

[ 5 CONFIDENTIAL ]

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BOX 69

FILE 10

ACC. 1998/0282

UNITED NATIONS



NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA

MISSION POUR L'ASSISTANCE AU RWANDA

UN RESTRICTED

file: Kibeho Commission  
of Inquiry

UNAMIR - MINUAR

TO: H.E. M. Shaharyar Khan  
A: SRSG

Date: Kigali, 28/4/1995

FROM: C.O. Diarra, Colonel  
CIVPOL COMMISSIONER

Ref: CIVPOL/MEMO/360/95

Subject: Massacre of IDPs in Kibeho on 22 Apr. 95

Find attached, a report from CIVPOL Monitoring Team/Gikongoro about the above-mentioned subject matter.

Regards.

*This is vital evidence.*

*Sahmy Jha  
304*

EJ

*Aut contr*

UNAMIR - CIVPOL

GIKONGORO

TO: CIVPOL COMMISSIONER

DATE: 26/4/1995

FROM: GIKONGORO CPMT SUBJECT: IDPs MASSACRE IN KIBEHO ON 22/4/1995

I would like to inform you about the situation which passed through the mentioned date until this date . Attached with the report nine photos showing deceased and injured persons taken by one of the CIVPOL officers in GIKONGORO .

1. At about 1700 hrs Lt on 22/4/1995 RPA soldiers opened fire at the IDPs in KIBEHO Camp which caused death for more than 2,000 IDP . The RPA soldiers pretended that there was a <sup>sniper</sup> snapper from the IDP Camp shooting at them from a high place, that place was a hospital for (MSF). The PMT observed the RPA soldiers shoot at the IDPs concentration faraway from the snapper's place . Also the PMT observed a shelling from MORTAR and RBG inside some of the IDPs concentrations .After the shooting the road to ZAMBATT Camp in KIBEHO was closed and no vehicle could passed through that road because of the dead bodies . At about 20:00 hrs Lt one AUSTRALIAN platoon evacuated NGOs and civilian personnel from KIBEHO to GIKONGORO . No medical attention was given to the injured people that day.

2. At the earlier of 23/4/1995 RPA soldiers started to bury mountains of dead bodies in KIBEHO in a mass graves and those who were killed down the camp were buried in the same place they laid in a very fast way. RPA soldiers tried to attack a CIVPOL observer and took a film from his camera because he was taking photos of dead bodies . The PMT controlled the traffic of trucks carrying IDPs to BUTARE and shared the humanitarian work in the camp with other organizations. Most of the injured persons were evacuated to BUTARE hospital after first aid by heli and trucks. The PMT guided UNAMIR trucks to GIKONGORO and handed over 240 orphanages to (TERRE DES HOMMES) organization . Big numbers of the IDPs were forced to leave KIBEHO on foot to BUTARE after the registration done by RPA soldiers.
3. On 24/4/1995 the evacuation operation almost finished except those about 300 IDPs who refused to leave the camp staying in (MSF) hospital building giving reasons that they afraid to be killed by RPA when reached their various communes , and it is not reasonable to those who lives in GIKONGORO to leave to BUTARE then come back to GIKONGORO by foot . The CIVPOL PMT and the team attached with from CIVPOL HQ negotiated with representatives of the last 300 IDPs to convince them to leave, about 26 persons left the others refused for the mentioned reasons .

One of the CIVPOL observers remained monitoring the situation in KIBEHO latest 2300 hrs Lt. The RPA soldiers surrounded the place preventing any food or water distribution to the IDPs.

The PMT could snap some photos for dead bodies inside the mentioned place . The photos shows dead bodies from MORTAR shelling inside the place according to the IDPs staying there who refused also to give their names to the team . (RED CROSS) evacuated two IDPs females from the same place in very bad conditions .

4. The situation on 25/4/1995 remains to be calm without any shooting problems where were one RPA officer who announced that RPA will surround the place till the IDPs leave from their selves . MILOBS and RED CROSS teams also tried to convince the IDPs to leave the camp but no response. That while the PMT was going through the procedures to hand over the three suspects in killing two of IDPs incident to GIKONGORO PROSECUTOR .
5. On 26/4/1995 the situation in KIBEHO camp remains the same but the surrounded IDPs are in miserable conditions . Until this time they are refusing to leave the camp .
6. BEST REGARDS

Yes. This  
may be kept in  
evidence. Jech.  
29.4  
ED  
T. G. G. G.

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UNAMIR INFOSUM  
271800B-290600B APR 95

OVERVIEW

1. RPA/MILITIA DENY ACCESS IN SAKE AREA, AGAIN. SECTOR 4C STILL EXPERIENCING BANDITRY. HOLDOUT IDPS STILL IN KIBEHO CAMP.

RPA

2. SECTOR 1: RUKOMO JUNCTION (1121) 28 APR: A JOINT RPA/GENDARMERIE CHECKPOINT INSISTED ON SEARCHING A UNAMIR PATROL VEHICLE. DESPITE PROTESTS, THE VEHICLE WAS NOT PERMITTED TO CONTINUE ON ITS MISSION UNTIL AFTER A SEARCH. THIS SAME CHECKPOINT INSISTED ON CHECKING THE PASSPORTS OF ANOTHER MILOB PATROL.

3. SECTOR 2:

A. NYARUBUYE: RPA HAVE CLOSED THEIR TRAINING CAMP AT NYARUBUYE, HOWEVER TWO PLATOONS OF RPA REMAIN IN LOCATION.

B. MUGESERA: 28 APR: RPA AND LOCAL MILITIA PREVENTED MILOBS, AT GUNPOINT, FROM MOVING BEYOND THE CHECKPOINT MOUNTED NEAR THE COMMUNE OFFICE. COMMENT: THIS IS IN THE SAKE REGION WHERE LOCAL MILITIA HAVE DENIED UNAMIR ACCESS TO CERTAIN AREAS IN THE RECENT PAST.

4. SECTOR 4A: KIBEHO: 27 APR: BETWEEN THE HOURS OF 1900-2300 RPA WERE SEEN UNEARTHING AND CARRYING AWAY DEAD BODIES ALONG THE KIBEHO-BUTARE ROAD. WITNESSES COUNTED SIXTEEN BODIES AT THIS INCIDENT. MILOBS CONFIRMED FRESHLY TURNED SOIL WHERE THESE BODIES MAY HAVE BEEN EXHUMED FROM. COMMENT: THE MOVEMENT OF SIXTEEN BODIES WOULD HAVE LITTLE EFFECT ON THE FINAL COUNTS WHICH WOULD BE DISCOVERED DURING THE COURSE OF INVESTIGATION. HOWEVER, PRIOR TO THE INTERNATIONAL COMMISSION'S INVESTIGATION BEGINNING FIVE DAYS FROM NOW, AN OPERATION TO REMOVE A SUBSTANTIAL AMOUNT OF BODIES DURING THE HOURS OF DARKNESS IS POSSIBLE AND CANNOT BE RULED OUT. THIS WOULD BE POSSIBLE USING A KIND OF AMBULANCE SHUTTLE SYSTEM, WHEREBY INDIVIDUALS OR GROUPS ARE TASKED TO REMOVE SO MANY BODIES TO A COLLECTION POINT WHERE A WORK PARTY LOADS A VEHICLE, THE VEHICLE TRAVELS TO A GIVEN DUMP SITE, AND RETURNS. TO BE MORE EFFICIENT, MORE THAN ONE VEHICLE ON THE ROUTE WOULD BE USED IN THIS TYPE OF OPERATION (ONE LOADING, ONE MOVING, ONE OFF-LOADING, ONE RETURNING EMPTY). IF THIS ACTIVITY IS GOING ON, IT COULD EASILY HAVE BEEN GOING ON SINCE SUNDAY. EVEN IF ONLY ONE COMPANY OF MEN WERE EMPLOYED AND GIVEN THE TASK OF COLLECTING MERELY FIVE BODIES PER NIGHT PER MAN, THIS COULD AMOUNT TO APPROXIMATELY 500 BODIES REMOVED PER

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NIGHT. INDICATORS TO WATCH FOR: INCREASED NUMBER OF RPA NOT INVOLVED IN THE CORDON ACTIVITY, EXHUMED BODIES COLLECTED AT ONE SITE, GONE THE NEXT DAY, FRESHLY TURNED SOIL OVERNIGHT, RPA DENIAL OF ACCESS TO CERTAIN AREAS, CONTINUOUS VEHICLE TRAFFIC DURING THE NIGHT, BODIES SHOWING UP IN MAJOR RIVERS, FRESH BODY DUMPS.

FRGF/MILITIA/BANDITRY

5. SECTOR 4C: RAMBIRA (0145): LOCAL REPORTS LANDING OF SIX BOATS DURING WHICH AN EXCHANGE OF FIRE OCCURRED BETWEEN UNKNOWN ELEMENTS. NFI DUE TO LACK OF INTERPRETER.

REFUGEES/IDPS

6. SECTOR 4A: KIBEHO: 28 1200B APR: 24 OF THE IDPS REMAINING IN THE COMPOUND AGREED TO RETURN TO THEIR HOME COMMUNES, WERE SCREENED BY RPA AND RELEASED.

REGIONAL

7. NSTR

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to D+C 1 May

Please see para. 3 of the attached Code Cable.

CNR 118 1/2

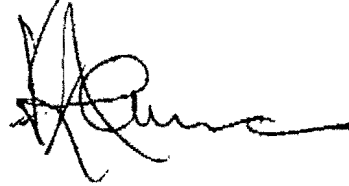
As we discussed at SSG's dinner on Saturday, we need to send a chronological report to HQ on what happened at Kibeho from the day the RFA cordon operation began to the point where the killings took place and the hard-core elements refused to come out.

GOING CODE CABLE

IGALI

, NEW YORK

1995 APR 27 PM 10:30



(2)

We have already sent an analytical report but would like the military to prepare this chronological factual report for immediate transmission.

Many thanks.

URGENT *Emergency use*

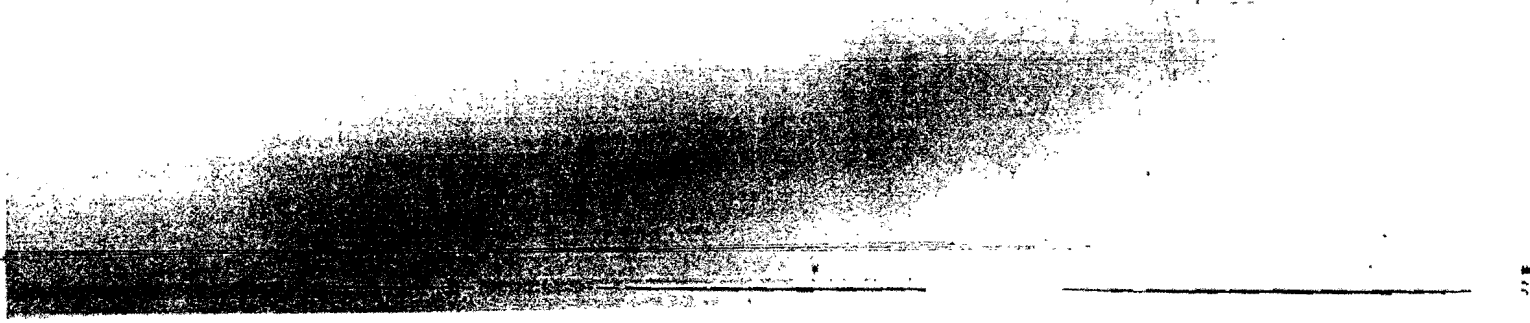
your telephone conversation with  
ril, Permanent Representative of Rwanda  
ations contended that UNAMIR had fully  
nment operations in Kibeho camp from  
le the following points to illustrate his

had fully participated in the Government  
actions in the camp and had actually opened fire;

(b) The Government had informed UNAMIR in advance about its plans relating to the camp operations except for the day when the operation was launched.

(c) UNAMIR troops were present when the dead were buried and were aware of the numbers involved.

2. On the basis of information provided by you, Mr. Gharekhan rejected all three allegations. The Rwandese Ambassador however





CNR 127 P1/2

## OUTGOING CODE CABLE

IN CODE  
2) Kibeho Investigation  
Commission

TO: KHAN, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 3 MAY 1995

NUMBER: 1526

UNIFIED NATIONS  
OPERATIONS  
3 MAY - 3 P 4 30

SUBJECT: COMMISSION OF INQUIRY - DRAFT TERMS OF REFERENCE

As you know, we have a meeting this morning with the 7 member states participating in the Commission of Inquiry. We made it clear that we were not seeking to take the lead but rather to cooperate with the members of the Commission.

As you were informed by Lindenmayer, it was agreed that the Secretariat (OLA) would prepare an informal draft of the terms of reference which might be helpful to the members of the Commission. A copy has been sent to each Government participating in the Commission and

Secretary-General has approved a nomination of Ataul Karim as the UN Representative on the Commission, and he should arrive in Kigali by Monday at the latest.

Best regards.

UNAMIR  
3 MAY - 4 04 08

① Re Commission.  
Draft Terms of Reference  
have been sent. We will  
share with others

② We have to provide  
material to re-brief Rwanda  
PR.  
ED  
S. J. H. H. H.  
4.5

CNR 127 P2/2

**COMMISSION OF INQUIRY TO INVESTIGATE THE EVENTS AT KIBEHO**

**DRAFT TERMS OF REFERENCE**

1.
  - a. To establish the facts, circumstances and the causes which led to the events of 22 and 23 April 1995.
  - b. To determine, to the extent possible, the number of victims, and the identity of the perpetrators and other persons involved.
  - c. To determine responsibility for the events.
  - d. To make appropriate recommendations.
2. In collecting evidence and obtaining statements and testimony concerning the events at Kibeho, the Commission of Inquiry shall enjoy in the territory of Rwanda:
  - a. Freedom of movement and facilities of transport;
  - b. Freedom of inquiry, including free access to prisons, detention centres and places of interrogation, contacts with local authorities, NGOs, private institutions and the media, contacts with witnesses and other persons considered necessary for the fulfilment of the mandate and full access to all documentary material relevant to the mandate.
  - c. Appropriate security arrangements for personnel and documents, without restricting the freedom of movement and of inquiry.

UNITED NATIONS  
ASSISTANCE MISSION FOR RWANDANATIONS UNIES  
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

95 MAY 19

CRN 171

## OUTGOING CODE CABLE

TO: MR. IQBAL RIZA, ASG, DPKO, UNATIONS, NEW YORK

FROM: ATAUL KARIM, MEMBER  
INDEPENDENT INTERNATIONAL COMMISSION, KIGALI

DATE: 19 MAY 1995

NO.: MIR 1746

NO. OF PAGES: 15

SUBJECT: REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION  
OF INQUIRY ON THE EVENTS AT KIBEHO

*I want an immediate analysis of this paper pl. ED 19.5*

The Independent International Commission of Inquiry on the events at Kibeho concluded its deliberations in Kigali on 18 May 1995. The Commission had decided to present its report to the President of Rwanda and the Secretary-General. At a ceremony in the Parliament, the Commission presented its report to the President of Rwanda yesterday evening. A copy of the report is attached for submission to the Secretary-General. I shall bring the signed copy to New York.

Looking forward to seeing you. Warmest personal regards.

95 MAY 19 1995

P2/15  
CRN/71

**REPORT OF THE INDEPENDENT INTERNATIONAL COMMISSION  
OF INQUIRY ON THE EVENTS AT KIBEHO  
APRIL 1995**

An outbreak of violence at the camp for internally displaced persons (IDPs) in Kibeho (south-western Rwanda) on 22nd April 1995, which resulted in a considerable number of deaths, has aroused shock and horror both in Rwanda itself and the international public. Diverging accounts were given of what exactly had happened, of the numbers of casualties and of the responsibilities of different parties.

In a speech on 27th April 1995, the President of the Rwandese Republic, Mr. Pasteur Bizimungu, announced the establishment of an independent International Commission of Inquiry and invited Belgium, Canada, France, Germany, the Netherlands, the United Nations organization and the Organization of African Unity to participate, together with Rwanda, in the work of the Commission. President Bizimungu set out a number of questions (see below) concerning the Kibeho incident, to which the Commission was to answer and which were to serve as Terms of Reference (TR).

The Commission was formally established in Kigali on 3rd May 1995 and it held its first working session on 8th May 1995 with the following members present:

- Mr. Marc Brisset-Foucault, Prosecutor (France)
- Mr. Bernard Dussault, Diplomat (Canada)
- Mr. Koen de Feyter, Professor of International Law (Belgium)
- Mr. Karl Flittner, Diplomat (Germany)
- Mr. Ataul Karim, Diplomat (United Nations organizations)
- Dr. Ashraf Khan, Forensic Pathologist (United Kingdom)
- Mr. Maurice Nyberg, Lawyer (United States of America)
- Colonel-Major Abdelaziz Skik, military expert (Organization of African Unity)
- Ms. Christine Umutoni, lawyer (Rwanda)
- Mr. Ernst Wesselius, Prosecutor (the Netherlands)

In its first working meeting, the Commission appointed by consensus Colonel-Major Skik as its President, Mr. Dussault as its Vice-President and Mr. Wesselius as its Secretary/Rapporteur.

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The Commission was assisted in its work by:

- Mr. Claude Cozar, Prosecutor (France)
- Mr. Ron Newman, Criminologist (Canada)
- Mr. Jan Wilken, Criminologist (the Netherlands)

as well as by representatives of different ministries of the Government of Rwanda in their capacity as expert advisers.

On the basis of numerous interviews with witnesses of the events, held in Kigali, Kibeho and Butare between 10th and 17 May 1995, several visits to the site and forensic investigation research in the Kibeho area, as well as briefings given by UN and Rwandan officials, the Commission hereby submits its report to the President of the Republic of Rwanda on May 18th 1995.

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I.

- a. IN WHICH CONTEXT WAS TAKEN THE DECISION TO CLOSE THE CAMPS, AND WHAT ABOUT THIS VERY ONE (KIBEHO)?
- b. ESPECIALLY, WHAT INFORMATION ABOUT MILITIA IN THE CAMPS WAS AVAILABLE?
- c. BEFORE PROCEEDING WITH THE CLOSURE DID THE GOVERNMENT CONSULT VARIOUS PARTNERS INVOLVED IN THIS MATTER?
- d. WAS THE CLOSURE OPERATION AIMED TO ELIMINATE A CERTAIN CATEGORY OF PEOPLE, ESPECIALLY ONE ETHNIC GROUP?

Following the assassination of the Presidents of Burundi and Rwanda in the vicinity of Kigali Airport on 6th April 1994, a genocide began which would cost the lives of several hundred thousand Rwandans. A civil war started which would lead to the liberation of the country and the establishment of a national coalition government on 19 July 1994.

During those sad months, Rwanda saw both its material and social infrastructure practically destroyed. Kigali city had no more than some tens of thousand of inhabitants and a large part of the Rwandan people were refugees in Zaire, Tanzania and Burundi or were displaced within the country. In addition of hundreds of thousands were dead. Administrative buildings had been pillaged, damaged and sometimes destroyed and services (water, electricity, communications, social) were nonexistent. The Government found itself faced with an enormous and complex task, compounded by the problems of bringing the perpetrators of genocide to justice.

As soon as the Government was instituted it could see, as could the international community, that one of the priorities had to be the return of refugees and displaced persons to their home communes. The return of these people was necessary and urgent in order to re-start the Rwandan society and economy, to relieve the destabilizing pressure of the presence of these refugees throughout the region and also for reasons of national security. Indeed, it appeared obvious that as long as these refugees and displaced persons were not re-integrated into Rwandan society they would constitute a threat to security of the Rwanda and a permanent social burden.

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At that time, the international community saw the importance of assisting Rwanda to instill a feeling of security in the country so as to facilitate the return of refugees and displaced persons. Upon the request of the Rwandan Government the United Nations Assistance Mission in Rwanda (UNAMIR), with a contingent of more than 5,500 troops, was deployed with this intention already in early September 1994. In the course of the same month, international cooperation was mobilized in order to rehabilitate certain infrastructures. Discussions were begun with neighboring countries, the OAU, the UN and particularly with UNHCR in order to organize a conference on refugees and displaced persons. Studies were also begun jointly by Rwandans and international experts with a view to preparing a national plan of action which could be supported by donors. The plan in question was submitted in January 1995 in Geneva and the international community responded by pledging some USD 600 million of the USD 780 million requested.

All these initiatives made possible a steady and significant return of refugees and displaced persons to their communes. Rwanda began normalizing and, over the months, the Capital re-established its population and its activities. Many peasants returned to their communes and a sizable population inhabits Rwanda today. It was still important, however, that all refugees and displaced persons should return home. Unfortunately, a significant number of refugees outside the country and internal by displaced persons (IDPs) in camps located in the former protected zone in southern Rwanda refused to return voluntarily for reasons of security, but also because many of these camps were infiltrated by genocidal criminal elements, groups of militia-men and re-grouped military. There was fear of eventual re-arming; military training was observed to take place. Another factor was that refugees and IDPs gradually became dependent on living conditions provided in the camps.

In December 1994, there still remained within the country 38 IDPs camps and Kibeho camp appeared to be a center of hostility and a threat to internal security.

UNAMIR, in consultation with the Government, decided to launch "Operation Hope" in order to disarm Kibeho. While UNAMIR searched for arms within the camp, the Rwandese Patriotic Army (RPA) maintained a security cordon on the outside. This operation, which had worried humanitarian organizations, proceeded well, without loss of life. It sent a clear message to those inside Kibeho camp that the Rwandan Government as well as the international community would not accept subversion at Kibeho camp.

There was still an urgent need to close the IDPs camps. The Rwandan Government announced the final closure of the camps by the end of December 1994. The discussions that followed between the Rwandan Government and UNAMIR led to the launching of Operation Return.

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With a view to supporting Operation Return, a working group was established with the assistance of UNAMIR, including government authorities, United Nations' Agencies and the NGO's, for the purpose of defining and developing policies and strategies concerning IDPs with a view to putting forward as soon as possible a plan of action to make possible the return of these people to their home communes. In order to facilitate the task of the working group and to oversee the implementation of the action plan, the Integrated Operation's Center (IOC) was established and in March 1995, 21 persons were employed there full time and 38 persons part-time.

The first formal meeting of the IOC working-group was held on 6th February 1995. Operation Return was reviewed and it was agreed as of then to launch Phase II, the initial operation having had some success but beginning to run out of steam.

In the meantime, faced with the urgency of the situation and the deterioration of security within the camps, the international community, with the support of OAU, the UNHCR as well as many individual countries, agreed to the terms of reference of a conference on refugees and displaced persons in the Great Lakes area, to be held in Bujumbura, from 12th to 17th February 1995. A plan of action was adopted at the end of the Ministerial Conference. Those components concerning Rwanda were as follows:

**Measures to be taken by Rwanda:**

(para 23, Sub para b):

" To continue to broadcast solemn declarations by all competent authorities involved in welcoming in dignity and security, refugees and displaced persons within its national borders. "

(Sub. para d):

" To continue to fully cooperate in the context of a coordinated, humanitarian strategy and making good use of functions of the Integrated Operations Center, with the UN agencies and the NGO's in order to facilitate the voluntary return of persons displaced within its national borders. "

**Measures to be taken by the International Community:**

(para 30, Sub. para a):

" To support and encourage activities in Burundi and Rwanda which encourage the process of national reconciliation and the voluntary return of displaced persons and refugees to their home communes. "

On 20th February 1995, the IOC working group could but observe that very few IDPs had returned to their communes in the preceding week.



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On 27th February 1995, the IOC working group noted that Operation Return was no longer yielding satisfactory results, that IDPs did not want to go home, that Kibeho camp was a source of insecurity and that the publicity campaign was not yielding the expected results. The conclusion was reached that Kibeho was becoming a criminals' sanctuary and that there was no final strategy to have the IDPs return home.

In the course of the month of March 1995, the question of security continued to dominate Operation Return. The operation was paralysed by questions of security in the communes, in the camps and in the country. This increased the urgent need that something had to be done.

On 6th March 1995, it was agreed officially that 37,000 persons had been transported to their home communes and that a similar number had gone home by foot. It was also agreed that of that number, 60% had stayed home. Finally, it was noted that there remained 250,000 IDPs, and of that number 120,000, were then in Kibeho.

In view of the new importance of Kibeho camp, of the insecurity, the continued dependency of the IDPs on relief and of the growing impatience of the Government vis-à-vis these camps and the international community, it had become urgent to review the situation. Many options were discussed on 6th March 1995; more specifically the five following possibilities were considered:

1. Closure, as soon as possible and by all possible means.
2. Voluntary return and the closure of some camps while keeping one or two.
3. Moving the displaced persons to smaller camps in the vicinity of their home communes.
4. Reorganization of existing camps by grouping people from the same home commune.
5. Photographic record of all displaced persons and regrouping in four permanently patrolled camps.

At the meeting of 9th March 1995, the IOC agreed on the need to close the camps and the five options were reviewed.

On 15th March 1995, a strategy was worked on to cover both national security concerns and the need for the return of displaced persons to their home communes. It was agreed to improve reintegration facilities and security in communes; in the camps, it was agreed to increase security and improve the publicity campaign, to arrest intimidators and those who had participated in the genocide. Finally, a proposal was made to register IDPs, to have them move by foot and by vehicle and to end the distribution of food. The

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operation would end after 4 weeks with the systematic interrogation of persons remaining in the camps. This strategy, after acceptance by the Government, would be set in motion at most a week after its approval.

On 20th March 1995, the urgent need to close the camps was stressed.

On 27th March 1995, the Prefect of Gikongoro stated that, for reasons of public order, he could no longer accept the presence of camps in his prefecture.

In its information bulletin of 27th March 1995, the IOC stated that the Government had reiterated its desire to see IDPs back home as soon as possible. It is interesting to note that at that time the figure of 84,000 was used for the number of people in Kibeho.

At the time of that IOC meeting the representative of the IOC declared that it would be unfortunate to begin the operation as decided within a fortnight because it would coincide with the 6th April 1995, the day of the first anniversary of the start of the genocide, and that it would therefore be preferable to postpone it for a week.

The meeting of 2nd April 1995 served to clarify certain components, including transport of refugees and curfew in the camps.

*No consultation*  
In a document signed by the Chairman of the Task Force of the IOC, dated 15th April 1995, it was noted that at the 3rd April 1995 meeting, it was decided to identify cooperation mechanisms between the armed forces, UNAMIR and Human Rights observers with regard to the operation as well as to arrest and detention procedures. It was also agreed that all members of the working group were ready to launch the operation.

In support of the strategy to close the camps, at the request of the Minister of Rehabilitation and Social Integration and of the Minister of Interior, and after consulting with the President, the Vice President/Minister of Defence decided to deploy the armed forces to surround the remaining eight IDPs camps, including Kibeho.

There is no evidence to suggest that the operation was intended to eliminate a certain category of people, especially those belonging to one ethnic group.

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II - HOW WAS THE OPERATION CARRIED OUT SINCE 18th APRIL AND

WHAT ACTUALLY HAPPENED FROM THE 22nd TO THE 23d APRIL 1995?

During the night of the 17th to the 18th April 1995 the RPA surrounded the remaining IDPs camps, including the Kibeho camp. At Kibeho, the frightened IDPs moved into the area between Zambian Company Headquarters and the Zambian platoon compound ("Zambatt"). There is conflicting evidence as to whether they moved voluntarily or were coerced to move.

Not at  
people or tents

According to both the RPA and UNAMIR witnesses, there was sporadic gunfire. On the morning of the 18th, witness testimony agreed that a stampede resulted in the death of 8 to 11 children.

On the 19th April 1995, the RPA Chief of Staff and the UNAMIR Deputy Force Commander visited the camp to explain the situation. Many IDPs indicated that they were willing to go home. The slow progress of the registration procedure and the lack of transport added to the problems.

During the 19th-20th April 1995, approximately 5000 IDPs were searched and successfully registered by the RPA and other Government agencies and transported to their home communes by UNAMIR. During the process of registration, some of the IDPs were identified as having participated in the genocide by some witnesses.

Over this period, the sanitary and other living conditions in the camp deteriorated drastically.

Generally, there was no intimidation or violence directed at the IDPs by the RPA, nor hostility by the IDPs towards the RPA. There is some evidence of hostility among IDPs. In a few instances, IDPs threw stones at the RPA and, according to some reports, tried to snatch RPA weapons, which resulted in RPA opening fire and killing between 13 and 22 IDPs.

The limited delivery of food, water and general facilities were used as an incentive for IDPs to leave the camp.

In the late afternoon of the 20th April 1995, it started to rain. This affected road conditions and worsened the transportation problems.

They were  
dying to leave.  
could not fast  
enough.



Around midday of the 22nd April 1995, a large group of IDPs broke through the cordon in the vicinity of the Zambatt positions. According to RPA witnesses there was firing from among the IDPs and the RPA suffered casualties. IDPs continued to run down the side of the hill into the valley. The RPA responded by firing into the crowd. There is agreement that automatic rifles and machine guns were employed. Numerous IDP casualties resulted.

After the incident the cordon was re-established. In the late afternoon the cordon was breached for a second time, this time to the west of the camp. Large groups of people ran down the valley. RPA witnesses indicated that some IDPs carried rifles and others were armed with traditional weapons such as machetes and stones. RPA witnesses indicated that there was firing from the IDPs which caused casualties to some RPA soldiers. There is evidence that firearms were captured.

The RPA again responded by firing into the crowd causing numerous casualties. It is clear that automatic rifles and machine guns were used. Most witnesses from UNAMIR and from one NGO indicate that heavier weapons such as grenades and rocket propelled grenades were used. There is conflicting UNAMIR testimony on the use of a mortar. It is of interest to note that no physical evidence of mortar fire has been found.

There is evidence to indicate that many suffered injuries from machete, stampede and weapons fire, but the exact proportions cannot be determined. There is agreement that machetes were not used by uniformed personnel but rather by civilians.

UNAMIR witness testimony indicates that a number of summary executions of IDPs by RPA soldiers took place.

During the night of the 22nd April 1995, there was sporadic fire around the Kibeho camp area including, according to some UNAMIR and RPA sources, sniper fire from the IDP compound over the Zambatt Company Headquarters. UNAMIR soldiers were unable to respond because of an inability to distinguish between hostile and non-hostile targets. There were also machete attacks among the IDPs.

UNAMIR witnesses indicate that RPA soldiers were burying bodies in pit latrines and shallow graves. Approximately 15 latrines were examined by the Commission and in one of them the body of one child was found. RPA witnesses indicate that bodies washed up in rain after the incident and were subsequently reburied.



Ref: 01  
mmed.  
More for  
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The scientific evidence corroborated other evidence that bodies related to the Kibeho incident had been buried outside the Kibeho camp. In the bodies identified, the cause of death ranged from machete, firearm injuries and findings consistent with trampling and hunger. Due to logistic and time constraints, it was not possible to determine the exact number of fatalities but it is apparent that the numbers are more than those formally counted in the Kibeho camp.

It is interesting to note the unusual discrepancy between the various initial counts and estimates of fatalities and the actual number of non-fatal casualties, suggesting over-estimation in the initial fatality counts and estimates.

### III a. WHAT WAS THE ROLE, THE LIMITATIONS AND THE BEHAVIOUR OF THE RWANDESE ARMY, THE NGOs AND UNAMIR?

The Commission finds that the operation of the Government of Rwanda to close the IDP camps was well-planned but that failures occurred in the implementation and ensuing panic. The reactions of the RPA soldiers to the threat at that stage were disproportionate and, therefore, violative of international law. The RPA did not distinguish between hostile and non-hostile targets and indiscriminate fire by the RPA soldiers occurred. There are credible indications that individual RPA soldiers committed summary executions.

The following circumstances contributed to the behavior of the RPA :

#### 1. Deficiencies in Communication Systems

Within the RPA, radios exist at best at the level of the Company Commander and above. The RPA relies on couriers and word-of-mouth to communicate information up the chain-of-command and orders back down. In a crisis situation that changes quickly, it can be very difficult for commanding officers to remain in control.

#### 2. Deficiencies in Equipment

The RPA has limited means with which to apply force. The RPA uses presence as a form of deterrence and firing in the air as a means of non-lethal force. When these methods are exhausted, there exists an escalation to deadly force. Such methods as tear gas, water cannons, rubber bullets and batons and shields as used for crowd control are not available within the RPA.

No facilities!

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### 3. Deficiencies in Training ©

The RPA is trained as a guerilla army and not in law enforcement and security techniques.

### 4. Deficiencies in Experience

The RPA has never engaged in a similar operation of this kind. Once the operation unfolded, soldiers relied on a background of little relevance to the problem of separating hostile from non-hostile forces.

### 5. Foreseeability

Given the background of genocide, the insecurity in the camp and surrounding area, the unwillingness of people to leave the camp, and examples of hostility towards the RPA from within the camp, it is suggested that the RPA command failed to appreciate the determination with which hard-core elements would refuse to leave the camp voluntarily.

### NGOs

Right! There are credible indications that some NGOs actively contradicted the policies of the Government of Rwanda by encouraging IDPs to remain in Kibeho camp and by pursuing discriminatory hiring practices. Moreover, the decision of a number of NGOs not to cooperate with the closure operation once it began exacerbated the humanitarian crisis.

### UNAMIR

The mandate of UNAMIR requires it to :

Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance where feasible of secure humanitarian areas.

UN Security Council Resolution 965 (1994).

intention This mandate requires UNAMIR to protect displaced persons against risks from whatever source, including from the IDPs themselves. There is strong evidence that hard-core criminal elements existed within UNAMIR protected zones where they engaged in intimidation and acts of violence. UNAMIR did not respond adequately to this situation.

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### III b. WHAT WAS THE PART PLAYED BY THE MILITIA?

There was very strong evidence that over the months that preceded the camp closure operation, there was a heavy build-up of what is known in Rwanda as hard-core elements. By hard-core elements, the Commission means extremists who most likely were deeply involved in criminal activities. The Commission found numerous indications of the widespread use of machetes and other traditional weapons in acts of violence and of a number of firearms within the camp population.

The activities of these hard-core elements ranged from verbal intimidation to physical violence and were instrumental in creating an atmosphere of panic among the IDPs culminating on 22nd of April 1995. The Commission was not able to obtain specific information on the organization and structure of these hard-core elements.

### CONCLUSIONS

#### (III c. WHO IS ACTUALLY RESPONSIBLE FOR THE DEATHS IN KIBEHO?)

1. In the opinion of the Independent International Commission of inquiry, the tragedy of Kibeho neither resulted from a planned action by Rwandan authorities to kill a certain group of people, nor was it an accident that could not have been prevented.
2. The Commission recognizes the legitimate interests of the Rwandan Government and of the international community to have the displaced persons camps closed as quickly as possible, both for reasons of national security and in order to remove an important obstacle to the country's efforts to recover from the devastating effects of last year's genocide.
3. The Commission recognizes the efforts made by UN Special Representative, UNAMIR, the Government of Rwanda and other organizations to keep the situation at Kibeho under control.
4. The Commission regrets that UN Agencies and NGOs were not able to contribute more efficiently to the speedy evacuation of IDPs from the camp.

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5. There is sufficient reliable evidence to establish that, during the events at Kibeho camp between the 18th and the 23rd April 1995, unarmed IDPs were subjected to arbitrary deprivation of life and serious bodily harm in violation of human rights and humanitarian law committed by RPA military personnel.
6. There is sufficient reliable evidence to establish that, during the events at Kibeho camp between the 18th and the 23rd April 1995, unarmed IDPs were subjected to serious human rights abuses, including arbitrary deprivation of life and serious bodily harm, committed by armed elements among the IDPs themselves.

### **RECOMMENDATIONS**

1. The Commission welcomes the initiative taken by the Rwandan Government to carry out an investigation at the national level.

The Commission calls upon the Rwandan authorities to carry out an analysis of mistakes which occurred in the preparation and handling of the closure of the camps, as well as a thorough, prompt and impartial investigation of individual responsibilities within its armed forces and any other factors which may have contributed to the event.

2. In the future, high priority should be given to improving the capability of Rwandan State and local authorities to react adequately and within the internationally recognized framework of human rights and of humanitarian law to situations of social tension and emergency.
3. The Commission recommends to the international community to continue encouraging and assisting the Rwandan Republic in its efforts to achieve justice, national reconciliation and reconstruction.

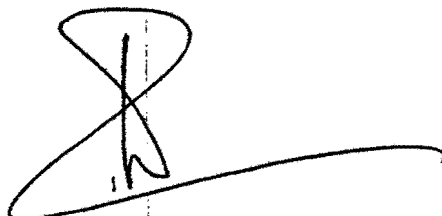


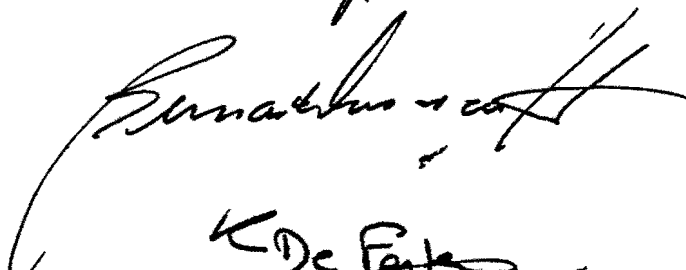
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4. The Commission calls on the United Nations system to review its chain-of-command and its operation procedures to make sure that in the future an entire operation is not held hostage or bogged down by one or several agencies and organisations with limited mandates and responsibilities.

Done at Kigali,

on the 18th of May 1995

  
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