohibited.

STATE B: Intervention with deadly force against positively identified and designated targets only after warning shots have been fired as part of the warning process.

RULE SIX: **CONTROL OF WEAPON SYSTEMS**

STATE A:	Manning, preparation, movement firing of weapons in the presence of forces in conflict is prohibited.

STATE B: Designated activity in the presence of the forces in conflict permitted but will be specified by the following notes:

(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

3 octobre 1995

PROCEDURES OPERATIONNELLES PERMANENTES DE LA MINUAR

SECTION 17: REGLES D'ENGAGEMENT

PREMIERE PARTIE

INTRODUCTION

1. La conduite des opérations militaires est contrôlée et réglementée par la disposition de lois nationales et internationales, de conventions et de jurisprudence. Les actes posés par des individus sont aussi régis par des lois nationales en application. Dans le cas d'une opération placée sous le commandement des Nations Unies (NU), il est du ressort des NU d'établir les paramètres selon lesquelles les forces des Nations Unies vont opérer. Les RDE constituent le moyen par lequel les Nations Unies fournissent, aux commandants à tous les niveaux, des instructions politiques et légales concernant l'usage de la force par le personnel de l'ONU. Les RDE sont préparées par le Commandant de la Force; mais elles doivent être approuvées par les NU et ne peuvent être modifiées que sous l'autorisation des Nations Unies.

2. Les RDE de la MINUAR sont prévues pour les forces onusiennes opérant sous les auspices de la Résolution 997(1995) vote en date du 9 juin 1995 par le Conseil de Sécurité des Nations Unies. Cette Résolution stipule que la MINUAR:

(a) User de ses bons offices pour faciliter la réconciliation nationale dans le cadre de l'Accord de Paix d'Arusha;

(b) Aider le Governement rwandais à faciliter le retour librement consenti des réfugiés, en toute sécurité, ainsi que leur réinsertion dans leur milieu d'origine, et, à cette fin, appuyer les efforts faits par le Governement rwandais pour instaurer un climat de stabilité et de confiance, grâce à des activités de surveillance menées dans l'ensemble du pays par des observateur militaires et des observateurs de police;

(c) Faciliter l'aide humanitarian, ainsi que la fourniture d'une assistance et de services spécialisés en matière de génie civil, de logistique, de santé publique et de déminage;

(d) Aider à l'instruction d'une force de police nationale;

(e) Contribuer à assurer la sécurité, au Rwanda, du personnel et de locaux des organismes des Nations Unies, du Tribunal international pour le Rwanda, notamment en assurant en performance la protection du Bureau du Procureur, ainsi que des spécialistes des droites de l'homme, et contribuer également, si besoin est, à assurer la sécurité des organismes humanitaires;

3. Selon les termes de l'Accord de Paix d'Arusha et des mandats de la Résolution du Conseil de Sécurité des Nations Unies, la MINUAR a un engagement d'aider toutes les parties en conflit à atteindre la national reconciliation. L'impartialité en constitue la clé et toute action de la MINUAR doit viser à l'avancement vers cet objectif. Cependant, des circonstances peuvent surgir où l'usage de la force serait nécessaire et justifié. L'impartialité sera le principe fondamental sur lequel sera fondé les activités de la MINUAR.

DEUXIEME PARTIE

BUT

4. L'objectif de cette circulaire est de fournir un guide aux commandants et soldats de tous niveaux en cas d'usage de la force. Cependant, aucune circulaire définitive ne peut être établie qui puisse détailler toute action possible pour toute situation possible. Il est important et obligatoire que tous les membres de la MINUAR comprennent et appliquent ces RDE à toutes les situations qui se présentent exigeant l'usage de la force.

TROISIEME PARTIE

DEFINITIONS

5. Les définitions-clés suivantes doivent être bien comprises par tout le personnel de la MINUAR:

a. Force. C'est l'utilisation (ou menace d'usage) des moyens physiques pour imposer sa volonté. La force militaire est l'usage des moyens physiques fournis par des corps de troupes formés et disciplinés placés sous un commandement unifié pour atteindre le même but et en général ceci implique la possibilité d'user de la violence à des niveaux importants.

b. Force minimale. Le degré minimum de force autorisée qui est nécessaire, raisonnable et légitime dans les circonstances.

c. Auto-défense. L'emploi de la force pour protéger:

(1) soi-même et le personnel de son unité;

(2) les agences des Nations Unies, le Tribunal International for le Rwanda, incluant le bureau du procureur, les officiers du bureau des Droits de l'Homme et les agences humanitaires;

(3) le personnel chargé de l'aide humanitaire n'appartenant pas à la MINUAR;

(4) autre personnel civil ou militaire autorisé des Nations Unies, contre un acte ou une intention hostile, là où il n'y a pas d'autre choix ou de temps de délibérer.

Note: Le droit à l'auto-défense est allié mais séparé des RDE et il s'applique quels que soient les autres facteurs en présence. Par conséquent, malgré toute RDE qui puisse être autorisée, quand une attaque a eu lieu, ou est anticipée, le droit d'employer une force proportionnée en cas d'auto-défense existe pour décourager, neutraliser ou détruire la menace.

d. Acte hostile. Un acte hostile consiste en une attaque ou autre usage de la force contre toutes les entités énumérées au para 5.c. ci-dessus.

e. Intention hostile. C'est une menace d'usage imminent de la force contre les entités énumérées au para 5.c. ci- dessus.

f. Dommage collatéral. Dommage causé aux personnes ou aux biens adjacents mais ne faisant pas partie d'une cible autorisée.

g. Force non-mortelle. Tout moyen physique pour forcer à accepter qui ne présente pas de risque de mort ou de dommage corporel grave contre l'individu sur lequel la force est exercée. C'est généralement à travers l'usage de la force physique sans l'emploi d'armes à feu ou d'autres armes mortelles. Par exemple, le fait de pousser et d'autres formes légères de frapper ou cogner, ainsi que le fait de contraindre des personnes physiquement ou mécaniquement. Les tirs d'avertissement relèvent de la force non-mortelle, même si cela implique l'usage d'armes à feu.

h. Force mortelle. C'est le dernier degré d'usage de la force. La force mortelle constitue ce niveau où la force exercée vise à ou est susceptible de causer la mort ou un dommage corporel grave quel que soit l'effet réellement produit par cette force.

i. Crimes graves. Il peut s'agir de n'importe quel crime pouvant occasionner la mort ou blessure corporelle grave ou bien même des dégâts matériels. C'est par exemple le meurtre, viol, vol ou cambriolage.

PARTIE VI

INSTRUCTIONS SUR L'UTILISATION DE LA FORCE

APPLICABILITE

6. Toutes les informations contenues dans cette partie seront prises pour des ordres. Cependant, ces ordres ne limitent en rien le droit inhérent d'un soldat à l'auto-défense.

LA RESPONSABILITE DES COMMANDANTS

7. Les commandants de la MINUAR à tous les niveaux doivent:

a. faire traduire et parvenir cette circulaire à tous les hommes placés sous leur commandement; et

b. s'assurer que chaque personne sous leur commandement:

(1) est documentée à nouveau sur le sens et l'application de ces RDE dans la mesure où elles sont en relation avec les missions assignées;

(2) comprend et se conforme au contenu de ce document; et

(3) à l'occasion de demander des clarifications, conseils, ordres supplémentaires lorsque ces RDE lui paraissent insuffisantes.

8. Le Commandant de la Force de la MINUAR emettra des ordres sur la mise en alerte des armes personnelles à maintenir selon la situation.

L'USAGE DE LA FORCE ET LES PRINCIPES D'ENGAGEMENT

9. Quand un incident qui exige l'utilisation de la force se produit, il faut suivre les principes suivants:

a. Croyance raisonnable. La simple spéculation ne constitue pas une croyance raisonnable. L'usage de la force doit se baser sur une menace tangible;

b. Force minimale. Le personnel de la MINUAR n'emploiera jamais plus de force que le minimum requis pour pouvoir exercer les fonctions et accomplir sa mission ou les objectifs qui lui sont assignés;

c. Proportionnalité. Seule est justifiée une riposte proportionnelle au degré de menace perçu. Toute force employée doit être limitée au degré, intensité, et durée nécessaires pour atteindre l'objectif pour lequel la force est utilisée, et pas plus;

d. Durée de la Force et Désengagement. L'application de la force, à n'importe quel niveau, doit cesser quand l'acte hostile n'est plus ou chaque fois que le commandant considère qu'il n'y a plus d'attaque ou de menace imminente;

e. Négociation et Avertissements. Si possible, les possibilités de négociation et d'avertissements doivent être épuisées avant de commencer n'importe quel usage de force;

f. Force mortelle. La force mortelle est justifiée seulement dans des conditions d'extrême nécessité et comme dernier recours quand toutes les autres mesures

légères ont échoué ou ne peuvent vraiment pas être employées;

g. Escalade. L'escalade du degré de violence doit être réduite au minimum;

h. Dommage secondaire. Les dommages secondaires doivent être réduits au minimum;

i. Revanche et Représailles. Il est interdit d'user de la force pour faire des représailles ou chercher la revanche; et

j. Application de la force. L'usage de la force sera contrôlé, là où c'est possible, par le commandant présent sur scène et la force doit cesser une fois que l'objectif est atteint.

AUTORISATION DE FAIRE USAGE DE LA FORCE

10. La force peut être employée comme suit:

a. Force non-mortelle. Le personnel de la MINUAR est autorisé à utiliser la force non-mortelle dans les circonstances suivantes:

(1) en cas d'auto-défense;

(2) contre des tentatives d'infiltrer ou d'encercler les unités, les enclos ou locaux appartenant à la MINUAR;

(3) quand les bâtiments de la MINUAR sont violés dans des tentatives de voler les biens de la MINUAR ou ceux placés sous la protection des Nations Unies;

(4) en cas de tentatives d'enlever ou de détenir le personnel civil ou militaire de la MINUAR; et

(5) quand des tentatives sont faites pour empêcher le personnel de la MINUAR d'accomplir ses fonctions telles qu'ordonnées par ses commandants.

b. Force Mortelle. Le personnel de la MINUAR est autorisé à faire usage de la force mortelle dans les circonstances suivantes:

(1) en cas d'auto-défense (tel que défini au para 5.c.) contre des personnes commettant un acte hostile ou affichant une intention hostile;

(2) pour protéger contre dommage ou destruction les biens ou installations appartenant à la MINUAR ou placés sous sa protection, y compris les sites protégés et les moyens de distribution et de livraison de l'aide humanitaire:

(a) qui ont été désignés par le Commandant de l'unité, en consultation avec le Commandant de la Force, comme étant essentiels pour le succès de la mission de la MINUAR,

(b) qui justifient la protection au moyen de l'usage de la force mortelle, et

(c) là où il n'y a aucun moyen d'empêcher le dommage ou la destruction;

(3) pour parer à des tentatives armées visant à empêcher la Force de la MINUAR de remplir ses fonctions, alors qu'elles sont autorisées par le Commandant de la Force;

(4) pour résister à des tentatives armées visant à désarmer, enlever ou détenir le personnel civil ou militaire de la MINUAR;

(5) pour résister à des tentatives armées visant à contraindre le personnel de la MINUAR de se retirer des zones de protection occupées sur ordre du Commandant de la Force ou de son adjoint; et

(6) pour résister à des tentatives armées visant à couper la force de la MINUAR.

c. Utiliser la force adéquatement pour protéger la population contre des blessures corporelles sérieuses ou la mort lorsqu'il n'y a pas d'autorités rwandaises disponible pour assister dans l'immédiat.

AUTORISATION DE FOUILLER ET DETENIR

11. Autorisation d'arrêter et de fouiller. Le personnel de la MINUAR est autorisé à arrêter tout individu qui essaie de pénétrer ou qui est découvert à l'intérieur des bâtiments sous la protection de la MINUAR et à demander à l'intéressé de se soumettre à la fouille sa personne ou de son véhicule, le cas échéant. L'accès sera refusé a toute personne n'acceptant pas la fouille et elle sera conduite hors du bâtiment sous escorte ou détenue selon les règles appropriées. Des fouilles de personnes et de leurs biens sont aussi autorisées par mesure de sécurité. De telles fouilles peuvent être menées avec le minimum nécessaire d'usage de la force.

12. Autorisation de détenir. Les individus peuvent être emprisonnés suelment s'ils ont commis un acte hostile, s'ils ont manifestés une intention d'hostilité, s'ils ont commis un crime grave ou une autre mauvaise action nécessitant une punition d'usage de force et cela en accord avec la RDE. Loi Humanitare Interntionale ou bien alors la Législation Rwandaise.

13. Une fois que quelqu'un est détenu, seule une force minimale non-mortelle est autorisée pour prévenir son évasion, à moins qu'il y ait une nécessité d'agir pour s'auto-défendre, dans lequel cas une force minimale est autorisée jusqu'à et y compris la force mortelle. Cependant, si les personnes parviennent à s'enfuir et que par conséquent elles ne constituent plus une menace, aucune force de quelque nature que ce soit ne peut plus être exercée pour les appréhender.

14. Tout détenu sera remis aussitôt que possible aux autorités habilitées désignées par le Commandant de la Force. Toutes les armes ou objets saisis sur les détenus seront confisqués et remis aux autorités compétentes ou, si nécessaire, rendus militairement inefficaces.

15. Traitement des détenus. Les détenus ne doivent pas être soumis à l'intimidation, la privation ou l'humiliation. Les soins médicaux ainsi que l'attention du personnel médical seront accordés chaque fois au besoin. Les détenus auront droit aux mêmes rations et abris que ceux du personnel de la MINUAR.

16. Le personnel de la MINUAR peuvent arrêter, fouiller et, si nécessaire, detenir quiconque a commis une offense criminelle sérieuse lorsqu'il n'y a pas d'autorités rwandaise disponible sur place. Dans le cas d'une détention, l'individu devra être remis immédiatement aux autorités compétentes rwandaises pour incarcération.

PROCEDURES DE DEFI ET D'ESCALADE

17. Sauf dans le cas où une riposte nécessitant l'ouverture du feu sans avertissement est nécessaire, les procédures suivantes doivent être respectées:

a. Avertissement verbal ou visuel. Avertir l'agresseur d'arrêter son activité, ce qui, dans les circonstances normales, devrait suivre la séquence suivante:

(1) selon les circonstances, un avertissement peut être oral, un signe ou une lumière (i.e. des feux rouges tenus en mains, des lampes-torches, etc.). Le fait de donner un avertissement devrait être communiqué aux niveaux de commandement supérieurs accompagné de rapports continus sur la situation;

(2) répéter l'avertissement verbal ou visuel autant de fois que possible pour s'assurer qu'il est compris ou accepté;

b. Charger les armes. Exploiter l'effet visuel d'une telle action pour convaincre l'agresseur que son refus d'arrêter l'acte agressif peut provoquer l'usage de la force mortelle;

c. Force non-mortelle. Si les avertissements sont ignorés, utiliser la force minimale là où c'est possible;

d. Tirs d'avertissement. Si la menace persiste, utiliser des tirs d'avertissements ciblés dans une direction sûre afin qu'il n'y ait pas de danger d'atteindre quelqu'un ou de causer des dommages secondaires;

e. Force mortelle. Si une force minimale non-mortelle n'est pas adaptée ou n'a pas d'effet, sur ordre et sous le contrôle d'un supérieur, on peut recourir à une force minimale mortelle comme des tirs non-automatiques ciblés, jusqu'à ce que la menace soit écartée. Si un soldat se trouve devant un cas d'auto-défense, il ne doit pas attendre qu'un supérieur lui donne l'ordre de tirer ou réglemente ses tirs.

PROCEDURES AU COURS DE L'OUVERTURE DU FEU

18. Tout usage d'armes à feu comme moyen d'exercer une force mortelle consistera en des tirs ciblés pour ne pas tirer aveuglément. Les tirs automatiques ne seront utilisés qu'en dernier recours et les tirs ciblés continueront aussi longtemps qu'il sera nécessaire pour atteindre le but immédiat d'auto-défense (ou de la défense d'autres personnes).

PROCEDURES APRES L'OUVERTURE DU FEU

19. Après l'ouverture du feu, les commandants devraient s'assurer que les actions suivantes sont menées.

a. Action médicale. Toutes les personnes blessées, y compris celles sur lesquelles le personnel de la MINUAR a tiré bénéficieront des premiers soins si toutefois cette action peut se faire sans mettre davantage en danger les vies du personnel de la MINUAR.

b. Enregistrement. Les détails sur l'incident seront enregistrés. Ils comprendront:

(1) la date, l'heure et le lieu où l'ouverture du feu a eu lieu;

(2) l'unité et le personnel impliqués;

(3) les événements qui ont conduit à l'ouverture du feu;

(4) ce pourquoi le personnel de la MINUAR a ouvert le feu;

(5) sur qui ou quoi on a tiré;

(6) les armes utilisées; et

(7) les résultats apparents des coups tirés;

c. Rapport. Les informations ci-dessus ainsi que la situation qui prévaut seront transmises à travers la chaîne de commandement au QG de la MINUAR à l'attention du Commandant de la Force et du Chef d'Etat-Major Adjoint pour les Opérations.

PARTIE V

REGLES D'ENGAGEMENT

20. Les RDE citées dans cette circulaire s'appliquent à tout le personnel fourni par les pays participant à la MINUAR selon les dispositions de la Résolution 977(1995) votée en date du 9 juin 1995 par le Conseil de Sécurité des Nations Unies. Ces RDE sont libellées sous forme d'interdictions ou de permissions. Sous forme d'interdictions, elles constituent des ordres de ne pas mener des actions spécifiques. Sous forme de permissions, elles servent de guide aux commandants sur certaines actions qui peuvent être menées si elles sont jugées nécessaires pour atteindre les objectifs de la mission. L'usage de la force par le personnel de la MINUAR est interdit à moins d'être spécifiquement autorisé par le RDE.

21. Règle No. Un: Autorisation de porter des armes

a. Scénario A: Pas d'autorisation; et

b. Scénario B: Autorisation accordée de porter des armes.

22. Règle No. Deux: Etat des armes

a. Scénario A: Les armes seront portées avec des chargeurs remplis.

b. Scénario B: Les armes seront portées chargées mais sécurisées.

23. Règle No.Trois: Riposte à une intention ou action hostile sans tirer

a. Scénario A: Observer et transmettre les rapports, mais se retirer pour préserver sa propre force.

b. Scénario B: Rester sur place. Contacter et établir une liaison avec la(les) force (s) opposée(s) et/ou les autorités locales concernées.

c. Scénario C: Observer et faire des rapports. Rester sur place. Prévenir l'agresseur de votre intention de faire usage de la force et montrer votre détermination par des moyens appropriés sans ouvrir le feu.

d. Scénario D: Observer et faire des rapports. Rester sur place. Prévenir l'agresseur de votre intention de faire usage de la force et montrer votre détermination par des moyens appropriés. L'ouverture du feu à titre démonstratif est autorisée.

24. Règle No. Quatre: Désarmement du Personnel Paramilitaire ou des civils

a. Scénario A: Pas d'autorisation.

b. Scénario B: Autorisation accordée. Au cours du désarmement, utiliser la force minimale et monter jusqu'à l'usage de la force mortelle si une intention hostile est affichée ou un acte hostile commis. Remettre l'affaire à l'autorité compétente dès que possible.

25. Règle No. Cinq: Intervention et tirs d'avertissement

a. Scénario A: L'intervention entre les factions en guerre est interdite.

b. Scénario B: Intervenir avec une force mortelle contre des cibles bien identifiées et désignées seulement après que des coups d'avertissement aient été tirés dans le cadre du processus d'avertissement.

26. Règle No. Six: Contrôle des systèmes d'armes

a. Scénario A: Il est interdit d'armer, préparer, déplacer des armes et d'en faire usage en présence des forces en conflit.

b. Scénario B: L'activité ci-haut nommée est autorisée en présence des forces en conflit, mais elle sera spécifiée par les notes suivantes:

(1) Armer (type de système);

(2) Préparer (type de système);

(3) Déplacer (type de système); et

(4) Ouvrir le feu (type de système).

27. Il existe trois situations de RDE qui peuvent s'appliquer dans n'importe quel secteur du RWANDA. Ces situations sont dénommées VERTE, JAUNE, ROUGE et décrites dans la rubrique "Niveaux de Préparation/Alerte" en Annexe A. Dans les conditions normales, la situation des RDE sera VERTE.

28. Les modifications dans la situation normale des RDE pour les Forces de la MINUAR en général seront ordonnées par le Commandant de la Force ou son représentant. Les Commandants des Secteurs peuvent ordonner des changements dans la situation normale des RDE pour leurs secteurs, sur autorisation du Commandant de la Force ou son représentant. Les Commandants des Contingents informeront ou, si nécessaire, requerront l'approbation des autorités nationales pour modifier une situation.

PARTIE VI

CONCLUSION

29. Les amendements à cette circulaire seront faits tel que requis et approuvés par les Nations Unies.

30. Cette circulaire sera classée avec mention DISTRIBUTION RESTREINT NU.

Annexes:

Annexe A Directives pour tout le Personnel Militaire de la MINUAR concernant l'Ouverture du Feu au Rwanda.

Annexe B Niveaux de Préparation/Alerte de la MINUAR

ANNEXE A
AUX REGLES D'ENGAGEMENT
DATE: 3 OCTOBRE 1995

DIRECTIVES POUR TOUT LE PERSONNEL MILITAIRE DE LA MINUAR CONCERNANT L'OUVERTURE DU FEU AU RWANDA.

1. Vous devez éviter l'usage de la force autant que faire se peut, et votre comportement doit susciter le moins d'inquiétude, de peur ou de danger possible à la population locale.

2. Votre commandant immédiat décidera n'importe quelle modification dans les niveaux de préparation d'armes. Alors que normalement votre commandant donnera l'ordre d'ouvrir le feu, vous avez le droit de faire usage de la force nécessaire en cas d'autodéfense pour vous protéger vous-même et ceux dont il est votre devoir de protéger. Chaque fois que possible, un avertissement devrait être donné avant d'ouvrir le feu.

3. S'il faut absolument faire usage de la force, vous ne devez employer que le **FORCE MINIMALE** nécessaire. Normalement, le **FORCE MINIMALE** nécessaire implique la succession des actions suivantes:

a. exhibition d'armes,

b. avertissement verbal,

c. refus d'accès à l'endroit protégé,

d. restriction physique,

e. tirs d'avertissement,

f. pointer les armes, et

g. faire feu sur une personne.

AVERTISSEMENTS

4. **AVERTISSEMENT AVANT D'OUVRIR LE FEU.** Chaque fois que possible, un avertissement doit être donné avant de tirer. L'avertissement doit être clairement lancé à haute voix en ANGLAIS/FRANCAIS ou en KINYARWANDA:

STOP-HANDS UP/ ARRETEZ, LEVEZ LES MAINS/ HAGARARA, AMABOKO HEJURU

(PAUSE)

STOP OR I WILL SHOOT/ ARRETEZ OU JE TIRE/ HAGARARA CYANGWA BAKURASE

5. **FAIRE FEU APRES AVERTISSEMENT.** Après avertissement, vous pouvez tirer sur une personne afin d'éviter la mort ou un dommage corporel grave si et seulement si:

a. la personne porte une arme dangereuse (ex. une arme à feu, un système improvisé pour faire feu ou une machette);

ET

b. vous pensez que la personne est sur le point de vous attaquer vous-même, votre unité, ou toute personne dont il est votre devoir de protéger; **ET**

c. la personne refuse de s'arrêter quand elle est appelée à le faire; **ET**

d. vous estimez qu'il n'y a pas d'autres moyens d'arrêter la personne.

6. **FAIRE FEU SANS AVERTISSEMENT.** Vous pouvez tirer sur une personne sans avertissement afin d'éviter la mort ou un dommage corporel grave si et seulement si cette personne:

a. a utilisé ou est entrain d'utiliser une arme à feu ou une autre arme dangereuse contre vous, votre unité ou des personnes dont il est votre devoir de protéger; OU

b. porte ce que vous estimez être une arme dangereuse, ET elle est visiblement sur le point de l'utiliser, ET vous estimez qu'il n'y a pas d'autre moyen de vous protéger vous-même, votre unité, ou les personnes dont il est votre devoir de protéger.

7. Si vous devez absolument tirer, vous devez rendre compte de tous les coups tirés dans un rapport rédigé et soumis à votre commandant immédiat.

ANNEXE B AUX
REGLES D'ENGAGEMENT
DATE: 3 OCTOBRE 1995

NIVEAUX DE PREPARATION/ALERTE DE LA MINUAR

NO	SITUATION	UNITES/QG	ACTION
1	VERTE	TOUS	1.Activités normales 2.**RDE: Règle 1-Scénario B, Règle 2-Scénario A,Règle 3-Scénario B, Règle 4-Scénario A, Règle 5-Scénario A, Règle 6-Scénario A.**
2	JAUNE	QG	1.Préparation de la situation suivante commence. 2.Intensification des liaisons. 3.Visites des VIP reportées. 4.Pas de congé sauf pour des raisons humanitaires.
		UNITES	1.Stade de précaution. 2.Double sentinelle. 3.Mouvement nocturne restreint. 4.Tester les abris. 5.Alerter les troupes. 6.Pas de congé sauf pour des raisons humanitaires. 7.Consolider les communications, les unités et les armes. 8.3 heures de Préparation accordées aux troupes en réserve pour se mettre en mouvement.
		TOUS	**RDE: Règle 1-Scénario B, Règle 2-Scénario B, Règle 3-Scénario C, Règle 4-Scénario A, Règle 5-Scénario A, Règle 6-Scénario A.**

3	ROUGE	QG	1. Alerte générale. 2. Visites des personnalités importantes annulées. 3. Pas de congé. 4. Seuls les mouvements d'urgence sont permis. 5. Envoi des Rapports Spéciaux sur la Situation au QG des NU. 6. Evacuation des civils si la situation le permet.
		UNITES	1. Troupes en position défensive. 2. Troupes en position d'alerte. 3. Une heure de préparation aux troupes en réserve pour se mettre en mouvement. 4. Pas de congé. 5. Les troupes de garde à l'extérieur portent des gilets pare-balles.
		TOUS	**RDE: Règle 1-Scénario B, Règle 2-Scénario B, Règle 3-Scénario D, Règle 4-Scénario B, Règle 5-Scénario B, Règle 6-Scénario B.**

APPENDICE 1
A L'ANNEXE B
AUX REGLES D'ENGAGEMENT
DATE: 3 OCTOBRE 1995

AIDE MEMOIRE - REGLES D'ENGAGEMENT

NOTE: Le situation VERTE est encadrée.

REGLE UNE: AUTORISATION DE PORTER LES ARMES

SCENARIO A: Pas d'autorisation.

SCENARIO B: Autorisation accordée.

REGLE DEUX: ETAT DES ARMES

SCENARIO A: Les armes seront portées chargées.

SCENARIO B: Les armes seront chargées mais sécurisées.

REGLE TROIS: RIPOSTE A UNE INTENTION OU ACTE HOSTILE SANS FAIRE USAGE DU FEU

SCENARIO A: Observer et transmettre un rapport mais se retirer pour préserver ses propres forces.

SCENARIO B: Rester sur place. Constater et établir une liaison avec la (les) force (s) opposées et/ou les autorités locales concernées.

SCENARIO C: Observer et faire un rapport. Rester sur place. Avertir l'agresseur de votre intention de faire usage de la force et se montrer ferme par des moyens appropriés sans ouvrir le feu.

SCENARIO D: Observer et faire un rapport. Rester sur place. Avertir l'agresseur de votre intention de faire usage de la force et se montrer ferme par des moyens appropriés. Le tir à titre démonstratif est autorisé.

APPENDICE 1
A L'ANNEXE B

REGLE QUATRE: DESARMEMENT DU PERSONNEL PARAMILITAIRE OU DES CIVILS

SCENARIO A:	Pas d'autorisation.
SCENARIO B:	L'autorisation est accordée. Au cours de cette activité, l'usage de la force minimum jusqu'à l'emploi de la force mortelle si une intention hostile est affichée ou un acte hostile commis. Remettre l'affaire à l'autorité appropriée aussi tôt que possible.

REGLE CINQ: INTERVENTION ET TIRS D'AVERTISSEMENT

SCENARIO A:	L'intervention entre les factions en guerre est interdite.
SCENARIO B:	Intervention avec usage de la force mortelle contre des cibles bien identifiées et désignées seulement après que des coups d'avertissements aient été tirés dans le cadre du processus d'avertissement.

REGLE SIX: CONTROLE DES SYSTEMES D'ARMES

SCENARIO A:	Il est interdit d'armer, préparer, déplacer et de faire usage des armes à feu en présence des forces en conflit.
SCENARIO B:	L'activité ci-haut décrite est permise en présence des forces en conflit mais elle sera spécifiée par les notes suivantes: (1) Armer (type de système) (2) Préparer (type de système) (3) Déplacer (type de système) (4) Faire feu (type de système)

UNITED NATIONS **NATIONS UNIES**

ASSISTANCE MISSION IN RWANDA **MISSION POUR L'ASSISTANCE AU RWANDA**

UNAMIR- MINUAR

Action to: 1

06 OCT 1995

G3 plans 2

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OUTGOING FAX NO. 5281

PAGE 1 OF 18

DATE: 3 OCTOBER 1995

File No. 5000.8 (PLANS)

TO: MGEN VAN KAPPEN UNATIONS NEW YORK FAX # (212) 963-1356 PHONE # (212) 963-2402	FROM: MGEN GC TOUSIGNANT FORCE COMMANDER UNAMIR, KIGALI, RWANDA
ATTN: LTCDR SEYDOU KEBE, UNNY FAX # (212) 963-1356	PHONE # (212)963-0851
INFO:	FAX # (212) 963-1356
INTERNAL DISTR:COS, DCOS OPS, G3 PLANS	DRAFTED BY: G3 PLANS
SUBJECT: UNAMIR - RULES OF ENGAGEMENT (ROE)	
REFERENCE: MR-3474	

1. PLEASE FIND ENCLOSED THE RULES OF ENGAGEMENT UPDATED ACCORDING TO THE SUGGESTIONS OF FAX NO 231/DPKO/MPS/AD (UN NY).

2. BEST REGARDS.

FC COS DCOS OPS G3-PLANS

3 October 1995

UNAMIR STANDING OPERATING PROCEDURES

SECTION 17: RULES OF ENGAGEMENT

PART I

INTRODUCTION

1. The conduct of military operations is controlled and regulated by the provision of international and national law, conventions and precedence. Actions of individuals is also governed by applicable national laws. In the case of a United Nations (UN) conducted operation, it is the responsibility of the UN to set the parameters within which UN Forces will operate. Rules of Engagement (ROE) are the means by which the UN can provide to commanders at all levels the political and legal direction and guidance on the use of Force by UN personnel. ROE are drafted by the Force Commander, but are approved by the UN and may only be changed with UN authority.

2. These UNAMIR ROE are provided for UN Forces operating under the auspices of UN Security Council Resolution 997 (1995) of 9 June 1995. That Resolution states that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their communities (home communes), and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full - time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case

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of need.

3. Under the terms of the Arusha Peace Agreement and the UN Security Council Resolution mandates, UNAMIR has a commitment to all parties to assist them to achieve national reconciliation However, circumstances could arise where the use of force by UNAMIR personnel would be necessary and justified. Impartiality will be the fundamental principle of the activities of UNAMIR.

PART II

AIM

4. The aim of this directive is to provide guidance to commanders and soldiers at all levels in the use of force. However, no definitive directive can be created that can detail every possible course of action for every possible situation. It is critical and mandatory that all members of UNAMIR understand these ROE and apply them to any and all situations that develop requiring the use of force.

PART III

DEFINITIONS

5. The following key definitions must be clearly understood by all personnel in UNAMIR:

a. Force. The use of, or the threat to use, physical means to impose one's will. Military force is the use of the physical means provided by formed, armed and disciplined bodies of troops under unified command to achieve the same end and generally implies the potential to use significant levels of violence.

b. Minimum Force. The minimum degree of authorised force which is necessary, reasonable and lawful in the circumstances.

c. Self-Defence. The use of force in Rwanda to protect:

(1) oneself and the personnel in one's unit,

(2) UN Agencies, International Tribunal for Rwanda, including the Prosecutor's Office, Human Rights Officers and Humanitarian Agencies,

(3) non-UNAMIR humanitarian aid personnel, or

(4) other UN-authorized military or civilian personnel, against a hostile act or hostile intent, where there is no other choice or time for deliberation.

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NOTE: The right to self-defence is related to, but separate from, ROE and applies no matter what other factors are present. Therefore, notwithstanding any ROE that may be authorised, when an attack occurs, or is anticipated, the right exists to use proportionate force in self-defence to deter, neutralise or destroy the threat.

d. Hostile Act. A hostile act is an attack or other use of force against those entities listed in paragraph 5.c. above.

e. Hostile Intent. Hostile intent is the threat of the imminent use of force against those entities listed in paragraph 5.c. above.

f. Collateral Damage. Damage to persons or property adjacent to, but not part of an authorised target.

g. Non-deadly force. Any physical means of forcing compliance that does not pose a risk of death or serious bodily harm to the individual against whom the force is directed. This is usually through the use of physical force short of the use of firearms or other deadly weapons. Examples include: pushing and lesser forms of striking or hitting, and physically or mechanically restraining persons. Warning shots are non-deadly force, even though they involve the use of firearms.

h. Deadly Force. This is the ultimate degree of force. Deadly force is that level of force which is intended or is likely to cause death or serious bodily harm regardless of whether death or serious bodily harm actually results.

i. Serious Criminal Offence. Any offence which may result in death or serious bodily injury or significant damage to property. Such offences include, but are not limited to: murder, rape, robbery and burglary.

PART IV

INSTRUCTIONS ON THE USE OF FORCE

APPLICABILITY

6. All information contained in this part shall be construed as orders. These orders do not restrict a soldier's inherent right to self-defence.

COMMANDERS' RESPONSIBILITY

7. UNAMIR Commanders at all levels are required:

a. to have this directive translated and disseminated to every subordinate under their command; and

b. to ensure that every subordinate under their command:

(1) is briefed and refreshed on the meaning and application of these ROE as they relate to assigned missions;

(2) understands and complies with the contents of this document; and

(3) has the opportunity to seek additional clarification, guidance or direction if these ROE are considered insufficient.

8. The UNAMIR Force Commander shall issue orders on the readiness of personal weapons to be maintained appropriate to the situation.

USE OF FORCE AND ENGAGEMENT PRINCIPLES

9. When an incident occurs that requires the use of force, the following principles will be adhered to:

a. Reasonable Belief. Mere speculation does not constitute reasonable belief. The use of force must be predicated upon a tangible threat;

b. Minimum Force. UNAMIR personnel will never use more force that the minimum necessary to enable them to carry out their duties and accomplish assigned objectives or the mission;

c. Proportionality. Only a response proportionate to the perception of the level of threat is justified. Any force used must be limited to the degree, intensity, and duration necessary to achieve the objective for which the force is used, and no more;

d. Duration of Force and Disengagement. The application of force, at whatever level, is to cease when the hostile act stops, or whenever the commander considers there is no imminent threat or attack.

e. Negotiation and Warnings. If possible, negotiation and warnings must be exhausted before any use of force is initiated;

f. Deadly Force. Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed;

h. Escalation. Escalation of the level of violence is to be minimised;

i. Collateral Damage. Collateral damage is to be minimised;

j. Retaliation and Reprisal. The use of force in retaliation and reprisal is prohibited; and

k. Application of Force. The use of force shall be controlled, where possible, by the on-scene commander and is to cease once the aim has been achieved

AUTHORITY TO USE FORCE

10. Force may be used as follows:

a. Non-Deadly Force. UNAMIR personnel are authorised to use non-deadly force in the following circumstances:

(1) in self-defence;

(2) against attempts at infiltration or envelopment of UNAMIR units, compounds or locales;

(3) when UNAMIR premises are violated in attempts to steal UNAMIR property or property under the protection of the UN;

(4) when attempts are made to abduct or detain UNAMIR civilian or military personnel; and

(5) when attempts are made to prevent UNAMIR personnel from carrying out their responsibilities as ordered by their commanders.

b. Deadly Force. UNAMIR personnel are authorised to use deadly force in the following circumstances:

(1) in self-defence (as defined in paragraph 5.c.) against persons committing a hostile act or exhibiting hostile intent;

(2) to protect from damage or destruction, property or installations belonging to or under the protection of UNAMIR, including protected sites and the means for the distribution and delivery of humanitarian relief:

(a) which have been designated by the unit Commanding Officer, in consultation with the Force Commander, as essential to the success of the UNAMIR mission,

(b) which justify protection through the use of deadly force, and

(c) where there is no way to prevent the damage or destruction;

(3) to overcome armed attempts to prevent UNAMIR Force from discharging its duties, when authorised by the Force Commander;

(4) to resist armed attempts to disarm, abduct or detain UNAMIR military or civilian personnel;

(5) to resist armed attempts to compel UNAMIR personnel to withdraw from protection areas they were ordered to occupy by the Force Commander or his delegate; and

(6) to resist armed attempts to cut off a UNAMIR force.

c. Use force as appropriate, to protect persons from suffering death or serious bodily injury when there are no Rwandan Authorities available to render immediate assistance.

AUTHORITY TO SEARCH AND DETAIN

11. Authority to Stop and Search. UNAMIR personnel are authorised to stop all individuals attempting to enter or who are discovered inside any facilities under UNAMIR protection and to request that the individual submit to a consensual search of himself/herself and his/her vehicle where applicable. Any individual not willing to be searched shall be denied access, escorted from the premises or detained as appropriate. Searches of persons and their property are also

authorised for the purpose of security. Such searches must be conducted with the minimal use of force necessary.

12. Authority to Detain. Individuals shall only be detained if they commit a hostile act or display hostile intent, or commit a serious criminal offence or carry out any activity which would require that force be used against them in accordance with the ROE, International Humanitarian Law or Rwandan law.

13. Once detained, only minimal non-deadly force is authorised to prevent the escape of a detainee, unless there is a necessity to act in self-defence, in which case minimum force, up to and including deadly force, is authorised. However, if the individuals flee and the threat of their use of force has thus been removed, further force of any kind shall not be employed to apprehend them.

14. Any individual detained shall be turned over as soon as possible to appropriate authorities as designated by the Force Commander. Any weapons or items seized from detainees shall be confiscated and handed over to the appropriate authorities or, if required, rendered militarily ineffective.

15. Treatment of Detainees. Detainees shall not be subject to intimidation, deprivation or humiliation. Medical care and the attention of medical personnel will be provided when required. Detainees will be given rations and shelter equivalent to that of UNAMIR personnel.

16. UNAMIR Personnel may stop, search, and if necessary, detain individuals who committed a serious criminal offence when there are no Rwandan Authorities available to act in time. If detained such individuals shall immediately be handed over to the custody of the competent Rwandan Authorities.

CHALLENGE AND ESCALATION PROCEDURES

17. Except where a response is required to open fire without warning, the following procedures are to be adhered to:

a. Verbal or Visual Warning. Warn the aggressor to stop the activity, which in normal circumstances, should follow the sequence below:

(1) depending on the circumstances, a warning may be

given orally, by a sign or by illumination (ie, hand-held red flares, search-lights, etc.). The issuance of a warning should also be passed up the chain of command with continuous Situation Reports;

(2) repeat the verbal or visual warning as many times as is necessary to ensure understanding or compliance;

b. Charge Weapons. Make use of the visual effect of such action to convince the aggressor that failure to stop the aggressive activity may result in the use of deadly force;

c. Non-Deadly Force. If warnings are ignored, where possible, employ minimal non-deadly force;

d. Warning Shots. If the threat continues, employ aimed warning shots in a safe direction so that there is no danger of personal injury or collateral damage; and

e. Deadly Force. If minimal non-deadly force is either not feasible or fails, on order and under the control of a superior, minimal deadly force, such as single aimed shots, may be used until the threat is removed. If a soldier is acting in self-defence he does not have to wait for a superior to order or control his fire.

PROCEDURES DURING FIRING

18. Any use of firearms as a means of applying deadly force shall be aimed fire. Fire must be controlled and will not be indiscriminate. Automatic fire will only be used as a last resort and fire for effect will only continue as long as it is necessary to achieve the immediate aim of self-defence (or the defence of others).

PROCEDURE AFTER FIRING

19. After firing, commanders should ensure the following actions are taken.

a. Medical. Any wounded, including those fired upon by UNAMIR personnel will be given first aid, if such an action can be done without further endangering the lives of UNAMIR personnel.

b. Recording. Details of the incident will be recorded, including:

(1) date, time and place of firing;

(2) unit and personnel involved;

(3) the events leading up to the firing;

(4) why UNAMIR personnel opened fire;

(5) who or what was fired on;

(6) the weapons fired; and

(7) the apparent results of the firing.

c. Reporting. The above information and the current situation will be reported through the chain of command to UNAMIR Force HQ Attn Force Commander and Deputy Chief of Staff Operations.

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PART V

RULES OF ENGAGEMENT

20. The ROE stated in this directive apply to all military personnel provided by troop contributing States and operating in accordance with the United Nations Security Council Resolution 997 (1995) of 9 June 1995. These ROE are written in the form of either prohibitions or permissions. Issued as prohibitions, they are orders not to take specific actions. Issued as permissions they are guidance to commanders that certain specific actions may be taken if they are judged necessary to achieve the aim of the mission. The use of force by UNAMIR personnel is prohibited unless specifically authorised by the ROE.

21. Rule No. One: Authority to Carry Arms:

a. State A: No authority.

b. State B: Authority granted to carry weapons.

22. Rule No. Two: Status of Weapons:

a. State A: Weapons will be carried with loaded magazines.

b. State B: Weapons will be carried, charged and made safe.

23. Rule No. Three: Response to Hostile Intent or Hostile Act without the Use of Fire:

a. State A: Observe and report but will withdraw in order to preserve own force.

b. State B: Stay in place. Make contact and establish liaison with opposing force(s) and/or local authorities concerned.

c. State C: Observe and Report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means without opening fire.

d. State D: Observe and Report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means. Demonstrative use of fire is authorised.

24. Rule No. Four: Disarmament of Paramilitary Personnel or Civilians:

a. State A: No authorisation granted.

b. State B: Authorisation is granted. In doing so, use minimum force and escalate to include use of deadly force if hostile intent is exhibited or a hostile act is committed. Hand over to appropriate authority at the earliest opportunity.

25. Rule No. Five: Intervention and Warning Shots:

a. State A: Intervention between warring factions is prohibited.

b. State B: Intervention with deadly force against positively identified and designated targets only after warning shots have been fired as part of the warning process.

26. Rule No. Six: Control of Weapons Systems:

a. State A: Manning, preparation, movement and firing of weapons in the presence of the forces in conflict is prohibited.

b. State B: Designated activity in the presence of the forces in conflict is permitted but will be specified by the following notes:

(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

27. There are three ROE states that may apply in any given sector in Rwanda. These states are GREEN, YELLOW and RED and are described on UNAMIR Levels of Readiness/Alert pages in Annex A. In normal circumstances, the ROE status shall be GREEN.

28. Changes in the normal status of the ROE for UNAMIR Forces as a whole will be ordered by the Force Commander or his delegate. Sector Commanders may order changes in normal status of the ROE for their sectors, if authorised by the Force Commander or his delegate. Contingent Commanders will inform or, if necessary, seek approval from national authority for the change in status.

PART VI

CONCLUSION

30. Amendments to this Directive will be issued as required and be approved by the UN.

31. This Directive will be classified UN RESTRICTED.

Annexes:

Annex A Instructions for all Members of the UNAMIR Military Component Regarding Opening Fire in Rwanda.

Annex B UNAMIR Levels of Readiness/Alert

ANNEX A TO
RULES OF ENGAGEMENT
DATED 24 JULY 1995

INSTRUCTIONS FOR ALL MEMBERS OF THE UNAMIR MILITARY COMPONENT REGARDING OPENING FIRE IN RWANDA

1. You are to avoid the use of force, if it is possible to do so, and your conduct must cause the least possible concern, fear or danger to the local population.

2. Your immediate commander will order any change in the states of weapon readiness. While your commander will normally issue the order to open fire, you have the right to use appropriate force in self-defence to protect yourself and those it is your duty to protect. Whenever possible a warning should be given before opening fire.

3. If you have to use force, you must only use the **MINIMUM FORCE necessary. MINIMUM FORCE normally involves the following sequential actions:**

a. open display of weapons,

b. verbal warning,

c. barring access to the point being protected,

d. physical restraint,

e. warning shots,

f. pointing weapons, and

g. firing weapons at a person.

WARNINGS

4. **WARNING BEFORE FIRING.** Whenever possible a warning should be given before firing. The warning should be given in a loud clear voice in ENGLISH/FRENCH or KINYARWANDA:

STOP-HANDS UP/ ARRETEZ LEVEZ LES MAINS/ AGARARA, AMABOKO HEJURU

(PAUSE)

STOP OR I WILL SHOOT/ ARRETEZ OU JE TIRE/ HAGARARA, CYANGWA BAKURASE

5. **FIRE AFTER WARNING.** After warning you may fire on a person in order to avoid death or grievous bodily harm only if:

a. the person is carrying a dangerous weapon (e.g. firearm, improvised firing device or machete); AND

b. you believe the person is about to attack you, your unit, or any person it is your duty to protect; AND

c. the person refuses to stop when called upon to do so; AND

d. you believe there is no other way of stopping the person.

6. **FIRE WITHOUT WARNING.** You may fire without warning on a person in order to avoid death or grievous bodily harm only if that person:

a. has used or is using a fire arm or other dangerous weapon against you, your unit or persons it is your duty to protect; OR

b. is carrying what you believe to be a dangerous weapon, AND is clearly about to use it, AND you believe that there is no other way to protect yourself, your unit, or the persons it is your duty to protect.

7. If you have to fire, you must account for all rounds expended in an after action report submitted in writing to your immediate commander.

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ANNEX B TO
RULES OF ENGAGEMENT
DATED 24 JULY 1995

UNAMIR LEVELS OF READINESS/ALERT

SERIAL	STATUS	UNITS/HQ	ACTION
1	GREEN	ALL	1. Normal activities 2. **ROE: Rule 1-Status B, Rule 2-Status A, Rule 3-Status B, Rule 4-Status A, Rule 5-Status A, Rule 6-Status A.**
2	YELLOW	HQ	1. Planning for next higher status commences. 2. Liaison increased. 3. VIP visits postponed. 4. No leave granted except on compassionate grounds.
		UNITS	1. Precautionary stage. 2. Double sentries. 3. Night movement restricted. 4. Test shelters. 5. Stand To/Local alarm practice. 6. No leave granted except on compassionate grounds. 7. Backup comms/units/wpns. 8. Reserves put on 3 hrs notice to move.
		ALL	**ROE: Rule 1-Status B, Rule 2-Status B, Rule 3-Status C, Rule 4-Status A, Rule 5-Status A, Rule 6-Status A.**
3	RED	HQ	1. General Alert. 2. VIP visits cancelled. 3. No leave granted. 4. Emergency movement only. 5. Special SITREPS to UNHQ. 6. Civilian evacuation if the situation warrants
		UNITS	1. Troops in defensive positions. 2. Troops in Stand To positions. 3. Reserves put on one hour notice to move. 4. No leave granted. 5. Troops on duty outside to wear flak jackets.
		ALL	**ROE: Rule 1-Status B, Rule 2-Status B, Rule 3-Status D, Rule 4-Status B, Rule 5-Status B, Rule 6-Status B.**

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APPENDIX ONE TO
ANNEX B TO
RULES OF ENGAGEMENT
DATED 24 JULY 1995

AIDE MEMOIRE - RULES OF ENGAGEMENT

NOTE: GREEN status indicated in boxes

RULE ONE: **AUTHORITY TO CARRY ARMS**

STATE A: No authority granted.

STATE B: Authority granted to carry weapons.

RULE TWO: **STATUS OF WEAPONS**

STATE A: Weapons will be carried with loaded magazines.

STATE B: Weapons will be carried, charged and made safe.

RULE THREE: **RESPONSE TO HOSTILE INTENT OR HOSTILE ACT WITHOUT THE USE OF FIRE**

STATE A: Observe and report but will withdraw in order to preserve own forces.

STATE B: Stay in place. Make contact and establish liaison with opposing force(s) and/or local authorities concerned.

STATE C: Observe and report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means without opening fire.

STATE D: Observe and report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means. Demonstrative use of fire is authorized.

RULE FOUR: **DISARMAMENT OF PARAMILITARY PERSONNEL OR CIVILIANS**

STATE A: No authorization granted.

STATE B: Authorization is granted. In doing so, use minimum force and escalate to include use of deadly force if hostile intent is exhibited or a hostile act is committed. Hand over to appropriate authority at earliest opportunity.

RULE FIVE: **INTERVENTION AND WARNING SHOTS**

STATE A:	Intervention between warring factions is prohibited.

STATE B: Intervention with deadly force against positively identified and designated targets only after warning shots have been fired as part of the warning process.

RULE SIX: **CONTROL OF WEAPON SYSTEMS**

STATE A:	Manning, preparation, movement firing of weapons in the presence of forces in conflict is prohibited.

STATE B: Designated activity in the presence of the forces in conflict permitted but will be specified by the following notes:

(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

COS A 04/10 Now 4 Oct 95

1. Pse see the att ROE ammendment. For your further action.

2. If approved by the FC, he may sign it for our further action.

3. The areas concerned are sidelined with pencil marks.

a. Page 3-17-6, para 10c

b. Page 3-17-7, para 16.

FC

For signatures pl. Amendments have been incorporated A 04/10

DCOS(OPS) 3 Oct 95

UNITED NATIONS **NATIONS UNIES**

ASSISTANCE MISSION IN RWANDA — MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR- MINUAR

OUTGOING FAX NO. _____

PAGE 1 OF 18

DATE: 3 OCTOBER 1995

File No. 5000.8 (PLANS)

TO: MGEN VAN KAPPEN UNATIONS NEW YORK FAX # (212) 963-1356 PHONE # (212) 963-2402	FROM: MGEN GC TOUSIGNANT FORCE COMMANDER UNAMIR, KIGALI, RWANDA
ATTN: LTCDR SEYDOU KEBE, UNNY FAX # (212) 963-1356	PHONE # (212)963-0851
INFO:	FAX # (212) 963-1356
INTERNAL DISTR:COS, DCOS OPS, G3 PLANS	DRAFTED BY: G3 PLANS
SUBJECT: UNAMIR - RULES OF ENGAGEMENT (ROE)	
REFERENCE:	

1. PLEASE FIND ENCLOSED THE RULES OF ENGAGEMENT UPDATED ACCORDING TO THE SUGGESTIONS OF FAX NO 231/DPKO/MPS/AD (UN NY).

2. BEST REGARDS.

3 October 1995

UNAMIR STANDING OPERATING PROCEDURES

SECTION 17: RULES OF ENGAGEMENT

PART I

INTRODUCTION

1. The conduct of military operations is controlled and regulated by the provision of international and national law, conventions and precedence. Actions of individuals is also governed by applicable national laws. In the case of a United Nations (UN) conducted operation, it is the responsibility of the UN to set the parameters within which UN Forces will operate. Rules of Engagement (ROE) are the means by which the UN can provide to commanders at all levels the political and legal direction and guidance on the use of Force by UN personnel. ROE are drafted by the Force Commander, but are approved by the UN and may only be changed with UN authority.

2. These UNAMIR ROE are provided for UN Forces operating under the auspices of UN Security Council Resolution 997 (1995) of 9 June 1995. That Resolution states that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their communities (home communes), and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full - time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case

of need.

3. Under the terms of the Arusha Peace Agreement and the UN Security Council Resolution mandates, UNAMIR has a commitment to all parties to assist them to achieve national reconciliation However, circumstances could arise where the use of force by UNAMIR personnel would be necessary and justified. Impartiality will be the fundamental principle of the activities of UNAMIR.

PART II

AIM

4. The aim of this directive is to provide guidance to commanders and soldiers at all levels in the use of force. However, no definitive directive can be created that can detail every possible course of action for every possible situation. It is critical and mandatory that all members of UNAMIR understand these ROE and apply them to any and all situations that develop requiring the use of force.

PART III

DEFINITIONS

5. The following key definitions must be clearly understood by all personnel in UNAMIR:

a. Force. The use of, or the threat to use, physical means to impose one's will. Military force is the use of the physical means provided by formed, armed and disciplined bodies of troops under unified command to achieve the same end and generally implies the potential to use significant levels of violence.

b. Minimum Force. The minimum degree of authorised force which is necessary, reasonable and lawful in the circumstances.

c. Self-Defence. The use of force in Rwanda to protect:

(1) oneself and the personnel in one's unit,

(2) UN Agencies, International Tribunal for Rwanda, including the Prosecutor's Office, Human Rights Officers and Humanitarian Agencies,

(3) non-UNAMIR humanitarian aid personnel, or

(4) other UN-authorized military or civilian personnel, against a hostile act or hostile intent, where there is no other choice or time for deliberation.

NOTE: The right to self-defence is related to, but separate from, ROE and applies no matter what other factors are present. Therefore, notwithstanding any ROE that may be authorised, when an attack occurs, or is anticipated, the right exists to use proportionate force in self-defence to deter, neutralise or destroy the threat.

d. Hostile Act. A hostile act is an attack or other use of force against those entities listed in paragraph 5.c. above.

e. Hostile Intent. Hostile intent is the threat of the imminent use of force against those entities listed in paragraph 5.c. above.

f. Collateral Damage. Damage to persons or property adjacent to, but not part of an authorised target.

g. Non-deadly force. Any physical means of forcing compliance that does not pose a risk of death or serious bodily harm to the individual against whom the force is directed. This is usually through the use of physical force short of the use of firearms or other deadly weapons. Examples include: pushing and lesser forms of striking or hitting, and physically or mechanically restraining persons. Warning shots are non-deadly force, even though they involve the use of firearms.

h. Deadly Force. This is the ultimate degree of force. Deadly force is that level of force which is intended or is likely to cause death or serious bodily harm regardless of whether death or serious bodily harm actually results.

i. Serious Criminal Offence. Any offence which may result in death or serious bodily injury or significant damage to property. Such offences include, but are not limited to: murder, rape, robbery and burglary.

PART IV

INSTRUCTIONS ON THE USE OF FORCE

APPLICABILITY

6. All information contained in this part shall be construed as orders. These orders do not restrict a soldier's inherent right to self-defence.

COMMANDERS' RESPONSIBILITY

7. UNAMIR Commanders at all levels are required:

a. to have this directive translated and disseminated to every subordinate under their command; and

b. to ensure that every subordinate under their command:

(1) is briefed and refreshed on the meaning and application of these ROE as they relate to assigned missions;

(2) understands and complies with the contents of this document; and

(3) has the opportunity to seek additional clarification, guidance or direction if these ROE are considered insufficient.

8. The UNAMIR Force Commander shall issue orders on the readiness of personal weapons to be maintained appropriate to the situation.

USE OF FORCE AND ENGAGEMENT PRINCIPLES

9. When an incident occurs that requires the use of force, the following principles will be adhered to:

a. Reasonable Belief. Mere speculation does not constitute reasonable belief. The use of force must be predicated upon a tangible threat;

b. Minimum Force. UNAMIR personnel will never use more force that the minimum necessary to enable them to carry out their duties and accomplish assigned objectives or the mission;

c. Proportionality. Only a response proportionate to the perception of the level of threat is justified. Any force used must be limited to the degree, intensity, and duration necessary to achieve the objective for which the force is used, and no more;

d. Duration of Force and Disengagement. The application of force, at whatever level, is to cease when the hostile act stops, or whenever the commander considers there is no imminent threat or attack.

e. Negotiation and Warnings. If possible, negotiation and warnings must be exhausted before any use of force is initiated;

f. Deadly Force. Deadly force is justified only under conditions of extreme necessity and as a last resort when all lesser means have failed or cannot reasonably be employed;

h. Escalation. Escalation of the level of violence is to be minimised;

i. Collateral Damage. Collateral damage is to be minimised;

j. Retaliation and Reprisal. The use of force in retaliation and reprisal is prohibited; and

k. Application of Force. The use of force shall be controlled, where possible, by the on-scene commander and is to cease once the aim has been achieved

AUTHORITY TO USE FORCE

10. Force may be used as follows:

a. Non-Deadly Force. UNAMIR personnel are authorised to use non-deadly force in the following circumstances:

(1) in self-defence;

(2) against attempts at infiltration or envelopment of UNAMIR units, compounds or locales;

(3) when UNAMIR premises are violated in attempts to steal UNAMIR property or property under the protection of the UN;

(4) when attempts are made to abduct or detain UNAMIR civilian or military personnel; and

(5) when attempts are made to prevent UNAMIR personnel from carrying out their responsibilities as ordered by their commanders.

b. Deadly Force. UNAMIR personnel are authorised to use deadly force in the following circumstances:

(1) in self-defence (as defined in paragraph 5.c.) against persons committing a hostile act or exhibiting hostile intent;

(2) to protect from damage or destruction, property or installations belonging to or under the protection of UNAMIR, including protected sites and the means for the distribution and delivery of humanitarian relief:

(a) which have been designated by the unit Commanding Officer, in consultation with the Force Commander, as essential to the success of the UNAMIR mission,

(b) which justify protection through the use of deadly force, and

(c) where there is no way to prevent the damage or destruction;

(3) to overcome armed attempts to prevent UNAMIR Force from discharging its duties, when authorised by the Force Commander;

(4) to resist armed attempts to disarm, abduct or detain UNAMIR military or civilian personnel;

(5) to resist armed attempts to compel UNAMIR personnel to withdraw from protection areas they were ordered to occupy by the Force Commander or his delegate; and

(6) to resist armed attempts to cut off a UNAMIR force.

c. Use force as appropriate, to protect persons from suffering death or serious bodily injury when there are no Rwandan Authorities available to render immediate assistance.

AUTHORITY TO SEARCH AND DETAIN

11. Authority to Stop and Search. UNAMIR personnel are authorised to stop all individuals attempting to enter or who are discovered inside any facilities under UNAMIR protection and to request that the individual submit to a consensual search of himself/herself and his/her vehicle where applicable. Any individual not willing to be searched shall be denied access, escorted from the premises or detained as appropriate. Searches of persons and their property are also

authorised for the purpose of security. Such searches must be conducted with the minimal use of force necessary.

12. Authority to Detain. Individuals shall only be detained if they commit a hostile act or display hostile intent, or commit a serious criminal offence or carry out any activity which would require that force be used against them in accordance with the ROE, International Humanitarian Law or Rwandan law.

13. Once detained, only minimal non-deadly force is authorised to prevent the escape of a detainee, unless there is a necessity to act in self-defence, in which case minimum force, up to and including deadly force, is authorised. However, if the individuals flee and the threat of their use of force has thus been removed, further force of any kind shall not be employed to apprehend them.

14. Any individual detained shall be turned over as soon as possible to appropriate authorities as designated by the Force Commander. Any weapons or items seized from detainees shall be confiscated and handed over to the appropriate authorities or, if required, rendered militarily ineffective.

15. Treatment of Detainees. Detainees shall not be subject to intimidation, deprivation or humiliation. Medical care and the attention of medical personnel will be provided when required. Detainees will be given rations and shelter equivalent to that of UNAMIR personnel.

16. UNAMIR Personnel may stop, search, and if necessary, detain individuals who committed a serious criminal offence when there are no Rwandan Authorities available to act in time. If detained such individuals shall immediately be handed over to the custody of the competent Rwandan Authorities.

CHALLENGE AND ESCALATION PROCEDURES

17. Except where a response is required to open fire without warning, the following procedures are to be adhered to:

a. Verbal or Visual Warning. Warn the aggressor to stop the activity, which in normal circumstances, should follow the sequence below:

(1) depending on the circumstances, a warning may be

given orally, by a sign or by illumination (ie, hand-held red flares, search-lights, etc.). The issuance of a warning should also be passed up the chain of command with continuous Situation Reports;

(2) repeat the verbal or visual warning as many times as is necessary to ensure understanding or compliance;

b. Charge Weapons. Make use of the visual effect of such action to convince the aggressor that failure to stop the aggressive activity may result in the use of deadly force;

c. Non-Deadly Force. If warnings are ignored, where possible, employ minimal non-deadly force;

d. Warning Shots. If the threat continues, employ aimed warning shots in a safe direction so that there is no danger of personal injury or collateral damage; and

e. Deadly Force. If minimal non-deadly force is either not feasible or fails, on order and under the control of a superior, minimal deadly force, such as single aimed shots, may be used until the threat is removed. If a soldier is acting in self-defence he does not have to wait for a superior to order or control his fire.

PROCEDURES DURING FIRING

18. Any use of firearms as a means of applying deadly force shall be aimed fire. Fire must be controlled and will not be indiscriminate. Automatic fire will only be used as a last resort and fire for effect will only continue as long as it is necessary to achieve the immediate aim of self-defence (or the defence of others).

PROCEDURE AFTER FIRING

19. After firing, commanders should ensure the following actions are taken.

a. Medical. Any wounded, including those fired upon by UNAMIR personnel will be given first aid, if such an action can be done without further endangering the lives of UNAMIR personnel.

b. Recording. Details of the incident will be recorded, including:

(1) date, time and place of firing;

(2) unit and personnel involved;

(3) the events leading up to the firing;

(4) why UNAMIR personnel opened fire;

(5) who or what was fired on;

(6) the weapons fired; and

(7) the apparent results of the firing.

c. Reporting. The above information and the current situation will be reported through the chain of command to UNAMIR Force HQ Attn Force Commander and Deputy Chief of Staff Operations.

PART V

RULES OF ENGAGEMENT

20. The ROE stated in this directive apply to all military personnel provided by troop contributing States and operating in accordance with the United Nations Security Council Resolution 997 (1995) of 9 June 1995. These ROE are written in the form of either prohibitions or permissions. Issued as prohibitions, they are orders not to take specific actions. Issued as permissions they are guidance to commanders that certain specific actions may be taken if they are judged necessary to achieve the aim of the mission. The use of force by UNAMIR personnel is prohibited unless specifically authorised by the ROE.

21. Rule No. One: Authority to Carry Arms:

a. State A: No authority.

b. State B: Authority granted to carry weapons.

22. Rule No. Two: Status of Weapons:

a. State A: Weapons will be carried with loaded magazines.

b. State B: Weapons will be carried, charged and made safe.

23. Rule No. Three: Response to Hostile Intent or Hostile Act without the Use of Fire:

a. State A: Observe and report but will withdraw in order to preserve own force.

b. State B: Stay in place. Make contact and establish liaison with opposing force(s) and/or local authorities concerned.

c. State C: Observe and Report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means without opening fire.

d. State D: Observe and Report. Stay in place. Warn aggressor of intent to use force and demonstrate resolve by appropriate means. Demonstrative use of fire is authorised.

24. Rule No. Four: Disarmament of Paramilitary Personnel or Civilians:

a. State A: No authorisation granted.

b. State B: Authorisation is granted. In doing so, use minimum force and escalate to include use of deadly force if hostile intent is exhibited or a hostile act is committed. Hand over to appropriate authority at the earliest opportunity.

25. Rule No. Five: Intervention and Warning Shots:

a. State A: Intervention between warring factions is prohibited.

b. State B: Intervention with deadly force against positively identified and designated targets only after warning shots have been fired as part of the warning process.

26. Rule No. Six: Control of Weapons Systems:

a. State A: Manning, preparation, movement and firing of weapons in the presence of the forces in conflict is prohibited.

b. State B: Designated activity in the presence of the forces in conflict is permitted but will be specified by the following notes:

(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

27. There are three ROE states that may apply in any given sector in Rwanda. These states are GREEN, YELLOW and RED and are described on UNAMIR Levels of Readiness/Alert pages in Annex A. In normal circumstances, the ROE status shall be GREEN.

28. Changes in the normal status of the ROE for UNAMIR Forces as a whole will be ordered by the Force Commander or his delegate. Sector Commanders may order changes in normal status of the ROE for their sectors, if authorised by the Force Commander or his delegate. Contingent Commanders will inform or, if necessary, seek approval from national authority for the change in status.

PART VI

CONCLUSION

30. Amendments to this Directive will be issued as required and be approved by the UN.

31. This Directive will be classified UN RESTRICTED.

Annexes:

Annex A Instructions for all Members of the UNAMIR Military Component Regarding Opening Fire in Rwanda.

Annex B UNAMIR Levels of Readiness/Alert

ANNEX A TO
RULES OF ENGAGEMENT
DATED 24 JULY 1995

INSTRUCTIONS FOR ALL MEMBERS OF THE UNAMIR MILITARY COMPONENT REGARDING OPENING FIRE IN RWANDA

1. You are to avoid the use of force, if it is possible to do so, and your conduct must cause the least possible concern, fear or danger to the local population.

2. Your immediate commander will order any change in the states of weapon readiness. While your commander will normally issue the order to open fire, you have the right to use appropriate force in self-defence to protect yourself and those it is your duty to protect. Whenever possible a warning should be given before opening fire.

3. If you have to use force, you must only use the **MINIMUM FORCE necessary. MINIMUM FORCE normally involves the following sequential actions:**

a. open display of weapons,

b. verbal warning,

c. barring access to the point being protected,

d. physical restraint,

e. warning shots,

f. pointing weapons, and

g. firing weapons at a person.

WARNINGS

4. **WARNING BEFORE FIRING.** Whenever possible a warning should be given before firing. The warning should be given in a loud clear voice in ENGLISH/FRENCH or KINYARWANDA:

STOP-HANDS UP/ ARRETEZ LEVEZ LES MAINS/ AGARARA, AMABOKO HEJURU

(PAUSE)

STOP OR I WILL SHOOT/ ARRETEZ OU JE TIRE/ HAGARARA, CYANGWA BAKURASE

5. **FIRE AFTER WARNING**. After warning you may fire on a person in order to avoid death or grievous bodily harm only if:

a. the person is carrying a dangerous weapon (e.g. firearm, improvised firing device or machete); AND

b. you believe the person is about to attack you, your unit, or any person it is your duty to protect; AND

c. the person refuses to stop when called upon to do so; AND

d. you believe there is no other way of stopping the person.

6. **FIRE WITHOUT WARNING**. You may fire without warning on a person in order to avoid death or grievous bodily harm only if that person:

a. has used or is using a fire arm or other dangerous weapon against you, your unit or persons it is your duty to protect; OR

b. is carrying what you believe to be a dangerous weapon, AND is clearly about to use it, AND you believe that there is no other way to protect yourself, your unit, or the persons it is your duty to protect.

7. If you have to fire, you must account for all rounds expended in an after action report submitted in writing to your immediate commander.

ANNEX B TO
RULES OF ENGAGEMENT
DATED 24 JULY 1995

UNAMIR LEVELS OF READINESS/ALERT

SERIAL	STATUS	UNITS/HQ	ACTION
1	GREEN	ALL	1. Normal activities 2. **ROE: Rule 1-Status B, Rule 2-Status A, Rule 3-Status B, Rule 4-Status A, Rule 5-Status A, Rule 6-Status A.**
2	YELLOW	HQ	1. Planning for next higher status commences. 2. Liaison increased. 3. VIP visits postponed. 4. No leave granted except on compassionate grounds.
		UNITS	1. Precautionary stage. 2. Double sentries. 3. Night movement restricted. 4. Test shelters. 5. Stand To/Local alarm practice. 6. No leave granted except on compassionate grounds. 7. Backup comms/units/wpns. 8. Reserves put on 3 hrs notice to move.
		ALL	**ROE: Rule 1-Status B, Rule 2-Status B, Rule 3-Status C, Rule 4-Status A, Rule 5-Status A, Rule 6-Status A.**
3	RED	HQ	1. General Alert. 2. VIP visits cancelled. 3. No leave granted. 4. Emergency movement only. 5. Special SITREPS to UNHQ. 6. Civilian evacuation if the situation warrants
		UNITS	1. Troops in defensive positions. 2. Troops in Stand To positions. 3. Reserves put on one hour notice to move. 4. No leave granted. 5. Troops on duty outside to wear flak jackets.
		ALL	**ROE: Rule 1-Status B, Rule 2-Status B, Rule 3-Status D, Rule 4-Status B, Rule 5-Status B, Rule 6-Status B.**

APPENDIX ONE TO
ANNEX B TO
RULES OF ENGAGEMENT
DATED 24 JULY 1995

AIDE MEMOIRE - RULES OF ENGAGEMENT

NOTE: GREEN status indicated in boxes

RULE ONE: **AUTHORITY TO CARRY ARMS**

STATE A: No authority granted.

STATE B: Authority granted to carry weapons.

RULE TWO: **STATUS OF WEAPONS**

STATE A: Weapons will be carried with loaded magazines.

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STATE A: Observe and report but will withdraw in order to preserve own forces.

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(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

F/1d-2384

UNITED NATIONS NATIONS UNIES

30/9.

UNAMIR - REGISTRY
29 SEP 1995
Action completed
Acknowledge
Initial

G3 PLANS

DEPARTMENT OF PEACE-KEEPING OPERATIONS
MISSION PLANNING SERVICE

OUTGOING FAX

TO: MGEN GC TOUSIGNANT FORCE COMMANDER UNAMIR, KIGALI	**FROM:** MGEN VAN KAPPEN for UNITED NATIONS NEW-YORK
FAX NO: 1 212 963 3090	**FAX NO:**(212) 963-9970 **TEL. NO:**(212) 963-2400
ATTN: COS, DCOS(OPS),G3 PLANS	
DATE: 28 SEPTEMBER 1995	No 231/DPKO/MPS/AD
SUBJECT: RULES OF ENGAGEMENT	
TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: two	

1. FOLLOWING YOUR FAX No 4980 DATED 22 SEPTEMBER 1995 REGARDING THE REDRAFTED UNAMIR-ROE, PLEASE, FIND ATTACHED THE COMMENTS MADE BY THE LEGAL OFFICE.

2. IT WOULD BE APPRECIATED IF YOU COULD CONSIDER THE SUGGESTIONS GIVEN BY THE OFFICE FOR LEGAL AFFAIRS AND THE NEW DRAFT TO BE FORWARDED TO UN NY AS SOON AS POSSIBLE.

5. BEST REGARDS

mir0928n.fax

FC COS DCOS (OPS) G3 PLANS CMPO

United Nations Nations Unies

INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

TO: Major General Van Kappen
A: Military Adviser

DATE: 25 September 1995

REFERENCE:

THROUGH:
S/C DE:

FROM: Ralph Zacklin
DE: Director and Deputy to the Under-Secretary-General Office of the Legal Counsel

SUBJECT: UNAMIR: Rules of Engagement
OBJET:

1. This is with reference to Major General Tousignant's fax of 22 September 1995 concerning the UNAMIR rules of engagement. Further to Mr. Corell's memorandum of 18 August 1995 on the same subject, our comments are as follows:

2. Taking into consideration Major General Tousignant's comments on the use of the term "communities", we have no objection to the use of the term "communes" in the rules of engagement. We would, however, suggest that such term be placed in square brackets since paragraph 3(b) of Security Council resolution 997 (1995) refers to "communities".

3. As to the reference to the impartiality of the activities of UNAMIR, please be advised that in the context of rules of engagement, references to impartiality signify the fact that an operation's activities are in fulfillment of the mandate provided by the Security Council. Accordingly, the reference to impartiality, as a fundamental principle of the activities of the United Nations, must be retained.

4. We have noted Major General Tousignant's comments on self defense and authority to use force. While we maintain the position contained in paragraphs 6 and 8 of Mr. Corell's memorandum, we wish to clarify that members of UNAMIR may be authorized to intervene in order to protect persons from suffering, death or serious bodily injury and to stop, search, and/or detain individuals who commit a serious criminal offence when there are no Rwandan authorities available to render immediate assistance. It goes without saying that members of UNAMIR are authorized to use force as appropriate in order to protect the personnel and premises of UNAMIR or the personnel and premises of United Nations agencies, the International Tribunal for Rwanda, including the Prosecutor's Office, human rights officers and humanitarian agencies as specified in paragraph 3(e) of Security Council resolution 997 (1995).

08

F/D - 4980
MIR - 3336
8/3

UNAMIR

KIGALI RWANDA

UNAMIR - REGISTRY
Action to:
G3-PLANS
23 SEP 1995

PAGE 1 OF 3

TO:MGEN VAN KAPPEN UNATIONS, NEW YORK FAX#(212)963-1356 PHONE#(212)963-2402	FROM:MGEN GC TOUSIGNANT FORCE COMMANDER UNAMIR, KIGALI, RWANDA
OUTGOING FAX NO:	DATE:22 SEP 95
ATTN:LT CDR SEYDOU KEBE,UNNY	PHONE:12129630851
FAX NO.:(212)963-1356	FAX NO:
INFO:	DRAFTER:LCOL VS DADHWAL G3 PLANS FILE REF:5000.8(PLANS)
Internal Dist.: COS,DCOS(OPS)&G3 PLANS	
SUBJECT:UNAMIR RULES OF ENGAGEMENT(ROE)	
REFERENCE:	

UNAMIR RULES OF ENGAGEMENT

References

A United Nations (New York)Fax No225/DPKO/MPS/AD dated 23 August 95

B UNAMIR Revised Rules of Engagement dated 25 July 95

1. The letter at Reference A has been analysed . Necessary amendments will be issued separately on receipt of further clarification/comments which are given in the succeeding paragraphs.

Communes

2. Communes are administrative zones within the PREFECTURES and are akin to small townships. These zones therefore reflect the area of residence of all tribes ,may that be a Hutu, Tutsis or the Twa. The word " communities" is likely to be interpreted

FC COS DCOS(SP) G3-PLANS

incorrectly and perceived as a deliberate attempt to differentiate the two major communities.. Moreover, our intention is to reintegrate the refugees back in the same society and not specifically directed towards the community which he /she belongs to.

Impartiality

3.While impartiality would continue to remain the fundamental principle governing the activities of the UNAMIR as it is in all other missions , it may not be appropriate to apply the same when reference is made of the Arusha Peace Agreement .It should be clearly understood that most of the terms of the agreement have unfortunately become defunct due to the fact that one of the warring faction does not exists in Rwanda after the events of Apr 94. Impartiality when related to the two factions terminated along with UNAMIR-1. Presently there is neither any interaction nor any contact with the RGF to affect the Arusha Agreement .The role of the UNAMIR therefore is to ensure stability in Rwanda which can only happen if the RPF Government continues.

Self Defense/Authority to use Force

4 We concur with your views regarding amendment to para 5(c)of the revised Rules of Engagement. Extending the same analogy, your suggestion in paragraph 6 and 8 would again be breach of UNAMIR mandate contained in para 3 (e) of Resolution 997(1995) which has in unambiguous tone listed the categories whose security UNAMIR could contribute . However, UNAMIR could be authorized/ directed as a matter of moral obligation to speedily report on whatever it observes to the appropriate Rwandan authorities for its action without any loss of time.The above position is without prejudice to

the fact that UNAMIR can arrest any individual that commits any offense (including serious criminal offense)against it or the people /premises listed in paragraph 3(e) of Resolution 997(1995). Suffice it to state that the basic principle of law which empowers an individual to arrest any offender who commits an offense in his / her presence has been rendered unoperational by the provision of paragraph in question of Resolution 997(1995).

(1)

1. Ref att by COS

2. Draft reply is placed below for approval / discussion with COS.

(2)

You may further discuss the draft with the COS

Your analysis is in order

NOEL 1/9

UNITED NATIONS NATIONS UNIES

DEPARTMENT OF PEACE-KEEPING OPERATIONS
MISSION PLANNING SERVICE

OUTGOING FAX

TO: MGEN GC TOUSIGNANT FORCE COMMANDER UNAMIR, KIGALI	**FROM**: MGEN VAN KAPPEN for UNITED NATIONS NEW-YORK
FAX NO: 1 212 963 3090	**FAX NO**:(212) 963-1356 **TEL. NO**:(212) 963-0851
ATTN: CAO, DCOS OPS & G3 PLANS	
DATE: 23 AUGUST 1995	No 225/DPKO/MPS/AD
SUBJECT: UNAMIR-RULES OF ENGAGEMENT	
TOTAL NUMBER OF PAGES, INCLUDING THIS PAGE: 3	

1. REFERENCE YOUR OUTGOING FAX 4991 OF 25 JULY 1995 REGARDING THE RULES OF ENGAGEMENT WHICH HAVE BEEN REVISED AS A RESULT OF THE REDRAFTED OF UNAMIR MANDATE, PLEASE, FIND ENCLOSED THE COMMENTS MADE BY THE LEGAL AFFAIRS OFFICE.

2. YOUR COMMENTS ON THIS MATTER WILL BE HIGHLY APPRECIATED.

BEST REGARDS.

FC - TSOR

Shall analyse the comments with legal off and G3 plans and disc

25/8

1 Draft send to COS
2. File

Copies to
DFC
G3 plans.

United Nations Nations Unies

INTEROFFICE MEMORANDUM MEMORANDUM INTERIEUR

TO: Major General Van Kappen
A Military Adviser

DATE: 18 August 1995

REFERENCE

THROUGH:
S/C DE:

FROM: Hans Corell
DE: Under-Secretary-General
for Legal Affairs
The Legal Counsel

SUBJECT:
OBJET: UNAMIR: Rules of Engagement

1. This is with reference to your facsimile of 8 August 1995 forwarding for legal review a revised version of the Rules of Engagement of UNAMIR.

2. We concur with your position on the changes to paragraph 2 but wish to point out that the word "communes" in sub-paragraph (b) should read, "communities." We also note with appreciation that all references to "cross-border fire" have been deleted.

3. With respect to the changes to paragraphs 3, 5(c), 5(i) and 12 of the Rules of Engagement, on which you specifically sought our views, our comments are as follows:

4. With respect to the changes to paragraph 3, it is not clear why the sentence concerning the impartiality of UNAMIR's actions was deleted. In our view, the sentence reflects a fundamental principle of United Nations activities and must therefore be retained.

5. Paragraph 5(c) should explicitly cover the personnel of United Nations agencies, the International Tribunal for Rwanda, including the Prosecutor's Office, human rights officers and humanitarian agencies as specified in paragraph 3(e) of Security Council resolution 997 (1995) of 9 June 1995.

6. The proposed inclusion of "civilians who require immediate assistance in order to prevent them suffering, death or serious bodily injury..." in the definition of "self-defense" contained in paragraph 5(c)(4) is not in accordance with UNAMIR's new mandate. This mandate as adjusted by Security Council resolution 997 (1995) no longer includes the "security and protection of civilians at risk in Rwanda" which was provided for under Security Council resolution 965 (1994) of 30 November 1994. We are, however, of the

view that UNAMIR should be authorized to use force, as appropriate, to protect persons from suffering, death, or serious bodily injury when there are no Rwandan authorities available to render immediate assistance. Accordingly, we would have no objection if such a provision were to be included in paragraph 10 entitled "Authority to Use Force."

7. The proposed definition of "serious criminal offense" contained in paragraph 5(i) is acceptable.

8. The mandate of UNAMIR, pursuant to Security Council resolution 997 (1995), does not include police functions. As such, the authority to detain individuals who commit a serious criminal offense pursuant to the revised paragraph 12 is legally questionable. It goes without saying, however, that UNAMIR personnel should intervene if they observe a serious criminal offense and there are no Rwandan authorities available to act in time. In such instances, the individual responsible for the offense should then be handed over to the custody of the competent Rwandan authorities. Accordingly, we would have no objection to the addition of a separate paragraph on UNAMIR's authority to stop, search and/or detain individuals who commit a serious criminal offense. Such a paragraph would read as follows, "UNAMIR personnel may stop, search and, if necessary detain, individuals who commit a serious criminal offense when there are no Rwandan authorities available to act in time. If detained, such individuals shall immediately be handed over to the custody of the competent Rwandan authorities."

UNITED NATIONS [redacted] **NATIONS UNIES**
ASSISTANCE MISSION IN RWANDA — MISSION POUR L'ASSISTANCE AU RWANDA

OUTGOING FAX NO. 4991

PAGE 1 OF 15 MIR 2686

DATE: 25 JULY 1995

File No. 5000.8 (PLANS)

TO: MGEN VAN KAPPEN UNATIONS NEW YORK FAX # (212) 963-1356 – OSL PHONE # (212) 963-2402	FROM: MGEN GC TOUSIGNANT for FORCE COMMANDER UNAMIR, KIGALI
ATTN: LT CDR SEYDOU KEBE, UNNY FAX# (212) 963-1356	PHONE: 1 212 963 0851
INFO:	FAX NO: 1 212 963 1356
INTERNAL DISTR: COS, DCOS OPS, & G3 PLANS	DRAFTED BY: G3 PLANS
SUBJECT: UNAMIR - RULES OF ENGAGEMENT (ROE)	
REFERENCE:	

1. ENCLOSED IS THE RULES OF ENGAGEMENT WHICH HAVE BEEN REVISED AS A RESULT OF THE REDRAFTED UNAMIR MANDATE APPROVED BY THE SECURITY COUNCIL ON 9 JUL 95.

2. OVERVIEW OF THE PROPOSED CHANGES. THE UNAMIR TASKS PROPOSED IN THE MANDATE (PARA 2) HAVE BEEN ADJUSTED TO REFLECT THE REDRAFTED MANDATE. IN PARA 3 THE SENTENCE ON IMPARTIALITY HAS BEEN DELETED. IN THE DEFINITIONS SECTION ON SELF-DEFENCE (PARA 5.c.(4)) ALL REFERENCE TO DISPLACED PERSONS, REFUGEES AND CIVILIANS IN SITES OR AMONG POPULATIONS UNDER THE PROTECTION OF UNAMIR FORCES HAS BEEN REMOVED. A DEFINITION OF SERIOUS CRIMINAL OFFENCE (PARA 5.i.) HAS BEEN INTRODUCED. ALL REFERENCE TO CROSS-BORDER FIRE IN THE SECTION ON THE USE OF FORCE AND ENGAGEMENT PRINCIPLES (PARA 9.k.) HAS BEEN DELETED. THE SUB SECTION ON AUTHORITY TO DETAIN (PARA 12) HAS BEEN REWRITTEN TO INCLUDE SERIOUS CRIMINAL OFFENCE.

3. IT IS REQUESTED THAT YOU ACCEPT THE REVISED ROE AND PROVIDE YOUR APPROVAL BY 8 AUG 95.

FC CMO SMSG + * G3 PLANS

(1)