

[2 CONFIDENTIAL]

UN ARCHIVES

SERIES S-1120

BOX 10

FILE 4

ACC. 1998/0778



UNAMIR MINUAR

CONFIDENTIEL

21 juillet 1995

Note
Au Major-General G. Tousignant

N.B: Ce qui suit est une appréciation personnelle qui découle d'avis recueillis ici et là dans le cadre de la visite du Secrétaire général de l'ONU, les 13 et 14 juillet 1995 au Rwanda.

Avant, pendant et après la visite du Secrétaire général, les opinions sont restées inchangées dans ce qu'il faut admettre être toujours la réalité rwandaise : deux groupes distincts qui s'identifient, qu'on l'accepte ouvertement ou non, sur les bases ethniques et aujourd'hui linguistiques : **TUTSIS** et anglophones; **HUTUS** et francophones.

1. Tutsi anglophones

a) Avant la visite : Ils se demandaient ce que le Secrétaire général venait faire au Rwanda, les Nations Unies, la MINUAR en particulier, ayant selon eux, failli depuis avril 1994. Quel était l'intérêt d'une visite de moins de 24 heures demandaient-ils?

b) Pendant la visite : Ils sont restés distants et réservés, partagés entre l'indifférence et l'esclandre;

c) Après la visite : ils se sont offusqués de ce que le Secrétaire général serait venu leur faire la leçon, les apostropher. Ils se sont inscrits en faux, vivement, contre les propos du Secrétaire général selon lesquels il y aurait une fatigue des donateurs en ce qui concerne le Rwanda. **"A peine 1/10e du montant promis par la communauté internationale a été effectivement mis à la disposition du Gouvernement rwandais. Et cette façon de nous sermonner et de nous mettre en demeure de nous réconcilier avec des tueurs ...? Décidément les Nations Unies, en Bosnie ou au Rwanda, ne se portent pas mieux; parce qu'elles n'examinent pas les problèmes dans leur réalité vraie. Et il nous apprend que nous ne savons pas ce que la communauté internationale pense de nous... Cette visite est un désastre."**

2. Les HUTU et francophones

a) Avant la visite : "espérons que le Secrétaire général des Nations Unies va venir parler de réconciliation, des arrestations arbitraires et abusives, des intimidations, de la marginalisation de la majorité de la population, surtout dans les prises de décisions...."

b) Pendant la visite : ils se sont terrés, pour ainsi dire. Par peur de représailles s'ils venaient à rencontrer et à parler librement de leurs griefs et préoccupations au Secrétaire général.

c) Après la visite : ils ont applaudi les déclarations du Secrétaire général, de son arrivée à son départ. Ils ont salué son intervention à l'Assemblée nationale et surtout ses réponses aux questions qui lui ont été posées. **"Il (le Secrétaire général) a dit ce qu'il fallait dire. Il a parlé clairement et n'a pas fait le diplomate. Il a été franc et direct. C'est le langage que tous les représentants de la communauté internationale doivent tenir aux dirigeants de ce pays..."**

* * *

La schématisation dans la définition en deux groupes au lieu de plusieurs, de la société rwandaise, doit être tempérée. De nombreux TUTSI francophones ayant toujours vécu au Rwanda et d'autres, résidents pendant longtemps dans des pays francophones, d'Afrique notamment, ont un point de vue moins péremptoire, une attitude moins suffisante.

Pour leur part, parmi les HUTU, quelques-uns, peu nombreux, par opportunisme ou par clairvoyance condamnent sans réserve les événements d'avril à juillet 1994. Ils en appellent à un dépassement de soi pour inaugurer une nouvelle ère de convivialité entre tous les rwandais.

Observations

Les deux tendances resteront, chacune, sur sa vision du Rwanda et de la communauté internationale si rien ne vient contribuer à changer fondamentalement les données. La défiance, l'aversion, la rancune resteront entretenues par tous jusqu'à la prochaine étincelle qui conduira aux prochains massacres.

C'est terrible, certes, d'envisager un tel scénario; mais les rwandais faiseurs d'opinion et décideurs, à l'intérieur du pays et à l'étranger, par leurs actes, ne permettent pas une interprétation moins alarmiste du futur. Il leur appartient pourtant, à eux d'abord, de tenir un langage nouveau qui précède des actes tangibles de réconciliation et gomme, dans les faits sociaux, les décisions politiques et les actes administratifs, toute discrimination à l'égard des "vaincus".

Mais, peut-être, est-il trop tôt pour que les "vainqueurs" descendent de leur nuage euphorisant et pour que les "vaincus" se départissent de l'esprit vengeur.

Peut-être, est-ce trop demander, un an seulement après, aux uns de pardonner et aux autres de faire amende honorable.

Pourtant, chaque semaine qui passe, il devient trop tard, parce que le fossé s'élargit davantage, les uns s'installant dans un monopole insidieux du pouvoir, pendant que les autres fourbissent leurs armes. Pire, de chaque côté, les adultes oublient que leurs enfants les observent et apprennent d'eux. A haïr!

* * *

Voici donc du côté rwandais le tableau tel qu'il est vu par certains. Le Secrétaire général estime-t-il, en ce qui le concerne, avoir atteint les objectifs de sa visite? Son appréciation et celle du Conseil de sécurité, après que le Secrétaire général lui aura fait rapport, serviront de référence à des initiatives éventuelles à prendre par la MINUAR.


Ismaël A. Diallo

cc: ED ✓

1995-08-30 02:07 5602

UNITED NATIONS HQS NEW YORK

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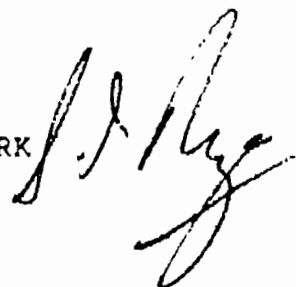
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UNITED NATIONS
FIELD OPERATIONS

OUTGOING CODE CABLE

29 AUG 29 P 8:10

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 29 AUGUST 1995
NUMBER: 2869



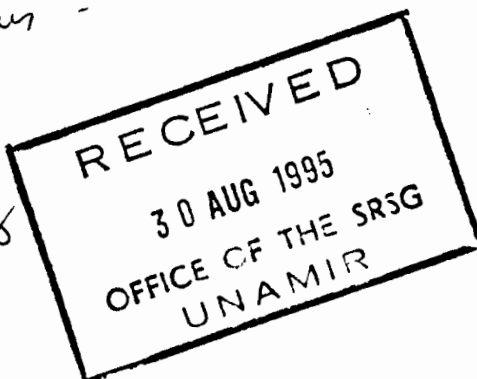
SUBJECT: Burundi: Commission of Inquiry

Please find attached, for your information, copy of resolution 1012 (1995), by which the Security Council requested the Secretary-General to establish an International Commission of Inquiry into the assassination of the President of Burundi in October 1993 and to recommend measures to bring justice to those responsible for that assassination and the ensuing violence in the country. A summary of the discussions held before the adoption of the resolution, is also attached. The summary was prepared by the Council Secretariat. Regards.

*Doesn't Rwanda
have a say in this?*

*See
20.8*

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104/770

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PROCEEDINGS OF THE SECURITY COUNCIL

Monday, 28 August 1995

FORMAL MEETING

At the 3571st meeting, the Security Council adopted resolution 1012 (1995) (attachment). The Representative of Burundi made a statement. Prior to the vote, the delegations of the Czech Republic, China, Botswana, Nigeria, Oman and Honduras made statements. Following the vote, representatives of Italy, the United States, Germany, France, the United Kingdom, Rwanda and Indonesia made statements.

The representative of Burundi recalled that the political protagonists agreed to establish an international judicial commission of inquiry into the murder of the country's President as well as the massacres that ensued, based on Article 36 of the Convention of Government. He stated that without prejudice to the conclusions of the Commission, it was already obvious that a political crime had been committed and that crimes against humanity have also been perpetrated. He called on the Commission to limit itself to the terms of reference of the resolution and to avoid any interference in internal matters.

China emphasized the need to work on a cooperative basis with the Government of Burundi. Nigeria said the intent of the resolution was to "help heal the wounds of the recent past" and "put an end to the culture of impunity". The United Kingdom stressed the need to strengthen the Burundi judicial system. The United States underlined the "importance and urgency of fostering reconciliation and accountability for human rights abuses" in the region.

INFORMAL CONSULTATIONS

Burundi

On behalf of the co-sponsors of the draft resolution, the United States introduced a few changes which he maintained had been suggested by the Government of Burundi (GoB). Nigeria, stating that his delegation's contacts with the GoB had indicated different preferences, offered the following amendments: that the international commission of inquiry should be composed of "competent persons" instead of "experienced jurists" and that the commission should be composed with the "concurrence" of the GoB instead of that the GoB should be "informed" of the commission's composition. His delegation also felt that the GoB had a responsibility for determining the legal and judicial

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institutions of the country, not the commission. The United States countered that these proposals had been reviewed by the co-sponsors of the resolution and that they had not been approved. Further, the GoB in Bujumbura had agreed to the current text and had especially requested the juridical character of the commission. Nigeria again disagreed, saying his delegation's contacts with the GoB had indicated otherwise.

France stated that full agreement of the GoB was required and that his Government's representative in Bujumbura had confirmed that the GoB had had no problem with the draft resolution. Germany noted that with the diversity represented in the GoB, differing views were likely. Therefore, it was best to follow the preferences expressed by the Foreign Minister and the Ambassador of Burundi to the UN, who had agreed to the current text. China, expressing sympathy for the views of Nigeria, reiterated his reservations on para. 1(b) and requested the President to meet with the Ambassador of Burundi prior to the formal meeting to ascertain his views on the draft. China wished to go on record that every member had the right to scrutinize any draft resolution.

Following further consultations between the co-sponsors and the Burundi delegation, the Council reconvened in informal consultations. The President read out the text of a new operative para. 1(b), which had been agreed as a compromise between Burundi and the co-sponsors. Nigeria suggested the deletion of "and measures" in this section. The President explained, however, that the phrase was part of the package negotiated between the parties directly concerned. He appealed to the Nigerian delegation to go along with the text.

Attachment

CNR-243 P4/6

Distr.
GENERAL

S/RES/1012 (1995)
28 August 1995

RESOLUTION 1012 (1995)

Adopted by the Security Council at its 3571st meeting,
on 28 August 1995

The Security Council,

Having considered the report of the Preparatory Fact-finding Mission to Burundi dated 20 May 1994 (S/1995/157),

Having further considered the report of the Security Council's mission to Burundi dated 9 March 1995 (S/1995/163),

Recalling the statement by the President of the Council of 29 March 1995 (S/PRST/1995/13), in which the Council, inter alia, underlined the role that could be played in Burundi by an international commission of inquiry into the 1993 coup attempt and into the massacres that followed,

Welcoming the letter of the Secretary-General to the President of the Council dated 28 July 1995 (S/1995/631) recommending that such a commission of inquiry should be created by resolution of the Council,

Taking into account the initiative of the Government of Burundi in calling for the establishment of an international judicial commission of inquiry as referred to in the Convention of Government (S/1995/190, annex),

Recalling also the letter of the Permanent Representative of Burundi (S/1995/673) dated 8 August 1995 noting with interest the letter of the Secretary-General of 28 July 1995,

Taking note that the parties in Burundi, in the Convention of Government, agreed, without prejudice to the outcome of the independent national and international investigations, to call the massacres which followed the assassination of the President of Burundi on 21 October 1993 genocide,

Deeply concerned that impunity creates contempt for law and leads to violations of international humanitarian law,

~~5/1995/726~~

English

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Expressing once again its grave concern at reports indicating that systematic, widespread and flagrant violations of international humanitarian law have been committed in Burundi,

Stressing the importance of strengthening, in cooperation with the Government of Burundi, the Burundi judicial system,

Reiterating its profound concern over the resumption of radio broadcasts inciting ethnic hatred and violence and recognizing the need for ending such broadcasts,

Recalling that all persons who commit or authorize the commission of serious violations of international humanitarian law are individually responsible for these violations and should be held accountable,

1. Requests the Secretary-General to establish, as a matter of urgency, an international commission of inquiry, with the following mandate:

(a) To establish the facts relating to the assassination of the President of Burundi on 21 October 1993, the massacres and other related serious acts of violence which followed;

(b) To recommend measures of a legal, political or administrative nature, as appropriate, after consultation with the Government of Burundi, and measures with regard to the bringing to justice of persons responsible for those acts, to prevent any repetition of deeds similar to those investigated by the commission and, in general, to eradicate impunity and promote national reconciliation in Burundi;

2. Recommends that the international commission of inquiry be composed of five impartial and internationally respected, experienced jurists who shall be selected by the Secretary-General and shall be furnished with adequate expert staff, and that the Government of Burundi be duly informed;

3. Calls upon States, relevant United Nations bodies and, as appropriate, international humanitarian organizations to collate substantiated information in their possession relating to acts covered in paragraph 1 (a) above, to make such information available as soon as possible and to provide appropriate assistance to the commission of inquiry;

4. Requests the Secretary-General to report to the Council on the establishment of the commission of inquiry, and further requests the Secretary-General, within three months from the establishment of the commission of inquiry, to submit an interim report to the Council on the work of the commission and to submit a final report when the commission completes its work;

5. Calls upon the Burundi authorities and institutions, including all Burundi political parties, to fully cooperate with the international commission of inquiry in the accomplishment of its mandate, including responding positively to requests from the commission for security, assistance and access in pursuing investigations, including:

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S/1995/724
English
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(a) Adoption by the Government of Burundi of any measures needed for the commission and its personnel to carry out their functions throughout the national territory with full freedom, independence and security;

(b) Provision by the Government of Burundi of all information in its possession which the commission requests or is otherwise needed to carry out its mandate and free access for the commission and its staff to any official archives related to its mandate;

(c) Freedom for the commission to obtain any information the commission considers relevant and to use all sources of information which the commission considers useful and reliable;

(d) Freedom for the commission to interview, in private, any persons the commission judges necessary;

(e) Freedom for the commission to visit any establishment or place at any time;

(f) Guarantee by the Government of Burundi of full respect for the integrity, security and freedom of witnesses, experts and any other persons who help the commission in its work;

6. Calls upon all States to cooperate with the commission in facilitating its investigations;

7. Requests the Secretary-General to provide adequate security for the commission in cooperation with the Government of Burundi;

8. Requests the Secretary-General to establish, as a supplement to financing as an expense of the Organization, a trust fund to receive voluntary contributions to finance the commission of inquiry;

9. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the commission of inquiry including the offer of expert personnel in support of the implementation of this resolution;

10. Decides to remain actively seized of the matter.
