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IMMEDIATE

TO: KHAN, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 21 November 1994

NUMBER: 3821

SUBJECT: SECRETARY-GENERAL'S PROGRESS REPORT ON THE SITUATION IN RWANDA

1. Thank you for your MIR 2492 of 19 November providing further information for the draft progress report of the Secretary-General on the situation in Rwanda. Please find attached a revised version of the report. We would appreciate receiving your comments on this draft by Tuesday 22 November at 9 a.m. (NY time) so that the report can be finalized in a timely manner.

Many thanks

DRAFT 21/11/94 (19:15)

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PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

I. INTRODUCTION

1. The present report is submitted in pursuance of paragraph 3 of Security Council resolution 925 (1994) of 8 June, by which the Council decided to extend the mandate of the United Nations Assistance Mission in Rwanda (UNAMIR) from 29 July 1994 until 9 December 1994. Since that time, I have reported to the Council on the situation in Rwanda on 3 August (S/1994/924) and 6 October (S/1994/1133), and on security in the Rwandese refugee camps on 18 November (S/1994/1308). I have also provided the Council with oral briefings on developments in Rwanda and on the situation concerning the Rwandese refugees. The present report provides an update on the situation as of 21 November, as well as recommendations for the continuing role of the United Nations in Rwanda.

II. POLITICAL ASPECTS

2. During the reporting period, the situation in Rwanda has witnessed both negative and positive developments. The Broad Based Government of National Unity (BBGNU) continues to place emphasis on creating conditions which would allow the more than 2 million Rwandese refugees and the 1.5 to 2 million displaced persons within the country to return to their homes and to rebuild their lives in a safe environment. In this regard, it is concentrating its efforts on ensuring public security, restorating the civil administration and reconstructing the

country's social and economic infrastructure. However, in the aftermath of the civil war, with the near total destruction of Rwanda's infrastructure, few trained people available and limited financial and material resources, the Government is facing severe obstacles in achieving these objectives.

3. While unstable and insecure conditions still prevail in many parts of the country, there are some initial signs of progress. Private sector activities are being revived with shops, markets and service industries re-opening and agriculture activity increasing. Schools are also starting to reopen and the government has publicly committed itself to freedom of the press.

4. The Government has also publicly advocated the fair treatment of returning refugees and displaced persons, as well as reconciliation between all political groups. The President, Vice-President and Prime Minister continue to address mass rallies in major towns advocating reconciliation, peace, and justice. These commitments were reiterated in President Bizimungu's address to the General Assembly on 6 October and during his informal meeting with members of the Security Council on the same day.

5. A further measure toward national reconciliation has been the incorporation of over 2,000 soldiers of the former Rwandese Government Forces (RGF) into the Rwandese Patriotic Army (RPA). In the provinces, all the prefects, except one, have been drawn from the civilian sector. In the southwest, two prefects of the former administration have been re-appointed. As noted in my report of 18 November, my Special Representative has deployed UNAMIR political information officers to the provinces to assist government and community leaders in promoting national reconciliation and in restoring civil administration.

6. As yet, however, in contrast to the growing vitality of the private sector, the reactivation of the public sector activities

remains constrained by a severe lack of resources. While a cabinet exists, government ministries do not function adequately, as the civil war resulted in the near destruction of government administration, police and judicial cadres. While efforts have been made to assist the government in terms of basic resources, government activities continue to be impeded by a lack of supplies such as telephones, computers, means of transport, office equipment and fuel. Liquid finances continue to be inadequate to pay salaries or to meet other essential payments. These problems have been a major factor in the government's inability to translate public pronouncements of nation building and reconciliation into concrete programmes and actions.

7. The return to normal conditions in Rwanda has also been inhibited by the lack of resources to restore power, water, telecommunications and municipal services or to start the process of demining the nearly 1 million mines planted in the countryside.

8. Due to the lack of adequate finances to restore the public sector, the army continues to fill some civilian sectors of governance. It performs almost all police and gendarmerie functions, as well as prison services, in addition to manning some administrative posts in the provinces. The Government's inability to adequately meet the salaries of public servants, or to establish effective security over all parts of the country, has also led to incidents of frustration and banditry which undermine the climate of security and stability it is trying to establish. In this connection, there have been reports that over 60 members of the RPA have been disciplined for acts of misconduct, some involving summary reprisals.

9. While the lack of financial resources has been a major factor in impeding activities toward national reconciliation, there are some signs that the Government could do more, even

within its meagre resources, to ensure that all Rwandese are part of the political process. The President of Rwanda has assured my Special Representative that efforts are continuing to make the Government more inclusive by inviting some members of the Mouvement républicain national pour le développement (MRND), which is the only major political party not presently represented in the BBGNU, to join the Government. However, while the Rwandese parliament is scheduled to be convened on 25 November with representation from those political parties mentioned in the Arusha Agreement which are presently participating in the Government, as well as the army and the gendarmerie, those seats originally allocated to the MRND will be filled by other parties.

10. The extensive displacement of the Rwandese population has created a growing problem of land-tenure and contesting claims of property rights. Almost 400,000 long standing refugees have returned home since mid-July and are claiming property they once held. Some refugees who fled more recently are returning home to find their property now held by others. On 7 November, the Rwandese Minister of Information outlined the government's official position in regard to repatriation and national reconciliation and, in this connection, stressed the Government's firm resolve to protect the homes and property of each citizen and to distribute land to new returnees so as to facilitate and help ensure their proper and orderly resettlement. He emphasized that the wrongful occupation of another person's home or property was not only unacceptable but unlawful. The Rwandese President and Cabinet have reaffirmed this policy at numerous rallies.

11. There are signs, however, that despite public pronouncements, the Government is finding it increasingly difficult to implement its policy in regard to property rights. Some recently returning refugees who have tried to reclaim their property rights, have reportedly either been denounced as criminals and arrested or simply frightened away. These reports

have filtered back to the refugee camps and have been a factor in the slow pace of repatriation to Rwanda.

12. In my report of 18 November, I recounted, in detail, the security concerns in the Rwandese refugee camps, especially those in Zaire, and I provided the Security Council with a number of options which it may wish to consider in addressing this issue. The security situation in the camps continues to worsen. As a result, some Non-governmental Organizations (NGOs) have recently withdrawn their operations from the camps as the militia's increasing control over the distribution of relief supplies make the safe delivery of such supplies to needy refugees virtually impossible. Furthermore, there are growing indications that the former government and militia are stockpiling relief supplies for the pursuance of their own objectives.

13. There is also evidence that the former RGF is actively recruiting and training new troops, mainly from refugee camps in Zaire. In addition, the former RGF and the militia, also operating from refugee camps, appear to be intensifying their propaganda campaign against the new Government and, in particular, the RPA. These activities indicate that they are preparing for the possibility of resumed confrontation.

14. In my 6 October report, I stressed the importance of providing factual and objective information on the situation both in the refugee camps and in Rwanda, as well as on United Nations activities in the country. Toward this end, UNAMIR is in the process of establishing a broadcasting facility. At present, UNAMIR has two 100-watt transmitters, one to service the city of Kigali and other to service the western part of the country. Full-scale test transmissions, lasting several hours a day, commenced on 12 November, using the transmitter currently installed at the UNAMIR compound in Kigali. While this low-power facility can only cover a 20 kilometre radius around Kigali, more

powerful transmitters capable of covering the entire country, as well as the refugee camps, are expected to be installed by the end the year. However, despite repeated efforts, the government has still not approved UNAMIR's request for formal authorization to broadcast and for a frequency allocation. I hope the Government will respond positively to these requests in the near future.

III. HUMAN RIGHTS ASPECTS

15. The various United Nations human rights mechanisms engaged in the Rwandese situation continued to be active during the period under review. The Special Rapporteur, Mr. Degni Segny, visited Rwanda from 15 to 21 October and also travelled to Tanzania and Zaire. The Commission of Experts, on its part, visited Rwanda from 29 October to 6 November. The human rights field operation in Rwanda launched by the United Nations High Commissioner for Human Rights has now been able to deploy human rights monitors around the country. By mid-November, about 60 of a planned total of 147 monitors had arrived in Rwanda. Another 40 human rights observers and teams of forensic experts are expected to arrive in Rwanda by the end of December. To the extent possible within its resources, UNAMIR has been assisting the High Commissioner in regard to transport, communications and general stores equipment required to deploy monitors throughout the country.

16. The Special Rapporteur and the Commission of Experts have been pursuing their primary tasks as defined by their respective mandates. In accordance with Security council resolution 935 (1994), the Commission is expected to submit its final report to me by 30 November 1994. I also expect to receive a report from the Special Rapporteur and the Commission of Experts their investigations of alleged reprisal killings by RPA forces. It will be recalled, in this connection, that in my report of 6

October, I had indicated that, in the course of a mission to assess the conditions for the safe return of Rwandese refugees, UNHCR had obtained information that appeared to indicate that soldiers of the RPA might have been engaged in systematic killings of members of the majority community in Rwanda. I had also indicated that the Special Rapporteur and the Commission of Experts would undertake a thorough investigation of these allegations.

17. It is increasingly recognized that the mere presence and visibility of United Nations human rights personnel is having a positive effect in the communities where they are deployed, especially as a deterrent against human rights violations. I share the Security Council's view, reflected in its Presidential Statement of 14 October (S/PRST/1994/59), that human rights monitors and their speedy deployment would help foster a climate of confidence and contribute to creating a more secure environment which, in turn, could encourage refugees to return to their homes in Rwanda. Voluntary contributions have enabled the United Nations to deploy over a third of its estimated target of 147 monitors. However, sustained and increased assistance is necessary to enable the full deployment of the operation and the effective discharge of its important mission in this complex situation. I call on the international community to provide the financial assistance required toward this end.

18. By resolution 955 (1994) of 8 November, the Security Council decided to establish an International Tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed within the territories of Rwanda and of neighbouring States, between 1 January and 31 December 1994.

19. It is vital for the international community, as well as for Rwanda, which originally requested the establishment of the

International Tribunal, that justice is administered effectively and as expeditiously as possible in order to deter further violations, to contribute to the process of national reconciliation and to the restoration and maintenance of peace. As requested by the Council, I am actively pursuing the completion of practical arrangements for the effective functioning of the International Tribunal, and in particular the establishment of an Investigative/Prosecutorial Unit in Kigali, the appointment of a Deputy-Prosecutor Unit and support and administrative staff and the election of judges. As the operation evolves and more information becomes gradually available, I will submit recommendations regarding possible locations for the seat of the Tribunal. I am confident that Member States and intergovernmental and non-governmental organizations will respond to the Security Council's appeal for contributions of funds, equipment, staff and other services required to ensure the smooth establishment and functioning of the Tribunal.

IV. MILITARY ASPECTS

20. During the reporting period, UNAMIR reached its fully authorized strength of 5,500 all ranks. Present deployment of the force is as follows:

- Sector 1 (north-east): The deployment of the 331-strong Nigerian company is now complete. 40 military observers are also deployed throughout the sector.

- Sector 2 (south-east): Two platoon groups continue to operate in the sector (Ghana and Nigeria) which is to be reinforced by the end of November through the deployment of a company from Ghana. Depending on the security situation in Sector 4 and the consequent need for troops in that sector, it is expected that deployment in sector 2 will eventually be brought

to battalion strength. 43 military observers also operate in the sector.

- Sector 3 (south) The independent infantry company from Malawi (165 all ranks) operating in Sector 3 has recently been reinforced by a second 200-strong independent company (Mali). 43 MILOBs also continue to patrol the Sector.

- Sector 4 (south-west) Sector 4 has been subdivided due to insecurity in the area. The Ghanaian battalion continues to operate in sub-sector 4A (Gikongoro) and the Zambian battalion (currently 324 ranks) is expected to be fully deployed to this sub-sector by end-November. The inter-African contingent (487 all ranks from Chad, the Congo, Guinea-Bissau, the Niger and Senegal) and the Ethiopian battalion (810 all ranks) continue to conduct operations in sub-sectors 4B (Kibuye) and 4C (Cyangugu) respectively. Approximately 80 MILOBs are also deployed in Sector 4.

- Sector 5 (north-west) Deployment to Sector 5 of the Tunisian battalion (826 all ranks) is now complete. 43 military observers are also deployed in this sector.

- Sector 6 (Kigali City) An advance party of 319 all ranks of the Indian contingent was deployed on 10 November 1994. Deployment of this battalion is expected to be completed in December 1994. The UNAMIR Force Headquarters and the Military Observer Group Headquarters are located in this sector. Specialized elements from Canada (communications, logistics and medical); the United Kingdom (logistics, engineering and medical) and Australia (field hospital) also operate in this sector.

21. As indicated in my 6 October report, the deployment of the UNAMIR force has been uneven, with rather slow deployment from May through mid-July and a steady build-up beginning toward the

end of July and continuing through the reporting period. This has affected the mission's ability to provide adequate logistics to those troops being deployed during the period of more rapid build-up, as well as the mission's overall capability to effectively carry out its mandate. While the United Nations and the troop contributing countries, with the support of several Member States, have overcome many logistic constraints, there were unforeseen delays in transport arrangements and in the provision of equipment needed to supply and support the contingents.

22. In order to ensure that all contingents have the equipment and logistic support necessary to carry out their functions effectively, a commercial services contract has provided some logistic support for UNAMIR since August 1994. Although it is expected that an increased level of support will be provided by the contractor with the scheduled withdrawal of the British and Canadian contingents (by 1 December 1994 and the end January 1995 respectively), total dependence on commercial arrangements for logistic support is not advisable under the current security situation in Rwanda. For this reason, efforts are being made to secure the retention of a small military logistics element of about 150 personnel. I hope that member states will be prepared to extend the necessary support to these efforts.

23. In my 6 October report to the Security Council, I noted that, with the induction of new contingents, I expected that the UNAMIR force strength would exceed temporarily the authorized level. As of mid-November, the force strength stood at 5,606 all ranks. With the withdrawal of the British contingent and the full deployment of the Indian and Zambian contingents, it is expected that the force strength will stand at approximately 5,860 by the end of 1994. However, given expected withdrawals and rotations, the force strength of UNAMIR will gradually be brought to its authorized level during the first months of 1995.

The number of military observers continues to stand at its authorized strength of 320.

24. During the period under review, UNAMIR continued to assist with the transport of refugees and internally displaced persons returning voluntarily to their homes, while maintaining protection for populations at risk in various areas and at displaced persons camps in Rwanda. UNAMIR is currently working with the humanitarian agencies and the Government of Rwanda to develop and implement a strategy to gradually close the displaced persons camps in Rwanda by ensuring the voluntary return to their homes of displaced. Against the background of escalating incidents of insecurity, UNAMIR troops and observers have also intensified their monitoring, observation and patrol duties.

25. The problem of restrictions imposed on the movement of UNAMIR personnel, which I recounted in my 6 October report, has improved somewhat during the reporting period. However, the insistence of local RPA commanders that UNAMIR must obtain formal written authority through the Minister of Defence for all deployment has frequently delayed and sometimes prevented UNAMIR from effectively fulfilling its mandate throughout the country. Furthermore, UNAMIR patrols are occasionally denied access to specific areas without satisfactory reason or explanation. In order to resolve this issue, UNAMIR is working with the authorities in Kigali in order to finalize arrangements for regular meetings with the respective chiefs of staff and operations officers of UNAMIR and the RPA, with a view to enhancing coordination between them.

VI. CIVILIAN POLICE

26. As of 15 November, 80 of the 90 police observers authorized for UNAMIR were deployed to the mission area. As indicated above, since no real police force or gendarmerie remained in

place when the Government was established on 19 July, police functions were entrusted to an embryonic gendarmerie consisting mainly of RPA soldiers. At the request of the Government, UNAMIR initiated a training programme in basic routine and investigative police work. In his statement of 14 October, the President of the Security Council welcomed, inter alia, the assistance being provided by UNAMIR to the Government of Rwanda's efforts to establish a new integrated police force and encouraged UNAMIR to continue this assistance.

27. The Civilian Police Component of UNAMIR is presently training candidates nominated by the Government to serve in the two services that make up Rwanda's police structure, namely the "Gendarmerie Nationale" and the "Police Communale". UNAMIR has already helped train 102 gendarmes (99 cadets and 3 instructors) who graduated on 5 November and are already deployed around the country. During a sixteen-week intensive programme which began on 21 November, UNAMIR envisages the training of 300 more cadets. In addition, 100 cadets, chosen from those already trained, are scheduled to undergo a further twelve-week intensive course to qualify as future instructors.

28. The Civilian Police Component of UNAMIR is also involved in efforts to restore and reform the penal system within the framework of the implementation of the Rwanda Emergency Normalization Plan which outlines the priority areas for which both technical and financial assistance are required. Following a request from the judicial authorities concerned, UNAMIR civilian police visited Kigali prison in early November. They found that the facility, which was originally built for 2000 prisoners, currently holds over 5,000 people, including 111 women and 95 children. UNAMIR was also informed that the mortality rate is 5 persons per day. It is reported that similar conditions prevail in other prisons operating in the cities of Butare and Gitarama. The main requirements for the effective

restoration of Rwanda's prisons are in the areas of accommodation, health, sanitation, bedding, clothing and security.

29. In order to meet its expanding responsibilities, UNAMIR's Civilian Police component requires additional Francophone observers (only 25 of the 80 observers already deployed speak French) as well as financial, material and logistic support, in particular transportation and communications equipment. The necessary recommendations in this regard will be made in my next budget proposal to the General Assembly.

VII. HUMANITARIAN ASPECTS

30. The present humanitarian situation within Rwanda presents the international community with a pressing, though unusually complex, crisis. In the conventional sense, the emergency within Rwanda has abated, though at least 1.5 to 2 million displaced persons remain dependent upon assistance from aid agencies. However, the society of Rwanda at large faces a clear emergency as Government institutions find themselves unable to sustain the nation's basic infrastructure and provide for the welfare of its people. The society in its broadest sense is under threat.

31. Surrounding the state of Rwanda are over 2 million Rwandese refugees in camps along the borders in Zaire, Burundi and Tanzania. The voluntary return of these refugees is critical to the normalisation of the situation in Rwanda. Yet, as noted above, violent harassment and misinformation in these refugee camps, especially in Zaire, prevent many of the bona fide refugees from returning home.

32. The situation in the internally displaced persons camps in Rwanda parallels the refugee situation on the country's borders. The urgent need to bring internally displaced persons back to

their homes communities is thwarted by intimidation within the camps and fear of reprisals. The humane settlement of the internally displaced persons, as I stated in my report of 6 October, is not only an issue of humanitarian concern, but also one of immediate practical consequence. There is a perception in areas hosting internally displaced persons camps that those within the camps have better lives than those outside. This is generating increased frustration between local and camp populations. At the same time, the camp sites occupy much needed farmland, and are increasingly an ecological hazard. Furthermore, if many within the camps do not soon return to their home areas, they will miss the planting season, and the country will consequently depend more and more upon food aid. Finally, an effective programme to resettle internally displaced persons would contribute to an atmosphere conducive to the repatriation of refugees.

33. My representative in Rwanda has made every effort to work with Government authorities, United Nations agencies, non-governmental organisations and other concerned organisations to develop an immediate strategy for addressing the issue of the internally displaced persons. In close collaboration with Government, and through the United Nations Humanitarian Coordinator, my Special Representative is in the process of finalising an integrated humanitarian response to address this crisis. This response is designed to draw upon the assets and capacities of all participating organisations, including UNAMIR, to initiate settlement programmes for internally displaced persons before the beginning of the rainy season. These settlement programmes, which will be jointly developed by relevant Government authorities and the international humanitarian community in Rwanda, will be monitored by those officials concerned with human rights.

34. In several critical areas throughout the country, both

returnee programmes and recovery activities continue to be hampered by the presence of land mines. Efforts are now under way to identify these areas and to intensify mine awareness campaigns. Nevertheless, it is clear that more must be done in the way of mine awareness and demining. The cruel mutilation and loss of life, particularly amongst children, exacted by mines is intolerable.

35. International and other concerned organisations continue to provide much needed assistance to the displaced and other vulnerable sectors of the society. Specific efforts are being made to address the plight of unaccompanied children and to pursue family tracing programmes, as well as to develop psychological support for the severely traumatized. At the same time, more traditional assistance continues to be provided. Renewed efforts to launch AIDS awareness and prevention programmes are under way. Seeds and tools are being provided, through the Ministry of Agriculture, to assist some 3.5 million people in Rwanda. Food assistance is being maintained, and water projects, in rural as well as urban areas, are rapidly being implemented. Education programmes are under way to fill gaps until a normal education system can be restored.

36. It is important to underline the efforts of many humanitarian organisations to immediately strengthen the capacity of the Government. Efforts are being made to restore some semblance of institutional structure through the provision of vehicles and basic office equipment, quick dispersement of funds to re-establish electricity generation and similar activities. For example, the Government's Central Pharmacy is now functioning and the Ministry of Health now is increasing its capacity, with the installation of a cold chain store, to take charge of vaccine distributions.

37. All these efforts must be seen in the context of the

enormous challenges that lie ahead for any effective normalisation programmes. As I indicated earlier, the humanitarian crisis faced by the Government of Rwanda and the international humanitarian community is underpinned by the need to stabilise the very society of Rwanda. To do so, the international community will have to provide the support needed to ensure that the army does not become a disruptive social force. At the same time, if the human rights of the internally displaced as well as returnees from outside Rwanda are to be protected on an enduring basis, rapid assistance must be provided to restore the country's police force and judicial system. The Government's capacity to generate revenue must be enhanced. In parallel, Governmental authorities concerned with the welfare of the Rwandese people must be restored.

38. There will be several opportunities for the international community to respond to this humanitarian challenge. My Special Representative has formulated and presented to potential donors a Rwanda Emergency Normalization Plan outlining areas in which such assistance is urgently needed. At the request of the Government, UNDP is assisting in the organization of a Round Table meeting to be held on 14-15 December in Geneva. This meeting will give the Government and the international donor community an opportunity to reach agreement on an overall policy framework, as well as to consider basic rehabilitation requirements. Within this dialogue, the views of Government with regard to humanitarian activities throughout 1995 will be an essential feature. The Round Table will precede the issuance of a United Nations Consolidated Inter-Agency Appeal which is scheduled to be launched in the second week of January 1994. The appeal, which will be the product of joint efforts between the Government, United Nations agencies and other concerned organizations will focus principally upon specific emergency requirements as well as short-term recovery needs. It is intended to link this appeal with the medium and longer-term needs for rehabilitation of those

responsible for development.

39. In this connection, it should be recalled that, in pursuance of Security Council resolution 925 (1994), a trust fund has been established to finance humanitarian relief and rehabilitation programmes in Rwanda. The trust fund could serve as a useful channel for contributions to meet the immediate needs of the Government of Rwanda.

40. Nevertheless, to underscore the need for immediate action to stabilise the country, I have established a special Trust Fund to take rapid action on such emergency requirements in anticipation of the Consolidated Inter-Agency Appeal and the eventual results of the Round Table. This Round Table will principally be designed to give immediate institutional support to ensure continued governance and quick infrastructural assistance in anticipation of more specific appeals.

VIII. FINANCIAL ASPECTS

41. In my report to the General Assembly at its forty-ninth session (A/49/375 and Corr.1 and Add.1), I requested the Assembly to provide the necessary resources for the maintenance of UNAMIR, should the Council decide to extend the mandate of the mission beyond 9 December 1994. The Assembly is currently seized with the matter.

42. As at 17 November 1994, unpaid assessed contribution to the UNAMIR special account since the inception of the Mission amounted to $17.6 million. The total unpaid assessed contributions for all peace-keeping operations at this date amounted to $1.5 billion.

IX. OBSERVATIONS AND RECOMMENDATIONS

43. Clearly, the situation in Rwanda remains critical and the country continues to face daunting problems. While I am encouraged by the Government's efforts, in cooperation with the international community, to stabilize the situation, new threats and challenges continue to emerge that may complicate further an already difficult situation and jeopardize the limited progress made thus far. In particular, the creeping militarization of the refugee camps has created a painful dilemma for the international community. The humanitarian crisis represented by the plight of the refugees, as well as the internally displaced persons, remains, without a doubt, a matter of utmost concern. At the same time, however, humanitarian assistance for bona fide refugees is being used to threaten not only the security of the refugee camps but the stability of Rwanda. Action should therefore be taken to address the problem of insecurity in the camps or the very objective of the humanitarian efforts aimed at protecting refugees to ensure their eventual safe and voluntary repatriation will be severely undermined.

44. The Government of Rwanda, through my Special Representative, has reassured me of its resolve and determination to promote conditions and a climate conducive to safe and voluntary repatriation and national reconciliation. I call on the Government to ensure that this resolve is translated into concrete action and programmes. However, I have already stressed that the Government lacks adequate financial resources necessary to enable it to effectively ensure security and to create conditions necessary for the safe return of refugees and internally displaced persons. In my report of 18 November, I outlined a two-pronged approach for achieving the environment necessary for national reconciliation and sustainable peace. This approach, included options to address security issues in the refugee camps and, at the same time, measures to help the Government to create conditions in Rwanda under which large scale repatriation and reintegration of refugees an internally

displaced persons can take place.

45. As noted above, the Rwanda Emergency Normalization Plan, as well as the forthcoming UNDP-sponsored Round Table Meeting and the Consolidated Inter-Agency Appeal, give the international community ample opportunity to examine, with the Government, the need for assistance for the rehabilitation and reconstruction of Rwanda. Such efforts towards normalizing and stabilizing the situation inside Rwanda could help attract refugees and displaced persons back home, thus contributing to the process of national reconciliation and consolidating the newly achieved peace. I firmly believe, however, that if the currently unsettled situation is not addressed promptly by both the Government and the international community, the pressures of residual problems and of emerging threats may not only endanger the achievements obtained thus far, but could push Rwanda backward, reopening the frightening spectre of renewed conflict.

46. The efforts of the governments in the region and the Organization of African Unity (OAU), both among themselves and in co-operation with the United Nations, to find durable solutions to the problems of Rwanda, especially in the regional context, are also a fundamental factor in moving the fragile momentum forward. In addition, the Security Council's recent decision, under resolution 955 (1994), to establish an International Tribunal to prosecute perpetrators of genocide and other violations of international humanitarian law during the recent conflict in the country may help to deter future violations of human rights and promote peace and national reconciliation. Despite its negative vote in the Security Council, I welcome the assurance of the Government of Rwanda indicating its readiness to cooperate with the Tribunal.

47. In his [illegible] of 14 October [illegible] the Security Council [illegible] the importance [illegible]

the role of UNAMIR, whose neutral and independent presence is crucial to creating the conditions of security in Rwanda. UNAMIR is firmly in place, as a focal point of the international community's role in Rwanda, to provide the co-ordinated leadership necessary to move the overall process of peace and reconciliation forward.

48. Ultimately, however, it is the people of Rwanda themselves who must solve the problems of their country. The international community can only assist. I call on the Government to ensure that all Rwandese play a part in the reconciliation and nation building process through open dialogue between all groups. Close co-operation and coordination with the international community is also an essential factor in achieving stability in the country.

49. Given the progress that has been made and the challenges that remain ahead, I recommend that UNAMIR's mandate be extended for a further period of six months. During this period, UNAMIR would continue its present functions and strengthen its good offices role in order to facilitate more expeditious movement towards peace and national reconciliation. It would also continue to promote, as appropriate, a broader regional approach to the problem created by the crisis in Rwanda through, inter alia, the possible convening of an international conference involving countries of the subregion.

CNR 661 P1/12 1

OUTGOING CODE CABLE UNAMIR

94 NOV 17 IMMEDIATE

TO: KHAN, UNAMIR, KIGALI

FROM: GOULDING, UNATIONS, NEW YORK

DATE: 16 NOVEMBER 1994

NUMBER: 3774 ①

SUBJECT: UNDP ROUNDTABLE FOR RWANDA

1994 NOV 16 P 4:30

1. Please find attached, for your information and comments, a note for the file regarding a meeting which was held on 9 November at UNDP Headquarters to discuss the Roundtable which will take place in Geneva on 14 and 15 December.

2. Also attached is a note on an inter-agency consultation which was organized by DHA on Monday 14 November on the same subject.

Best regards.

② Seen
22 Nov 94

SRSG

NOTE POUR LE DOSSIER

TABLE RONDE PNUD POUR LE RWANDA

1. Le 9 novembre M. Normand Lauzon, Directeur adjoint du Bureau régional pour l'Afrique du PNUD, a convoqué à 15h une réunion officieuse ONU/pays donateurs pour discuter de la table ronde que le PNUD a l'intention d'organiser à Genève les 14 et 15 décembre.

2. Les participants comprenaient des membres des Missions permanentes de l'Allemagne, la Belgique, les Etats-Unis, la France, les Pays-Bas, le Royaume-Uni et la Suisse, des représentants de la Banque mondiale, du FMI et de l'USAID venus tout spécialement de Washington, des fonctionnaires du HCR, du Centre des droits de l'homme (bureau de liaison de New York), de DHA, de la FAO, de l'UNICEF, du FNUAP, ainsi qu'un représentant de l'International Peace Academy.

3. Le Représentant résident ad interim du PNUD à Kigali, M. Ahmed Rhazaoui (Maroc) était également présent. Celui-ci avait rencontré, en présence de M. Lauzon, les principales autorités rwandaises, la semaine dernière (à Kigali), pour discuter de la table ronde. A cette occasion, MM. Rhazaoui et Lauzon avaient offert d'aider le Gouvernement à préparer cette table ronde et à répondre aux "préoccupations" des pays donateurs - en fait des conditions bien précises en préparant deux documents: l'un sur les questions de "governance", donc plus politique, l'autre sur la réhabilitation et le développement du pays, donc plus économique.

4. Evoquant la situation au Rwanda, M. Rhazaoui a insisté sur le fait que si la communauté internationale avait réagi de façon positive aux besoins d'urgence des réfugiés, elle n'avait par contre pas aidé le nouveau gouvernement à vraiment fonctionner. Ce dernier était de plus en plus frustré par cette sorte d'indifférence et commençait à se lasser du perpétuel va-et-vient des nombreuses missions d'évaluation et autres. L'heure des promesses était passée si l'on voulait éviter une répétition des tragiques évènements de l'an dernier. En l'absence d'une véritable volonté des pays donateurs, le PNUD avait tenté d'aider le gouvernement en équipant 5 ministères-clé. Le PNUD estimait qu'il fallait donner le bénéfice du doute au nouveau gouvernement et il se félicitait de constater que petit à petit les pays donateurs suivaient sa trace. Pour le PNUD, la table-ronde offrait l'occasion unique au Gouvernement d'expliquer sa politique et sa philosophie. Le PNUD espérait qu'un consensus gouvernement/donateurs émergerait d'ici la mi-décembre. Sinon, il craignait qu'un autre désastre se déclenche. La situation

était explosive. Le gouvernement réclame des engagements chiffrés mais en l'absence d'informations de base fiables il était difficile de le contenter. Le PNUD avait donc essayé de résumer les besoins du pays pour l'année 1995.

5. M. Rhazaoui a donné la liste des "conditions" posées par les pays donateurs. Ceux-ci attendent des réponses précises du gouvernement à des questions comme: la réhabilitation et le développement; la sécurité publique; les mesures arbitraires qui auraient été prises envers la population; la mise en place de la gendarmerie et de la police; l'absence de système judiciaire; le respect de la propriété privée (le gouvernement réclame l'aide de la communauté internationale pour régler ce problème délicat); adhésion du gouvernement aux Accords d'Arusha (lettre ou esprit ?); rôle de l'armée; l'état de droit; la reconvocation de l'Assemblée nationale; l'économie en général.

6. Pour aider le Gouvernement à répondre à toutes ces questions, le PNUD lui a fait parvenir des documents similaires concernant Haïti. Il a bien expliqué au Gouvernement que ces questions étaient pratiquement incontournables.

7. Au terme de l'exposé introductif de M. Rhazaoui, les participants ont été invités à poser des questions. Le **Représentant de la Belgique** a prôné une approche graduelle étant donné que la situation au Rwanda continuait d'être fragile et ceci dans un contexte régional. A son avis il était important de lier l'économique au politique. Les priorités: assistance humanitaire à travers les ONG (lancement d'un nouvel appel par DHA); assistance financière pour permettre au Gouvernement de payer ses arriérés à la Banque mondiale; mise en place d'un tribunal international qui sera difficile à la suite du vote négatif du Rwanda. A plus long terme: la réhabilitation de l'agriculture et des soins de santé. Questions: que se passera-t-il après Genève ? quel sera le niveau de représentation à la table ronde ?

8. Le **Représentant de la Suisse** a mis l'accent sur la nécessité d'une plus grande coordination entre les programmes d'aide. Il était superflu de drainer davantage de fonds, ce qu'il fallait c'était coordonner toutes ces aides.

9. Le **Représentant de la Banque mondiale** a expliqué que depuis septembre 2 missions s'étaient rendues au Rwanda. Il était heureux d'informer les participants que la Banque avait donné au gouvernement jusqu'à juin 1995 pour régler ses arriérés se montant à 9,5 millions de dollars. Lors de la dernière réunion des pays donateurs, à Paris, des promesses avaient été faites, à hauteur de 6 millions de dollars, par les Etats-Unis, la Belgique, le Canada, les Pays-Bas et la Suisse. Parallèlement, un mécanisme avait été mis en place par la Banque pour accélérer ses programmes d'aide et contourner la lourde machine

bureaucratique. La Banque, désireuse de restructurer son programme d'aide au Rwanda (40 millions de dollars), souhaiterait s'en entretenir avec les autres donateurs. Le Premier Ministre, le Ministre des Finances et le Gouverneur de la Banque centrale (qui vient juste de rouvrir) étaient attendus à Washington le 14 novembre pour une "brain-storming session" en vue de la table ronde.

10. Le **Représentant du FMI** a pris la parole pour indiquer qu'une mission du FMI se trouvait actuellement sur le terrain pour aider le Gouvernement à définir son programme économique. Le Rwanda souffrait d'une absence totale de système financier (le coffre-fort laissé à Kigali par l'ancien gouvernement avait enfin pu être ouvert) et d'impôts. Ni les soldats ni les fonctionnaires n'étaient payés.

11. Le **Représentant des Pays-Bas** a informé les participants que Monsieur Pronk, Ministre du développement et de la coopération, rentrait d'une mission à Kigali et envisageait de faire une contribution au Gouvernement à travers le système des Nations Unies. M. Pronk avait également décidé de... créer un Fonds d'affectation spéciale pour le Rwanda pour combler le vide entre l'aide d'urgence et l'aide pour la réhabilitation et la reconstruction du pays. Il ne savait alors pas que le Secrétaire général avait déjà constitué un tel Fonds.

12. A ce stade, M. Rhazaoui est intervenu pour expliquer que le Rwanda était inondé d'aide d'urgence (700 millions de dollars alors que l'objectif du dernier appel de DHA, en juillet 1994 était de 500 millions de dollars) dont bénéficiait finalement... les camps de réfugiés, y compris les milices et interhamwe. Le Gouvernement ne cessait de clamer que l'urgence était à l'intérieur du pays, pas dans les camps. Apparemment, certains Rwandais cherchaient à intégrer ces camps où le couvert était garanti ! Le PNUD estimait que DHA devait se concentrer sur les besoins d'urgence (aide dont apparemment le Gouvernement ne veut pas). M. Rhazaoui avait pris note des recommandations de certains participants estimant qu'il fallait lier les deux et mettre les deux exercices dos à dos. Des consultations avaient actuellement lieu entre le PNUD et le DHA mais aucune décision finale n'avait été encore prise.

13. Le **Représentant de l'Allemagne** ayant appuyé la formule belge de l'approche pas par pas et indiqué que son gouvernement aidait déjà Kigali, **Mme Stamatopoulou** a pris la parole pour informer les participants que 50 observateurs des droits de l'homme étaient déjà sur le terrain et seraient bientôt suivis des 50 observateurs de l'Union européenne et de 50 autres actuellement recrutés par M. Ayala Lasso. D'ici la fin de l'année on pouvait donc espérer que 150 observateurs seraient déployés à travers le pays. Le 11 novembre, le Centre des droits de l'homme enverrait une mission d'évaluation au Rwanda pour programmer une aide

technique (soupirs de découragement des participants qui ne peuvent s'empêcher de se demander "combien de missions encore ?")

14. La **Représentante de l'USAID** émet en effet des doutes sur la nécessité de la multiplication de missions d'évaluation et de visites qui bien sûr finissent par décourager le gouvernement car elles ne sont suivies que de vagues promesses. Il faudrait vraiment coordonner tout cela. Ceci dit, le gouvernement américain a encore des doutes sur les intentions réelles du gouvernement et il attend des actions concrètes: il faut que les réfugiés puissent rentrer et il faut que les observateurs et organisations des droits de l'homme aient libre accès au pays.

15. **M. Le Moal du PNUD** prend la parole pour expliquer que le PNUD prépare une mission (cf. termes de référence ci-joints) pour aider le Gouvernement à remettre en place le système judiciaire. (Etonnement des participants: les suisses et les belges s'occupent de ce projet ainsi que le Centre des droits de l'homme à Genève...)

16. La **Représentante du Royaume-Uni** en réponse à son collègue des Pays-Bas fait remarquer qu'il existe déjà un Fonds d'affectation spéciale. Qu'il y a beaucoup trop de missions sur le terrain et en effet, comme l'a dit la Représentante de l'USAID, il faudrait un peu de coordination dans tout cela. Elle fait allusion à la constitution récente d'un "groupe des amis du Rwanda" et réclame des éclaircissements à propos de toutes ces propositions de conférences régionales qui jettent la confusion parmi les pays donateurs.

17. La **Représentante du HCR** fait valoir que Mme Ogata a pris la parole en Troisième Commission et a évoqué entre autres le problème rwandais. Mme Ogata est en faveur d'un lien entre aide d'urgence et réhabilitation.

18. **M. de Casterle du PNUD** prend la parole pour informer les participants de l'existence de documents de travail préparés par le PNUD (cf. ci-joints): le premier porte sur le programme de réhabilitation qui pourrait être adopté par le gouvernement; le second porte sur le renforcement du système judiciaire (évoqué par Le Moal); le dernier sur un programme de reconstruction du gouvernement.

19. Je demande à M. Rhazaoui et à M. Lauzon s'il sera possible de convoquer une autre réunion à la mi-novembre quand le Gouvernement aura préparé sa réponse aux "conditions" des pays donateurs. Réponse affirmative.

20. A une question se référant au Rwanda Emergency Normalization Plan (RENP) préparé par M. Khan à Kigali, M. Rhazaoui répond que le PNUD aide ce dernier à le mettre en oeuvre "step by step".

FBP

Florence Barrillon-Pomés
Le 10 novembre 1994

Note: Mme Isel Rivero (MINUAR) m'ayant demandé des renseignements sur la table ronde (le Gouvernement apparemment s'en inquiète et craint qu'il ne s'agisse que d'un talk-show; de plus il trouve les "conditions" des pays donateurs peu réalistes), je lui ai fait part de cette réunion et lui ai demandé si le bureau de M. Khan était impliqué dans la préparation (aspect politique) de la table ronde. Réponse négative.

United Nations Development Programme

Terms of Reference

Rwanda

Reconnaissance Mission on Rehabilitation of the Judicial and Legal System

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I. Background

The 1994 civil war tragedy in Rwanda did not destroy a great deal of physical infrastructure, however, it was an event that had catastrophic consequences for the 7.5 million people of the nation. There is widespread agreement that the genocide resulted in approximately one million deaths, 2.2 million people becoming refugees outside the country, and 800,000 persons becoming internally displaced. The decimation of human resources greatly affected the civil service, and had a particularly devastating impact on the judiciary system where magistrates and other officials were targeted.

The breakdown of government institutions, governance and dissolution of Rwandan society has resulted in additional complicated factional disputes. The most critical problem facing Rwanda at the present time is the refugee situation. However, to achieve stability, it is important that refugees and dislocated persons return to conditions where governance exists and the framework for the rule of law prevails. This will be tested most stringently at the local level where the institution of private property is in flux. It is exacerbated by temporary abandonment of extensive land holdings and many houses due to displacement of nearly half the population and the repatriation of approximately 300,000 "old" refugees, many whom were in exile for up to 30 years. This is certain to lead to serious land tenure issues and property rights issues that will require urgent attention to prevent large-scale renewal of hostilities.

It is of crucial importance to establish the effective rule of law and fair administration of justice as rapidly as possible in Rwanda. It is equally important that a new judicial and legal system be viewed as fair and equitable by all members of this diverse society, based on inclusion and participation.

II. Mission Objectives

The principal objectives of this reconnaissance Mission are:

- to propose a strategic approach and the basic requirements necessary to rehabilitate the judiciary and legal systems in Rwanda;

- to explore the feasibility of mediation and arbitration as techniques for resolving legal disputes at the commune or local level; and

- to provide recommendations on rebuilding the judiciary and legal systems in Rwanda that will form the basis for (a) a discussion paper at the December Round Table meeting that reflects the Rwandan Government's views and (b) a follow-up programming mission.

III. Overall Assignment

This reconnaissance Mission is viewed as the initial step in a long-term process of rebuilding the judiciary systems in Rwanda. It is anticipated that the findings and recommendations of this Mission will provide the foundation for a follow-up effort to prepare a comprehensive action plan and to programme activities that will create a systemic judicial and legal framework in these countries based on institutionalization of the rule of law. Furthermore, it is expected that examining the potential for arbitration and mediation techniques during this Mission will lead to their acceptance and expansion as fundamental methods to resolve conflicts and build confidence and trust between diverse groups in civil society.

It is a huge undertaking to rebuild judiciary and legal systems form the remains of institutions that have been nearly destroyed. However, there is widespread global interest and support for assisting Rwanda accomplish that goal. The UNDP has offered support in coordinating the efforts of donors and other organizations in this endeavor. Agencies and organizations that have to date indicated interest in becoming collaborating partners with the governments in rehabilitating their judicial and legal systems include the United Nations Centre for Human Rights, Swiss Development Cooperation, World Bank, United States Agency for International Development, North-South Centre of the European Council, International Commission of Jurists and International Peace Academy.

IV. Terms of Reference

1. Collect data and information on the judicial and legal systems in Rwanda by reviewing recent reports and studies; holding meetings with government officials, law enforcement agencies, resident donors and civic associations.

2. Analyze the data and information assembled on the current status of the judicial and legal syatems, especially its institutional structures from national to local level and its operational procedures.

3. Analyze human resource availability, qualifications and capacity to manage and operate restructured judicial and legal systems.

4. The Mission will explore and test the feasibility of using arbitration and mediation as conflict resolution techniques and the potential for expanded use of these processes.

5. Recommendations will be provided that includes (a) an overall approach and strategy on how to proceed with rehabilitation of the judicial and legal systems (b) a proposed organizational structure of the judicial systems (c) basic procedures and delegated authorities for the systems and (d) how human resource requirements could be met to implement the system.

6. Requirements for next steps in the process should be identified, including essential programme planning and further studies.

V. Report

1. The Mission will prepare a written report that includes a summary of its data collection and basis for its analytical findings. The analysis should be a foundation for the conclusions and recommendations that follow. The report will, at a minimum, discuss the points outlined in the Terms of Reference.

2. Recommendations in the report should be prioritized based on importance, as well as an indication of short-term urgent needs versus long-term capacity building requirements.

3. There is flexibility in the format of the report, but is should contain an Executive Summary of about 5 pages that provides a synopsis of the strategy and incorporates its key recommendations.

4. A preliminary draft report will be provided to the UNDP Resident Representative prior to the Mission's departure from Rwanda. The final report is to be submitted to UNDP Headquarters not later than 9 December 1994.

V. Administrative Arrangements

A. The Mission will visit Rwanda for approximately two (2) weeks.

B. The Mission will work under the general guidance of the UNDP Resident Representative.

C. The UNDP Country Office will assist the Mission with administrative and logistical support including schedules, appointments, in-country transportation, and office and secretarial needs.

A:RWASUR2.TOR

CNR 661

10

Note for the file

At the invitation of Mr. James Baker, Director, Complex Emergency Division, DHA, I attended a Rwanda Inter-Agency Consultation on Monday, 14 November 1994. Representatives of DPKO, FAO, UNDP (3), UNHCR, and UNICEF participated in the meeting. The purpose of the meeting was to review preparations for the 1995 Consolidated Inter-Agency Appeal and the December 1994 UNDP Round Table and to clarify their relationship to each other. A draft note on the link between the Consolidated Appeal Process and the Round Table was circulated at the meeting (see draft attached).

UNDP informed the meeting that the Round Table originally was not conceived as a resource mobilization for the Government of Rwanda. It was supposed merely to discuss the Government's vision for future reconstruction and development activities. The Round Table should enable the Government to meet with their international counterparts in that endeavour. However, over the last weeks, the Government changed its perception of the Round Table. It will be a Government Round Table to which UNDP will lend its assistance and co-chair the proceedings. Among other things, UNDP will provide the needed documentation. Instead of having an additional solidarity meeting, the Government would actually like to see the Round Table resulting in concrete and immediate assistance for the rehabilitation of Rwanda. Instead of covering and discussing long-term projects, the Round Table will concentrate on the next 12 months. The Government agreed to prepare documentation on their intended governance of the country as well as a development plan for that time period, which should include sectoral papers with specific projects .

It was expected that the draft documents would be ready by Wednesday, 16 November 1994, and submitted to the Rwandese Cabinet. The Cabinet was expected to approve the documents on Friday, 18 November 1994. The documents which provide the Government's negotiating position on this matter should be available for UNDP, DHA and potential donors by Monday, 21 November 1994 (Kuroda, DHA, assured sending us copies as soon as received). Consultations by the Government with potential donor countries revealed that the donor community was interested in the Round Table. Therefore, UNDP was requested to start preparing it (terms of reference, preparatory meetings in Kigali, etc.).

While UNDP would go ahead with the preparations for the Round Table, DHA should continue to work on the Consolidated Appeal. A draft appeal could be included in the documentation for and discussed at the Round Table. The appeal itself should consider the results of the Round Table and be finalized thereafter. A further coordination meeting will take place in Kigali on 24 November 1994.

Participants in the meeting underlined the need that the documentation of the Round Table includes or makes reference to the reports of missions to Rwanda by the World Bank, the IMF and FAO. It was suggested that a representative of the World Bank be invited to the next consultations on the matter. UNDP would closely coordinate preparations on the ground with UNAMIR.

Participants also briefly discussed the proposal of the Dutch Minister for Cooperation and Development, Mr. Pronk, to establish a Rwanda Trust Fund. The "Pronk Fund" would be established in addition to the one created by the Secretary-General in order to meet financial needs to fill the gap between the time when emergency assistance will be terminated and the time when rehabilitation assistance was not yet available. Resources of the Fund would address immediate and short-term needs of the Government of Rwanda.

D. Wilke
15 November 1994

CNR 661 P 12/12

DRAFT: NOTE ON THE LINK BETWEEN THE CONSOLIDATED APPEAL PROCESS AND THE ROUND TABLE

Heads of agencies in their meeting of 9 November 1994 reviewed the purposes and timing of the forthcoming Consolidated Inter-Agency Appeal and the Round Table. It was strongly felt that the two had to relate to each other in a coherent and consistent way; and towards that end, agreed upon the following:

[1] The 1995 Consolidated Inter-Agency Appeal would reflect "Rwanda sub-regional" emergency relief and recovery requirements for a period of one year, January through December 1995. The appeal would include such needs within Rwanda as well as those of Rwandese refugees.

[2] The Government of Rwanda would be asked to become fully engaged in the Consolidated Appeal Process. Individual agencies have already worked with relevant government authorities on sectoral aspects of the appeal. Fuller engagement would lead to involvement in the overall appeal strategy as well as opportunities to seek specific project funding.

[3] Every effort will be made to finalise a first draft of the appeal by 7 December, based upon agency drafts submitted by 15 November. [UNHCR has requested additional time to present its submissions, as similarly the Government's own submissions will not be available by 15 November.]

[4] Heads of agencies along with the Government will establish a technical working group to develop and draft the appeal as well as to propose solutions on matters of translation, etc.. The specific terms of reference for that technical group and individual participants will be quickly prepared once agreement has been finalised on the overall objectives, structure and format of the appeal.

[5] That portion of the Consolidated Inter-Agency Appeal draft which relates to all humanitarian requirements within the borders of Rwanda would form the basis of the humanitarian section for the Round Table, the latter to take place in Geneva on 14-15 December 1994.

[6] The Round Table will precede the formal issuance of the Consolidated Inter-Agency Appeal. The Consolidated Appeal draft will be amended based upon the results of the Round Table. A schedule for agency headquarters review of the final draft appeal will have to be devised, bearing in mind an intended target date for final distribution of the appeal by or before 9 January 1995.

[7] There will a meeting for the donor community in Kigali, either on 18 or 21 November, depending upon the wishes of the Government. The purpose of the meeting will be to explain the relationship between the Consolidated Inter-Agency Appeal and the Round Table. Invitations to the meeting would be sent by the UN Humanitarian Coordinator and the UNDP Resident Representative, and participants would include Government, agency and NGO representatives.

[8] Action Points:

* Begin discussions with relevant Government authorities
* Meeting to finalise CAP objectives, framework, format and schedule as well as the Round Table "sub set"
* Creation of CAP/RT Working Group
* Preparations for Donor Meeting in Kigali

OUTGOING CODE CAB

FR has seen and asks that for review prior to DCS&P.

A 19/11 AM

TO: GARUBA, UNAVEM II, LUANDA
SALAM, ONUMOZ, MAPUTO
VIVAS, ONUSAL, SAN SALVADOR
DE LAPRESLE, UNPROFOR, ZAGREB
FURUHOVDE, UNIFIL, NAQOURA
THAPA, UNIKOM, UMM QASR
VARTIAINEN, UNFICYP, NICOSIA
BUJOLD, UNTSO, JERUSALEM
GALARZA, UNMOGIP, SRINAGAR — CNX 036
ABOO, UNOSOM, MOGADISHU — CNM 245
VAN BAELEN, MINURSO, LAAYOUNE — CNW 077
TOUSIGNANT, UNAMIR, KIGALI ✓ — CNR 666 ✓
OPANDE, UNOMIL, MONROVIA — CNL 168
MISZTAL, UNDOF, DAMASCUS — CYD 054
HVIDEGAARD, UNOMIG, SUKHUMI — CYG 150
FULTON, UNMIH, PORT-AU-PRINCE — CYB 049

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 16 November 1994

NUMBER: 3797

SUBJECT: UNITED NATIONS MEDAL

1. With reference to the regulations for the United Nations Medal, ST/SGB/119/Rev.1, dated 16 February 1966, a review of the Policy for the award of the United Nations Medal has been conducted at the UN Headquarters.

2. Although the existing general policy remains valid, a few points needed clarification. The attached document should clarify which personnel shall be awarded the medal and the period of service required as qualifying service.

3. Regards.

14 Nov 94

C.G. TOUSIGNANT, P.C. UNAMIR

U N I T E D N A T I O N S M E D A L

Reference: **Regulations for the United Nations Medal.**
(ST/SGB/119/Rev.1, dated 16 February 1966).

GENERAL

1. The Secretary-General has established the UN Medal for award, subject to the Regulations for the United Nations Medal, to military personnel who are or have been in the service of the United Nations.

2. The aim of the present document is to clarify the policy on the award of the UN Medal. It supersedes all previous documents on the same subject.

3. The policy will apply to personnel deployed in all existing missions at the date of the promulgation of the present policy and to all new missions established for that date on.

ELIGIBILITY.

3. The UN Medal should be awarded for service in a UN Mission to military and civilian police personnel regardless of the UN's organ they belong to, as long as the tasks they are performing fall within a mandate given by the Security Council or the General Assembly.

4. The personnel must be under operational or tactical control of the United Nations.

5. The qualifying service period shall be a minimum period of 90 days consecutively in the service of the United Nations.

6. The qualifying period for numerals shall be 180 days from the date of qualification of the medal~~, or previous numeral.~~ Only periods of at least 90 consecutive days can be counted towards the total qualifying period.

7. A period of qualifying service shall not be required for the posthumous award of the medal for personnel killed, or presumed killed, while in the service of the United Nations.

8. Exceptions for acts of bravery may be considered.

AWARD

9. The award of all United Nations medals shall be authorized by the Under-Secretary-General for Peace-keeping Operations.

New York, 16 November 1994

CNR 658 P1/5

we discussed.

8 17/11

ED/ISC/

14H NOV 15 P 1:30

SECRETARIAT

OUTGOING CODE CABLE

To: KHAN, UNAMIR, KIGALI

KENT, UNREO, KIGALI

From: HANSEN, UNATIONS, NEW YORK

Date: 15 November 1994

Subject: **Rwanda Task Force**

Number: **3751**

(1)

Attached for your information is a note on the Second Meeting of the Rwanda Task Force I had convened on 10 November. The note summarizes the discussions and identifies actions being taken and those that are planned.

(2) For filing

18 Nov 94

RWAAY14B.YHM

SECOND MEETING OF THE RWANDA TASK FORCE
10 November 1994

1. In opening the meeting, Mr. Hansen emphasized the concern of the Secretary-General about the need for better coordination of United Nations efforts in Rwanda, in support of the Special Representative. It is incumbent upon the Task Force to ensure this at the Headquarters level. Specific issues requiring attention included the question of security in the refugee camps, primarily in Zaire; the problem of internally displaced persons; and support for and enhancing the capacity of the Government of Rwanda. Coordination issues included forthcoming conferences, support for the High Commissioner for Human Rights, and the mobilization of funds.

Security in refugee camps in Zaire

2. Mr. Goulding and General Baril gave a briefing on possible options to deal with the problem of security in the refugee camps, primarily in Zaire. It was noted that the Secretary-General would be consulting on this matter and would shortly submit a report to the Security Council.

ACTION

-- It was understood that this question would be pursued in the context of the Secretary-General's Task Force.

Internally displaced persons (IDPs)

3. The IDP situation is a reflection of the overall Rwanda "problematique" in that it involves the basic issues of security inside and outside the camps, resettlement and land tenure, Government commitment and capacity, and the effectiveness of the overall UN response. If it is not possible to initiate an effective IDP resettlement programme inside the country, prospects for the repatriation of refugees will be seriously diminished. Concern was expressed about reports of Government action to forcibly close IDP camps although it was recognized that concerns of the Government about security threats from the camps need to be addressed. Concern was also expressed about the proposed Operation RONDAVAL, in particular the need for full consultation with humanitarian organizations in the formulation and implementation of an IDP strategy.

ACTION

-- DHA to request SRSG Khan to assemble more comprehensive information, in full consultation with the Humanitarian Coordinator and the relevant operational organizations as well as with the Government, on the IDP situation and submit proposals for consideration by the Task Force.

-- DHA to request SRSG Khan to impress upon the government the importance of peaceful and voluntary resettlement of IDPS and to convey the readiness of the UN to assisit in this regard.

Support for the Government

4. The Task force was unanimous in the view that the Government should be provided immediately with the means necessary for it to carry out its basic responsibilities with respect to governance and administration. Only thus could it establish conditions conducive to the resettlement of IDPs and the repatriation of refugees. The frustration of the Government with the current focus on external (i.e. refugees) versus internal humanitarian assistance flows was recognized. UN organizations have stretched their mandates in trying to assist the Government, but the resources thus available are extremely limited and some key areas are left uncovered. In this context, the need for a comprehensive approach to the administration of justice was emphasized.

5. It was agreed that the Rwanda Trust Fund could serve as a mechanism to permit bilateral contributions to sensitive areas (eg. police, military, salaries) and that this should be explored with potential donors.

6. UNDP Assistant Administrator Johnson Sirleaf briefed the Task Force on the forthcoming UNDP Round Table (mid-December in Geneva) designed to provide both an agreed policy framework between the Government and the donor community and an outline of essentially budget requirements for 1995. The first draft of the latter should be available by 17 November and could provide a valid basis for immediate efforts to mobilize funds to support the Government. In the meantime, UNDP is already implementing projects designed to enhance Government capacity.

7. It was agreed that the World Bank has considerable potential for providing short-term resources as well as long-term support for rehabilitation and development. The closer involvement of the World Bank in the work of the Task Force should be explored.

8. DHA/UNREO is preparing a Consolidated Inter-Agency Appeal for Rwanda which will cover both continuing emergency relief requirements and short-term rehabilitation projects. It was agreed that the appeal and the documentation being prepared for the UNDP Round Table should be complementary and mutually re-enforcing.

9. The Task Force noted that UN assets previously committed to UNOMOZ and UNOSOM would be available in near future and agreed that the redeployment of some of these assets to support the Government should be explored.

10. The question of the Government's transparency and accountability was also discussed. Basically, potential donor governments will need to be reassured that their contributions are being efficiently utilized for the intended purposes. Here again it was felt that the Rwanda Trust Fund might serve a useful conduit.

11. In general, it was recognized that there was a need for enhanced coordination of the several initiatives underway to mobilize resources to support the Government of Rwanda.

ACTION

-- DHA/UNDP consultations to ensure the complementarity of the Consolidated Appeal and the Round-Table processes. Among other things, the Round-Table Meeting should be briefed on the appeal process and relevant requirements.

-- The 1995 budget framework for Rwanda being developed by the government with the assistance of UNDP, to serve also as the substantive basis for immediate fund mobilization efforts.

-- DHA will request SRSG Khan to discuss with potential donors and the Government modalities to ensure transparency and accountability with respect to contributions.

-- DHA to consult with the World Bank on greater involvement in the work of the Task Force.

-- UNDP to keep the Task Force informed on progress in the preparation of the Round Table.

-- DPKO to explore the possibility of transferring UNOSOM and UNOMOZ assets to support the Government of Rwanda.

Coordination

12. The Task Force agreed on the need to strengthen coordination both in the field and at Headquarters. SRSG Khan has overall responsibility for all UN activities in Rwanda and with respect to Rwandese refugees, and he should be fully informed and consulted on all actions being planned or underway in Rwanda or concerning Rwanda.

ACTION

-- DPA, DPKO and DHA to work on an organigram for the SRSG which would appropriately reflect the relationship of the SRSG to UN organizations operating in Rwanda and clarify his terms of reference.

Regional Meetings

13. Mr. Jessen-Petersen briefed the Task Force on UNHCR activities in support of the OAU regional meeting on refugees. USG Goulding noted that an inter-agency task force chaired by ASG Kouyate was considering the possibility of a more general conference on peace, security and development in the area. It was felt that the two prospective conference would be complementary. The SRSGs for Rwanda and Burundi should be kept fully informed of developments and close contact maintained with the OAU.

ACTION

-- UNHCR and DPA to keep the Task Form informed on progress in the planning for the two conferences.

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
INFO: OULD ABDALLAH, BUJUMBURA
FROM: GOULDING, UNATIONS, NEW YORK
DATE: 12 NOVEMBER 1994
NUMBER: 3735

SUBJECT: Follow-up to the Secretary-General's meeting in Geneva

Please find attached a self-explanatory note transmitting to the Secretary-General an outline plan of immediate action based on the outcome of his meeting in Geneva last week.

Best regards.

(1)

(2) For filing

20 Nov 94

CNR-656 CND-38 P2/6

Note to the Secretary-General

PLAN OF IMMEDIATE ACTION FOR RWANDA

Following your meeting in Geneva on 8 November, I have prepared, in consultation with Mr. Annan and Mr. Hansen, the attached outline plan of immediate action. We are proceeding urgently on this basis.

Marrack Goulding
12 November 1994

cc: Mr. Annan
Mr. Gharekhan
Mr. Hansen
Mr. Kittani
Mr. Aimé
Mr. Kouyaté

Ref: FB/note12.11

CNR-656 CND-38 P3/6

RWANDA: OUTLINE PLAN OF IMMEDIATE ACTION

(following the Secretary-General's meeting in Geneva on 8 November 1994)

Diagnosis

1. The immediate problems are four:

- the takeover of the refugee camps in Zaire (and, to a lesser extent, Tanzania) by elements who are re-establishing structures of the previous Government and intimidating the refugees;
- the difficulty of ensuring security for, and resettling, the internally displaced persons (and refugees) (IDPs) in Rwanda;
- the inability of the Government of Rwanda to function as a Government and create conditions conducive to voluntary repatriation;
- inadequate coordination of the United Nations effort.

2. These problems need to be tackled now because they are:
- impeding the delivery of humanitarian relief;
- blocking voluntary repatriation;
- increasing the risk of military incursions into Rwanda by elements of the previous Government;
- bringing the United Nations into disrepute.

The regional dimension of these short-term problems is not disputed. But immediate action to tackle them must be given higher priority than the preparation of medium/long-term plans for resolving the region's humanitarian, political, security and economic problems.

Prescription

Security in the refugee camps

3. A range of options has been identified for international action to help the host Governments establish and maintain security in the camps:

(a) a United Nations force to establish and maintain security throughout the camps and train the local Governments' forces to assume this responsibility (12,000 troops);

(b) a multinational force authorized by the Security Council for the above purpose;

(c) a smaller United Nations or multinational force which would achieve the above objectives progressively, section by section, over a period of time (3,000 troops);

(d) a United Nations or multinational force which would protect humanitarian operations in the camps by day only and would not attempt to remove or neutralize the elements which are currently taking control of the camps;

(e) foreign police personnel, under United Nations, multinational or bilateral arrangements, to train and supervise the host Governments' security forces in the above functions, but without executive responsibility for establishing and maintaining security;

(f) a commercial security firm or firms to perform some or all of the above functions.

While the Government of Tanzania is judged to be capable, with international support, of maintaining security in the camps, the same is not true of the Government of Zaire. The latter Government has, however, sought international help in this matter.

4. Action to be taken:

(a) the Secretary-General to consult certain Member States informally about the above options in order, in particular, to ascertain their readiness to contribute troops/police to a United Nations or multinational force and/or support it financially (DPA/DPKO/DHA to prepare a non-paper and talking points);

(b) the Secretary-General thereafter to present a report to the Security Council setting out the problem, the options and possibly (depending on the results of the above consultations) his recommendations;

(c) (assuming a steer by the Security Council in favour of a United Nations operation) DPKO, with UNHCR participation, to develop the operational plan.

<u>Support for the camps for internally displaced persons</u>

5. There are reports of anti-Government militants hiding in these camps and making forays outside them. As a result the Rwandese Government seems to be determined to take action against them including incursions, forcible removal of persons and threats to close them. There is a need to obtain the

Government's cooperation to address the different aspects of the problem, which reflects the wider problems in Rwanda.

6. Action to be taken:

(a) SRSG Khan, with UNREO, to work through the recently established IDP Committee (which has Government participation) to develop with the Government an overall strategy to address the question of security as well as assistance;

(b) DHA and UNDP to secure technical assistance for advising the Government on the question of land tenure and property ownership.

Support for the Rwandese Government

7. The Rwandese Government is unable to function at present because it lacks the basic wherewithal to do so: premises, office furniture and equipment, telephones, vehicles, staff, money for salaries and other recurrent costs etc. The basic elements required for the rule of law - police, courts, judges, prisons - are also lacking. This state of affairs requires an imaginative and innovative response by the donor community and the international financial institutions, including help in dealing with recurrent costs until the Government is on its feet. (This response will set a precedent for similar support, in due course, in such countries as Liberia and Somalia.) The need for action is so urgent that political and economic conditions should not be set for such support (though the French Government takes the opposite view).

8. Action to be taken:

(a) the Secretary-General to include this problem in the consultations with major donors at paragraph 4(a) above (DPA/DPKO/DHA to prepare a non-paper and talking points);

(b) DHA, in consultation with the agencies etc. primarily involved, to prepare an appeal for contributions to the Rwanda Trust Fund for this purpose;

(c) UNDP to proceed with the 'round table' planned for 15-16 December 1994, the purpose of which is to discuss with donor countries a UNDP-prepared rehabilitation package for the Rwandese Government;

(d) the SRSG to examine whether any United Nations assets currently in Rwanda could be given or lent to the Rwandese Government;

(e) DPKO to examine whether any United Nations assets which are being withdrawn from Mozambique and Somalia could similarly be given or lent to the Government (and airlifted to Kigali).

Coordination of United Nations activities

9. The current lack of coordination is damaging to the United Nations effectiveness and reputation. The Secretary-General requires that it be addressed as a matter of urgency.

10. Action to be taken:

(a) DPKO to arrange for the SRSG's office to be strengthened, including through appointment of a Deputy SRSG, to enhance its ability to coordinate;

(b) the Secretary-General to write to the agencies, programmes, funds and offices concerned (DHA to prepare a draft);

(c) Mr. Hansen's Humanitarian Task Force to continue to be the forum for coordination in New York.

The regional approach

11. This is of a second order of priority but action is required (a) to ensure that current initiatives contribute as much as possible to the short-term objectives set out above and (b) to plan for future regional initiatives under the auspices of the United Nations system.

12. Action to be taken:

(a) DHA to keep in close contact with UNHCR about the UNHCR/OAU humanitarian conference which emerged from the OAU Summit and is to be held not later than March 1995;

(b) DPA to continue to discourage Zaire from believing that the Secretary-General has invited President Mobutu to convene a regional summit;

(c) DPA (ASG Kouyaté) to continue interdepartmental work to define a possible UN/OAU conference on peace, security and development in the region in 1995 and report thereon to the Secretary-General as soon as possible;

(d) SRSGs Khan and Abdallah to be kept fully briefed and consulted on all the above initiatives.

Ref: FB/Rwanda9.11

CNR 655 P1/11 01

OUTGOING CODE CABLE

IMMEDIATE

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 11 November 1994
NUMBER: UNAMIR 3730

SUBJECT: Report on the situation of Rwandese refugees

1. During informal consultations held today, the Secretary-General briefed the Security Council on his 8 November meeting in Geneva and indicated that he would shortly be issuing a report outlining options for addressing the security problems in the Rwandese refugee camps in Zaire.

2. A copy of the draft report is attached. We would be grateful to receive your comments/suggestions on the report by noon our time on Monday, 14 November. Thanks and best regards.

For filing

16/11/94

SRSG FC

CNR 655 02

11/11/94 (19:20)

Security Council

Distr.
GENERAL

S/1994/...
xx October 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY GENERAL ON THE SITUATION OF THE RWANDESE REFUGEES

I. INTRODUCTION

1. The present report is submitted in pursuance of the Statement of the President of the Security Council dated 14 October 1994 (PRST/1994/59), which noted the Council's concern at the plight of the millions of Rwandese refugees and displaced persons, reiterated the view that their return to their homes is essential for the normalization of the situation in Rwanda and deplored the continuing acts of intimidation and violence within the refugee camps which are designed to prevent the refugee population there from returning home.

2. In my report on the situation in Rwanda dated 6 October (S/1994/1133), I noted that, as a result of his visit to Zaire, 12 - 14 September, my Special Representative for Rwanda, Mr. Shaharyar Khan, concluded that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former RGF soldiers and militia from the rest of the refugee population. I also noted, however, that this would be a difficult and complex undertaking, especially as those to be separated would be likely to resist, and incite others to resist, any attempt to relocate them. In order to address more fully the problems associated with separating the former RGF political leaders, military and militia from the refugees, and to evaluate the financial and other requirements involved, a Joint Zairian/United Nations working group was established, comprised of officials of the Government of Zaire, UNHCR and the United Nations Development Programme (UNDP). A technical team from UNAMIR was sent to Zaire to join the working group.

3. In his Statement of 14 October, the President of the Security Council noted that the Council looked forward to receiving a further report from me on this issue, based inter alia, on the findings of the UNAMIR technical team participating in the Joint Zairian/United Nations working group. The joint working group was established in Kinshasa on 26 September and concluded its site visits on 11 October. The UNAMIR technical team returned to Kigali on 14 October and subsequently submitted its report to my Special Representative.

4. Following consultations between the Secretariat and UNHCR on possible options for addressing the security situation in the camps, I convened a high-level meeting in Geneva on 8 November, focusing on the multi-faceted dimensions of the crisis in Rwanda, most importantly the situation in the refugee camps. The meeting was attended by the Under-Secretary-Generals for Political and Humanitarian Affairs, the High Commissioners for Refugees and Human Rights, the Legal Counsel, my Special Representative for Rwanda, the Military Advisor of the Department of Peace-keeping Operations and the special humanitarian envoy for Rwanda and Burundi. Also attending where representatives of the World Food Programme and UNICEF, as well as my Special Representative for Burundi.

5. The meeting concluded that the most urgent problems are the security in the camps and the Government's need for support to govern the country and that these problems must be addressed under an overall strategy leading to the repatriation and resettlement of refugees and internally displaced persons. The meeting also concluded that longer-term efforts toward national reconciliation and the rehabilitation and reconstruction of the country must contribute as much as possible to the resolution of the more urgent problems related to the safe resettlement of refugees and internally displaced persons.

II. PRESENT SITUATION IN THE RWANDESE REFUGEE CAMPS IN ZAIRE

Conditions in the Camps

6. An estimated 1.2 million people fled Rwanda over a four day period in mid-July to the Kivu region of Zaire, in one of the largest and most sudden movements of refugees in modern history. UNHCR estimates that there are 850,000 refugees in North Kivu, in the Goma areas of Mugunga, Kibumba and Katale, and 336,736 in South Kivu, in the Bukavu and Uvira areas. The camps, which sprawl over miles, are overcrowded, chaotic and insecure to the point of being dangerous. The refugees live in makeshift huts and are completely dependent on United Nations and relief agencies for basic needs assistance.

7. The Zairian authorities were unable to disarm all Rwandese soldiers and militia as they sought refuge in Zaire in July 1994. Consequently, considerable quantities of weapons have remained in their hands and there have been a number of violent incidents in the camps involving firearms. Of the security threats in the camps -- ranging from ordinary banditry and extortion to gang wars between rival groups fighting for control of the camps -- the most serious security threat is considered to be the activities of the militia.

8. The former Rwandese political leaders, Rwandese Government Forces (RGF) and militia largely control the camps and seem

determined to ensure, even by force, that the refugees do not repatriate to Rwanda. Furthermore, they have made it difficult for relief agencies to carry out their work in safety, as they attempt to control and manipulate activities in the camps for the pursuance of their own objectives. Some reports indicate that these elements may be preparing for an armed invasion of Rwanda and that, toward this end, they may be stockpiling food distributed by relief agencies in preparation for cross border incursions.

Factors Impeding Repatriation

9. A trend toward repatriation to Rwanda began in August and early September when an estimated 200,000 refugees returned to the country. This trend was, however, interrupted by the activity of militia and political leaders opposed to voluntary repatriation. Since September, the number of refugees returning home has drastically decreased, but refugees continue to trickle back to Rwanda in spite of threats by the militia and dissuasion on the part of political leaders.

10. The refugees' fear of reprisals by the current Rwandese government for the recent atrocities committed against Tutsis and moderate Hutus seems to be another main reason for their hesitancy in returning to Rwanda. While this fear has been exacerbated by efforts on the part of political leaders, military and militia to dissuade the refugees from returning home, it also appears to be rooted in the history of the relationship between Hutus and Tutsis in Rwanda. In expressing their distrust of the new Government in Rwanda, refugees also indicated the desire that their security be guaranteed by a neutral body or that their own leaders be seen to participate in the new government, as a prerequisite to their return.

11. In light of the above, the UNAMIR technical team sought the views of the political and military leaders in regard to the conditions which would enable them to allow refugees the freedom of choice to return to Rwanda. These conditions included: negotiations with the new government; involvement of the exiled leadership in all negotiation processes and the involvement of the United Nations in facilitating negotiations between the new government and the leadership in exile; revival of acceptable elements of the Arusha Accord; power sharing; setting up of an international tribunal that would not only address the atrocities and acts of genocide committed in the wake of the events of 6 April 1994, but would also deal with alleged massacres committed by RPF forces since 1990; organization of early elections; security guarantees, especially for the safe return of all refugees; and guarantees for the re-possession by the refugees of their property.

12. The degree of control which the former political leaders and

militia have over life in the camps varies from one area to the other. There are approximately 228 former Rwandese political leaders housed in Zaire, including former ministers, senior government and military officials, members of parliament and other political personalities, many of whom live in good conditions in hotels and houses outside the refugee camps. With their dependents, the total number represents about to 1,200 persons. These leaders exert a hold on the refugees through intimidation and the support of military personnel and militia members in the camps.

Activities of the Former Armed Forces and Militia in the Camps

13. While estimates of the numbers of former RGF soldiers present in Zaire differ, on the basis of information available, the number can reliably be estimated at 50,000, including dependents. This figure includes [two] generals and [86] other senior officers. The physical location of RGF military is well organized in south Kivu, where they are located in two separate military camps. In north Kivu, on the other hand, they are living among the refugees and are, often are indistinguishable from them since many are no longer in uniform.

14. The former Rwandese military seems to have a strong urge and intention to regain power in Rwanda. This is corroborated by [UNHCR] reports of continuing military activity along the Zairian/Rwanda border in Kanganiro and Kamanyola involving Rwandese soldiers. Even so, UNHCR and NGOs report that the military has not so far constituted as significant an insecurity factor in the camps as has the militia.

15. The militia have a significant presence in the camps in the Goma area and are reported to control access into and out of these camps, and to openly resort to intimidation and force to stop those refugees who are inclined to return to Rwanda. In addition to the possession of fire arms, they are equipped with vehicles and radio communication equipment. It is difficult to determine the exact number of militia present in the camps as they neither wear uniforms nor carry any outward signs or symbols that can distinguish them from the rest of the refugee population. However, the strength of the militia can be estimated by reference to its pre-war organization. Each of the 147 communes in Rwanda had an organization of between 100 to 150 militia activists, which would represent a total of between 14,700 and 22,050 militia. Given war attrition, this number may have fallen to 10,000 when the refugee camps were established, but given the political activity in the camps, it may also have risen since that time.

16. There is little official information available on the former Presidential Guard, which is estimated to consist of 800 men located in both Goma and Bukavu. There are reports that the

Presidential Guard may be housed in clandestine camps.

III. MEASURES FOR THE ESTABLISHMENT OF SECURE CONDITIONS IN THE RWANDESE REFUGEE CAMPS IN ZAIRE

a) Initial Measures

17. In response to a request from the government of Zaire, UNHCR is considering measures to provide immediate, but temporary, assistance to the Zairian security forces in protecting humanitarian operations in the camps. These measures would focus on promoting bilateral arrangements between Zaire and other governments for the deployment of international security expertise to train and monitor the local security forces. The details of this approach need to be worked out by an assessment mission which would determine the size, composition, management, and modus operandi of this proposal, including the financial support to be provided to the local security forces.

18. It is relevant to note that UNHCR has been assisting the government of Tanzania to strengthen its local capacity to provide security in the camps through the provision of incentives and logistic support. An assessment will be made as soon as practicable on additional support which the government of Tanzania will require in this regard.

19. The adoption of similar measures in the refugee camps in Zaire does not exclude the pursuit of the peace-keeping option described below. These measures could, in fact, be undertaken in conjunction with and in support of a peace-keeping operation. Efforts to improve security in the Rwandese refugee camps should also be supported by a public information campaign that would provide factual information on the situation both in the camps and in Rwanda. In this connection, as indicated in my report of 6 October, UNAMIR is building a radio broadcasting capacity that can reach the camps. However, the Rwandese government has yet to grant UNAMIR the necessary formal authorizations to begin broadcasting and for a frequency allocation. It is hoped that these authorizations will soon be forthcoming.

b) Deployment of a Peace-keeping Operation

20. In order to improve security in the Rwandese refugee camps in Zaire, one option would be to consider the deployment of a United Nations peace-keeping force, with the consent of the government of Zaire. Such an operation could be undertaken either by the United Nations or by a member state authorized by the Security Council to take the lead in organizing a multinational force. The task of such a force would be to provide assistance for the security of international relief workers, protection for the delivery and storage of humanitarian assistance, and assistance for the safe passage to the border of

Rwanda for those refugees who wish to return. From the border, UNAMIR troops would then provide assistance in returning the refugees to their home communities. While having a mandate separate from that of UNAMIR, this force would be under the operational control of, and supported logistically by, UNAMIR.

First Phase

21. In the first phase, two well trained and equipped mechanized battalions (provided with some protected vehicles) would be required to spearhead the operation in the camps north of Lake Kivu. Each battalion would establish secure areas within large camp sites, each providing safe conditions for approximately 30,000 refugees. Thus, at this stage, an area accommodating up to 60,000 refugees would come under the protection of the peace-keeping force. The force would establish screening procedures intended to keep weapons out of the secure areas. Humanitarian assistance operations would be conducted within these secure areas. The aim during this first phase would be to create conditions conducive to the voluntarily repatriation to Rwanda of as many refugees as possible from each secure area. This, of course, would depend on the establishment within Rwanda of conditions under which the refugees can return to their homes in safety and dignity.

22. Within each secure area, local security units would be formed and trained to take over, after a 30 day period, the security functions being performed by the peace-keeping force. The local security units would include guards from either the Zairian force or former Rwandese gendarmerie present in the camps (who are proved not to have been involved in the atrocities), depending upon the situation in the particular area. International expertise would be made available (either through United Nations civilian police or through a private security firm) to train and monitor the local units in carrying out their security duties, for whom the requisite equipment and financial assistance would also be provided.

23. The intention would be to ensure that at the end of a period of 30 days, the local security unit in each area is capable of providing reasonable security, under the supervision of a minimal number of United Nations personnel, until the remaining refugees can be repatriated during the second phase of the United Nations peace-keeping operation and the area is closed. The United Nations contingents themselves would, at the end of the 30 day period, move forward to create similar secure areas in other locations.

Second Phase

24. In the second phase, lightly equipped motorized units would be deployed to secure areas which had been established in the

first phase. Their main task would be to escort refugees to the Rwandese border and, in the meantime, to ensure that these areas continue to enjoy secure conditions. In this phase, self-contained company groups would be deployed to each secure area, cumulatively reaching battalion level [deployed over 8-10 secure areas.] As the areas are closed, upon completion of repatriation, each company group would be rotated for assignment to another secure area which would be entering the second phase of the operation.

25. Under this option, it is estimated that a force of 3,000 all ranks would be required. If it is decided to launch a parallel operation simultaneously in the south of Lake Kivu, where conditions are marginally better, an additional 2,000 troops would be required.

26. After progressively establishing security in the camps both south and north of Lake Kivu, the mechanized battalions would be withdrawn from the force. The second phase units would also gradually be withdrawn as secure areas are closed down. This operation would be fully coordinated with the UNHCR proposal for strengthening security conditions in the camps which would be implemented until the first phase of the operation in each camp can commence.

27. The incremental approach to establishing security taken under this option is unavoidable as the dimensions of the situation are such that not all refugee camps can be addressed at the same time. Depending on the situation in the camps and the rate of repatriation, it is estimated that, given the force strength proposed above, it would take about 30 months to complete the operation in the camps north of Lake Kivu and 10 months to complete the operation in the camps south of Lake Kivu.

c) Action under Chapter VII

28. The option outlined above does not include the separation of the political leaders, former RGF troops and militia from the rest of the camp population, which, as indicated in my 6 October report, is considered to be the most effective way of ensuring the safety of refugees and their freedom to exercise their right to return to Rwanda. The report also noted that the Government of Zaire has expressed its commitment to addressing the refugee crisis and to improving security in the camps. Toward this end, it has indicated that the military and militia elements could be moved to new camps at a distance from the present refugee camps. The Government of Zaire has also indicated that it would prefer the political leadership of the former Rwandese government to be located in third countries, although they could stay in Kinshasa while awaiting relocation.

29. The militia, political leaders and the RGF military

hierarchy have made evident their opposition to either their removal from Goma and Bukavu or their separation from the refugee population prior to an overall settlement of the conflict. It is difficult to determine to what extent these groups would go in resisting attempts to relocated them. Given their expressed objections, it can be assumed that they would not move voluntarily and would be likely to use force to resist being moved.

30. Should it be decided to undertake the separation of former political leaders, military and militia, the operation would also be undertaken in phases. In the first phase, while the new camps are being prepared, a strong, well trained and equipped force would be deployed inside the existing refugee camps with the initial mandate of ensuring the security of international relief workers and the delivery of humanitarian assistance. During the second phase, once the new camps are established, the former political leaders, military and militia would be moved, on a voluntarily basis if possible, to the new sites, force being used where voluntary separation was resisted.

31. The UNAMIR technical team visited several sites, most of them in remote locations, recommended by the Zairian Government for relocation. The team analyzed in detail the logistic difficulties that would need to be overcome in order to move the political leaders, military and militia to these new camps. The team concluded that the camps would require considerable infrastructure repair (airfields, roads, buildings, etc.) which would take at least six months to complete from the date of commissioning.

32. Taking all these factors into consideration, especially the likelihood that forcible action will be required, it is evident that this would be a risky, complex and very expensive endeavour. Given the need to provide security in both the existing camps and in the new sites to which the military and militia would be moved, it is estimated that a force level of two brigade groups (10,000 - 12,000 men), operating under Chapter VII authority, would be required to undertake the task. A United Nations peace-keeping force could conceivably be established for this purpose, either linked to UNAMIR or, preferably, as a separate operation. However, it will be recalled how difficult it was for the United Nations to obtain the necessary troops for the expansion of UNAMIR. It is, thus, clear that the United Nations cannot be assured to obtain expeditiously the personnel required to establish a force capable of undertaking this operation. Should the Security Council favor the establishment of such an operation, it may therefore wish to authorize a member state to take the lead in organizing it, using all necessary means to achieve the aims outlined above.

IV. OBSERVATIONS

33. In considering the options for addressing the critical problem of establishing secure conditions in the Rwandese refugee camps in Zaire, as a prerequisite to the repatriation of the refugees to Rwanda, certain implications must be kept in view. Any operation conducted in isolation from efforts toward national reconciliation in Rwanda will be futile. Indeed, it may merely have the effect of intensifying extremist activities in these refugee camps and also those in other countries bordering Rwanda. It is evident that national reconciliation would require both a political understanding between the former leadership of the country and the present government, as well as the establishment of conditions in the camps conducive to the return of the refugees. Neither are imminent. Furthermore, any operation which may encourage the repatriation of refugees to Rwanda who are then not able to return to their home communities -- thus adding to the more than 1.5 million internally displaced persons in the country -- should be avoided.

34. In determining the measures which need to be taken, the Security Council may wish to keep in mind that establishing security in the refugee camps must be seen as only the first step in an overall strategy to establish long-term security and durable peace in Rwanda. A two-pronged approach must be adopted to address security issues in the camps, while, at the same time, the government creates conditions in the country under which large scale repatriation and resettlement of refugees and internally displaced people can take place. This approach is the only means of achieving the environment necessary for national reconciliation and sustainable peace.

35. In the wake of the cataclysm that has overtaken Rwanda, the government finds itself without even the minimal resources to run an administration, much less reconstruct a shattered country and nation. The government has indicated its commitment to creating conditions for the safe repatriation of refugees and has requested assistance from the international community for this purpose. Measures to be taken inside Rwanda must address the issue of property rights as a first priority. Large numbers of older refugees are returning to Rwanda and, in some cases, are occupying the land of those who have recently fled. The Government needs immediate and major financial and technical assistance from the international community to properly resettle the older group of returning refugees and to ensure that those who recently left the country are able to reclaim their properties upon their return.

36. The government and the international community must be equally committed to cooperating with one another in ensuring that special measures are taken in regard to security, economic and social rehabilitation and national reconciliation for the benefit of all Rwandans, but especially in those communities to which refugees and displaced people will return. In this regard,

xxx Human Right Monitors have been deployed to all sectors of the country to monitor the conditions of returning refugees and internally displaced people and to ensure that they are not subject to reprisals. Furthermore, UNAMIR is planning to deploy political affairs officers to its five sectors of operation in the country, specifically to assist the government, through the local administrations, in promoting national reconciliation, re-establishing civil administration, and in coordinating humanitarian and rehabilitation assistance.

37. As noted in my 6 October report, it is fully recognized how difficult it is for the government to undertake nation-building activities when it suffers from a severe lack of basic resources, including cash reserves to pay the salaries of its civil servants. While the international community is calling on the government to undertake such activities, the government is becoming increasingly frustrated with the slow pace of the international community in fulfilling its promises to assist it in doing so. Furthermore, there are signs that the security situation in the country is becoming increasingly unstable as the government is not in a position to strengthen local civil administrations or even to pay the salaries of its army. As a result, there is increasing tension between the Rwandese military and UNAMIR and incidents obstructing UNAMIR's ability to carry out its mandate are becoming more frequent. It is therefore essential for the international community to provide immediate assistance to the government so that it can undertaken the measures necessary, on its part, to help improve the situation in the country and create the conditions necessary to encourage refugees to return.

38. I am convinced that an effort must be undertaken by the international community to improve security in the Rwandese refugee camps. The present report offers some options which the Security Council may wish to consider. On the basis of the information provided by my Special Representative and of the preparatory work undertaken by the Secretariat, I feel that the peace-keeping operation envisaged above may be, under the present circumstances, the most realistic avenue for achieving a progressive improvement of the security environment in the camps. This will be a difficult, complex and largely unprecedented enterprise. It is therefore essential that member states be prepared to provide, in a timely manner, the human, financial and logistic resources necessary to carry it out effectively. I am therefore consulting member states with a view to ascertaining their willingness to participate in such an operation. On the basis of these consultations and of the views which the Security Council may form on the options outlined in this report, I will then be in a position to make more detailed recommendations regarding the role which the United Nations could play to assist in the establishment and maintenance of a secure environment in the Rwandese refugee camps in Zaire.

FIG 14 25 III

CNR 655 P1/11 01

OUTGOING CODE CABLE

UNAMIR

94 NOV 12 07:12

IMMEDIATE

1994 NOV 11 P 4:30

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 11 November 1994
NUMBER: UNAMIR 3730

SUBJECT: Report on the situation of Rwandese refugees

1. During informal consultations held today, the Secretary-General briefed the Security Council on his 8 November meeting in Geneva and indicated that he would shortly be issuing a report outlining options for addressing the security problems in the Rwandese refugee camps in Zaire.

2. A copy of the draft report is attached. We would be grateful to receive your comments/suggestions on the report by noon our time on Monday, 14 November. Thanks and best regards.

Restate on para 5 Sy sit in kvanda camps + communes need to be addressed

SRSG FC

11/11/94 (19:20)

Security Council

Distr.
GENERAL

S/1994/...
xx October 1994

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY GENERAL ON THE SITUATION OF THE RWANDESE REFUGEES

I. INTRODUCTION

1. The present report is submitted in pursuance of the Statement of the President of the Security Council dated 14 October 1994 (PRST/1994/59), which noted the Council's concern at the plight of the millions of Rwandese refugees and displaced persons, reiterated the view that their return to their homes is essential for the normalization of the situation in Rwanda and deplored the continuing acts of intimidation and violence within the refugee camps which are designed to prevent the refugee population there from returning home.

2. In my report on the situation in Rwanda dated 6 October (S/1994/1133), I noted that, as a result of his visit to Zaire, 12 - 14 September, my Special Representative for Rwanda, Mr. Shaharyar Khan, concluded that the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former RGF soldiers and militia from the rest of the refugee population. I also noted, however, that this would be a difficult and complex undertaking, especially as those to be separated would be likely to resist, and incite others to resist, any attempt to relocate them. In order to address more fully the problems associated with separating the former RGF political leaders, military and militia from the refugees, and to evaluate the financial and other requirements involved, a Joint Zairian/United Nations working group was established, comprised of officials of the Government of Zaire, UNHCR and the United Nations Development Programme (UNDP). A technical team from UNAMIR was sent to Zaire to join the working group.

3. In his Statement of 14 October, the President of the Security Council noted that the Council looked forward to receiving a further report from me on this issue, based inter alia, on the findings of the UNAMIR technical team participating in the Joint Zairian/United Nations working group. The joint working group was established in Kinshasa on 26 September and concluded its site visits on 11 October. The UNAMIR technical team returned to Kigali on 14 October and subsequently submitted its report to my Special Representative.

4. Following consultations between the Secretariat and UNHCR on possible options for addressing the security situation in the camps, I convened a high-level meeting in Geneva on 8 November, focusing on the multi-faceted dimensions of the crisis in Rwanda, most importantly the situation in the refugee camps. The meeting was attended by the Under-Secretary-Generals for Political and Humanitarian Affairs, the High Commissioners for Refugees and Human Rights, the Legal Counsel, my Special Representative for Rwanda, the Military Advisor of the Department of Peace-keeping Operations and the special humanitarian envoy for Rwanda and Burundi. Also attending where representatives of the World Food Programme and UNICEF, as well as my Special Representative for Burundi.

5. The meeting concluded that the most urgent problems are the security in the camps and the Government's need for support to govern the country and that these problems must be addressed under an overall strategy leading to the repatriation and resettlement of refugees and internally displaced persons. The meeting also concluded that longer-term efforts toward national reconciliation and the rehabilitation and reconstruction of the country must contribute as much as possible to the resolution of the more urgent problems related to the safe resettlement of refugees and internally displaced persons.

II. PRESENT SITUATION IN THE RWANDESE REFUGEE CAMPS IN ZAIRE

Conditions in the Camps

6. An estimated 1.2 million people fled Rwanda over a four day period in mid-July to the Kivu region of Zaire, in one of the largest and most sudden movements of refugees in modern history. UNHCR estimates that there are 850,000 refugees in North Kivu, in the Goma areas of Mugunga, Kibumba and Katale, and 336,736 in South Kivu, in the Bukavu and Uvira areas. The camps, which sprawl over miles, are overcrowded, chaotic and insecure to the point of being dangerous. The refugees live in makeshift huts and are completely dependent on United Nations and relief agencies for basic needs assistance.

7. The Zairian authorities were unable to disarm all Rwandese soldiers and militia as they sought refuge in Zaire in July 1994. Consequently, considerable quantities of weapons have remained in their hands and there have been a number of violent incidents in the camps involving firearms. Of the security threats in the camps -- ranging from ordinary banditry and extortion to gang wars between rival groups fighting for control of the camps -- the most serious security threat is considered to be the activities of the militia.

8. The former Rwandese political leaders, Rwandese Government Forces (RGF) and militia largely control the camps and seem

determined to ensure, even by force, that the refugees do not repatriate to Rwanda. Furthermore, they have made it difficult for relief agencies to carry out their work in safety, as they attempt to control and manipulate activities in the camps for the pursuance of their own objectives. Some reports indicate that these elements may be preparing for an armed invasion of Rwanda and that, toward this end, they may be stockpiling food distributed by relief agencies in preparation for cross border incursions.

Factors Impeding Repatriation

9. A trend toward repatriation to Rwanda began in August and early September when an estimated 200,000 refugees returned to the country. This trend was, however, interrupted by the activity of militia and political leaders opposed to voluntary repatriation. Since September, the number of refugees returning home has drastically decreased, but refugees continue to trickle back to Rwanda in spite of threats by the militia and dissuasion on the part of political leaders.

10. The refugees' fear of reprisals by the current Rwandese government for the recent atrocities committed against Tutsis and moderate Hutus seems to be another main reason for their hesitancy in returning to Rwanda. While this fear has been exacerbated by efforts on the part of political leaders, military and militia to dissuade the refugees from returning home, it also appears to be rooted in the history of the relationship between Hutus and Tutsis in Rwanda. In expressing their distrust of the new Government in Rwanda, refugees also indicated the desire that their security be guaranteed by a neutral body or that their own leaders be seen to participate in the new government, as a prerequisite to their return.

11. In light of the above, the UNAMIR technical team sought the views of the political and military leaders in regard to the conditions which would enable them to allow refugees the freedom of choice to return to Rwanda. These conditions included: negotiations with the new government; involvement of the exiled leadership in all negotiation processes and the involvement of the United Nations in facilitating negotiations between the new government and the leadership in exile; revival of acceptable elements of the Arusha Accord; power sharing; setting up of an international tribunal that would not only address the atrocities and acts of genocide committed in the wake of the events of 6 April 1994, but would also deal with alleged massacres committed by RPF forces since 1990; organization of early elections; security guarantees, especially for the safe return of all refugees; and guarantees for the re-possession by the refugees of their property.

12. The degree of control which the former political leaders and

militia have over life in the camps varies from one area to the other. There are approximately 228 former Rwandese political leaders housed in Zaire, including former ministers, senior government and military officials, members of parliament and other political personalities, many of whom live in good conditions in hotels and houses outside the refugee camps. With their dependents, the total number represents about to 1,200 persons. These leaders exert a hold on the refugees through intimidation and the support of military personnel and militia members in the camps.

Activities of the Former Armed Forces and Militia in the Camps

13. While estimates of the numbers of former RGF soldiers present in Zaire differ, on the basis of information available, the number can reliably be estimated at 50,000, including dependents. This figure includes [two] generals and [86] other senior officers. The physical location of RGF military is well organized in south Kivu, where they are located in two separate military camps. In north Kivu, on the other hand, they are living among the refugees and are, often are indistinguishable from them since many are no longer in uniform.

14. The former Rwandese military seems to have a strong urge and intention to regain power in Rwanda. This is corroborated by [UNHCR] reports of continuing military activity along the Zairian/Rwanda border in Kanganiro and Kamanyola involving Rwandese soldiers. Even so, UNHCR and NGOs report that the military has not so far constituted as significant an insecurity factor in the camps as has the militia.

15. The militia have a significant presence in the camps in the Goma area and are reported to control access into and out of these camps, and to openly resort to intimidation and force to stop those refugees who are inclined to return to Rwanda. In addition to the possession of fire arms, they are equipped with vehicles and radio communication equipment. It is difficult to determine the exact number of militia present in the camps as they neither wear uniforms nor carry any outward signs or symbols that can distinguish them from the rest of the refugee population. However, the strength of the militia can be estimated by reference to its pre-war organization. Each of the 147 communes in Rwanda had an organization of between 100 to 150 militia activists, which would represent a total of between 14,700 and 22,050 militia. Given war attrition, this number may have fallen to 10,000 when the refugee camps were established, but given the political activity in the camps, it may also have risen since that time.

16. There is little official information available on the former Presidential Guard, which is estimated to consist of 800 men located in both Goma and Bukavu. There are reports that the

Presidential Guard may be housed in clandestine camps.

III. MEASURES FOR THE ESTABLISHMENT OF SECURE CONDITIONS IN THE RWANDESE REFUGEE CAMPS IN ZAIRE

a) Initial Measures

17. In response to a request from the government of Zaire, UNHCR is considering measures to provide immediate, but temporary, assistance to the Zairian security forces in protecting humanitarian operations in the camps. These measures would focus on promoting bilateral arrangements between Zaire and other governments for the deployment of international security expertise to train and monitor the local security forces. The details of this approach need to be worked out by an assessment mission which would determine the size, composition, management, and modus operandi of this proposal, including the financial support to be provided to the local security forces.

18. It is relevant to note that UNHCR has been assisting the government of Tanzania to strengthen its local capacity to provide security in the camps through the provision of incentives and logistic support. An assessment will be made as soon as practicable on additional support which the government of Tanzania will require in this regard.

19. The adoption of similar measures in the refugee camps in Zaire does not exclude the pursuit of the peace-keeping option described below. These measures could, in fact, be undertaken in conjunction with and in support of a peace-keeping operation. Efforts to improve security in the Rwandese refugee camps should also be supported by a public information campaign that would provide factual information on the situation both in the camps and in Rwanda. In this connection, as indicated in my report of 6 October, UNAMIR is building a radio broadcasting capacity that can reach the camps. However, the Rwandese government has yet to grant UNAMIR the necessary formal authorizations to begin broadcasting and for a frequency allocation. It is hoped that these authorizations will soon be forthcoming.

b) Deployment of a Peace-keeping Operation

20. In order to improve security in the Rwandese refugee camps in Zaire, one option would be to consider the deployment of a United Nations peace-keeping force, with the consent of the government of Zaire. Such an operation could be undertaken either by the United Nations or by a member state authorized by the Security Council to take the lead in organizing a multinational force. The task of such a force would be to provide assistance for the security of international relief workers, protection for the delivery and storage of humanitarian assistance, and assistance for the safe passage to the border of

Rwanda for those refugees who wish to return. From the border, UNAMIR troops would then provide assistance in returning the refugees to their home communities. While having a mandate separate from that of UNAMIR, this force would be under the operational control of, and supported logistically by, UNAMIR.

First Phase

21. In the first phase, two well trained and equipped mechanized battalions (provided with some protected vehicles) would be required to spearhead the operation in the camps north of Lake Kivu. Each battalion would establish secure areas within large camp sites, each providing safe conditions for approximately 30,000 refugees. Thus, at this stage, an area accommodating up to 60,000 refugees would come under the protection of the peace-keeping force. The force would establish screening procedures intended to keep weapons out of the secure areas. Humanitarian assistance operations would be conducted within these secure areas. The aim during this first phase would be to create conditions conducive to the voluntarily repatriation to Rwanda of as many refugees as possible from each secure area. This, of course, would depend on the establishment within Rwanda of conditions under which the refugees can return to their homes in safety and dignity.

22. Within each secure area, local security units would be formed and trained to take over, after a 30 day period, the security functions being performed by the peace-keeping force. The local security units would include guards from either the Zairian force or former Rwandese gendarmerie present in the camps (who are proved not to have been involved in the atrocities), depending upon the situation in the particular area. International expertise would be made available (either through United Nations civilian police or through a private security firm) to train and monitor the local units in carrying out their security duties, for whom the requisite equipment and financial assistance would also be provided.

23. The intention would be to ensure that at the end of a period of 30 days, the local security unit in each area is capable of providing reasonable security, under the supervision of a minimal number of United Nations personnel, until the remaining refugees can be repatriated during the second phase of the United Nations peace-keeping operation and the area is closed. The United Nations contingents themselves would, at the end of the 30 day period, move forward to create similar secure areas in other locations.

Second Phase

24. In the second phase, lightly equipped motorized units would be deployed to secure areas which had been established in the

first phase. Their main task would be to escort refugees to the Rwandese border and, in the meantime, to ensure that these areas continue to enjoy secure conditions. In this phase, self-contained company groups would be deployed to each secure area, cumulatively reaching battalion level [deployed over 8-10 secure areas.] As the areas are closed, upon completion of repatriation, each company group would be rotated for assignment to another secure area which would be entering the second phase of the operation.

25. Under this option, it is estimated that a force of 3,000 all ranks would be required. If it is decided to launch a parallel operation simultaneously in the south of Lake Kivu, where conditions are marginally better, an additional 2,000 troops would be required. and is preferred.

26. After progressively establishing security in the camps both south and north of Lake Kivu, the mechanized battalions would be withdrawn from the force. The second phase units would also gradually be withdrawn as secure areas are closed down. This operation would be fully coordinated with the UNHCR proposal for strengthening security conditions in the camps which would be implemented until the first phase of the operation in each camp can commence.

27. The incremental approach to establishing security taken under this option is unavoidable as the dimensions of the situation are such that not all refugee camps can be addressed at the same time. Depending on the situation in the camps and the rate of repatriation, it is estimated that, given the force strength proposed above, it would take about 30 months to complete the operation in the camps north of Lake Kivu and 10 months to complete the operation in the camps south of Lake Kivu.

c) Action under Chapter VII *

all options involve separation - difference is distance

28. The option outlined above does not include the separation of the political leaders, former RGF troops and militia from the rest of the camp population, which, as indicated in my 6 October report, is considered to be the most effective way of ensuring the safety of refugees and their freedom to exercise their right to return to Rwanda. The report also noted that the Government of Zaire has expressed its commitment to addressing the refugee crisis and to improving security in the camps. Toward this end, it has indicated that the military and militia elements could be moved to new camps at a distance from the present refugee camps. The Government of Zaire has also indicated that it would prefer the political leadership of the former Rwandese government to be located in third countries, although they could stay in Kinshasa while awaiting relocation.

29. The militia, political leaders and the RGF military

* Ch VII is proper mandate since Zaire will consent + cooperate.

hierarchy have made evident their opposition to either their removal from Goma and Bukavu or their separation from the refugee population prior to an overall settlement of the conflict. It is difficult to determine to what extent these groups would go in resisting attempts to relocated them. Given their expressed objections, it can be assumed that they would not move voluntarily and would be likely to use force to resist being moved.

30. Should it be decided to undertake the separation of former political leaders, military and militia, the operation would also be undertaken in phases. In the first phase, while the new camps are being prepared, a strong, well trained and equipped force would be deployed inside the existing refugee camps with the initial mandate of ensuring the security of international relief workers and the delivery of humanitarian assistance. During the second phase, once the new camps are established, the former political leaders, military and militia would be moved, on a voluntarily basis if possible, to the new sites, force being used where voluntary separation was resisted.

31. The UNAMIR technical team visited several sites, most of them in remote locations, recommended by the Zairian Government for relocation. The team analyzed in detail the logistic difficulties that would need to be overcome in order to move the political leaders, military and militia to these new camps. The team concluded that the camps would require considerable infrastructure repair (airfields, roads, buildings, etc.) which would take at least six months to complete from the date of commissioning.

32. Taking all these factors into consideration, especially the likelihood that forcible action will be required, it is evident that this would be a risky, complex and very expensive endeavour. Given the need to provide security in both the existing camps and in the new sites to which the military and militia would be moved, it is estimated that a force level of two brigade groups (10,000 - 12,000 men), operating under Chapter VII authority, would be required to undertake the task. A United Nations peace-keeping force could conceivably be established for this purpose, either linked to UNAMIR or, preferably, as a separate operation. However, it will be recalled how difficult it was for the United Nations to obtain the necessary troops for the expansion of UNAMIR. It is, thus, clear that the United Nations cannot be assured to obtain expeditiously the personnel required to establish a force capable of undertaking this operation. Should the Security Council favor the establishment of such an operation, it may therefore wish to authorize a member state to take the lead in organizing it, using all necessary means to achieve the aims outlined above.

IV. OBSERVATIONS

33. In considering the options for addressing the critical problem of establishing secure conditions in the Rwandese refugee camps in Zaire, as a prerequisite to the repatriation of the refugees to Rwanda, certain implications must be kept in view. Any operation conducted in isolation from efforts toward national reconciliation in Rwanda will be futile. Indeed, it may merely have the effect of intensifying extremist activities in these refugee camps and also those in other countries bordering Rwanda. It is evident that national reconciliation would require both a political understanding between the former leadership of the country and the present government, as well as the establishment of conditions in the camps conducive to the return of the refugees. Neither are imminent. Furthermore, any operation which may encourage the repatriation of refugees to Rwanda who are then not able to return to their home communities -- thus adding to the more than 1.5 million internally displaced persons in the country -- should be avoided.

34. In determining the measures which need to be taken, the Security Council may wish to keep in mind that establishing security in the refugee camps must be seen as only the first step in an overall strategy to establish long-term security and durable peace in Rwanda. A two-pronged approach must be adopted to address security issues in the camps, while, at the same time, the government creates conditions in the country under which large scale repatriation and resettlement of refugees and internally displaced people can take place. This approach is the only means of achieving the environment necessary for national reconciliation and sustainable peace.

35. In the wake of the cataclysm that has overtaken Rwanda, the government finds itself without even the minimal resources to run an administration, much less reconstruct a shattered country and nation. The government has indicated its commitment to creating conditions for the safe repatriation of refugees and has requested assistance from the international community for this purpose. Measures to be taken inside Rwanda must address the issue of property rights as a first priority. Large numbers of older refugees are returning to Rwanda and, in some cases, are occupying the land of those who have recently fled. The Government needs immediate and major financial and technical assistance from the international community to properly resettle the older group of returning refugees and to ensure that those who recently left the country are able to reclaim their properties upon their return.

36. The government and the international community must be equally committed to cooperating with one another in ensuring that special measures are taken in regard to security, economic and social rehabilitation and national reconciliation for the benefit of all Rwandans, but especially in those communities to which refugees and displaced people will return. In this regard,

xxx Human Right Monitors have been deployed to all sectors of the country to monitor the conditions of returning refugees and internally displaced people and to ensure that they are not subject to reprisals. Furthermore, UNAMIR is planning to deploy political affairs officers to its five sectors of operation in the country, specifically to assist the government, through the local administrations, in promoting national reconciliation, re-establishing civil administration, and in coordinating humanitarian and rehabilitation assistance.

37. As noted in my 6 October report, it is fully recognized how difficult it is for the government to undertake nation-building activities when it suffers from a severe lack of basic resources, including cash reserves to pay the salaries of its civil servants. While the international community is calling on the government to undertake such activities, the government is becoming increasingly frustrated with the slow pace of the international community in fulfilling its promises to assist it in doing so. Furthermore, there are signs that the security situation in the country is becoming increasingly unstable as the government is not in a position to strengthen local civil administrations or even to pay the salaries of its army. As a result, there is increasing tension between the Rwandese military and UNAMIR and incidents obstructing UNAMIR's ability to carry out its mandate are becoming more frequent. It is therefore essential for the international community to provide immediate assistance to the government so that it can undertaken the measures necessary, on its part, to help improve the situation in the country and create the conditions necessary to encourage refugees to return.

38. I am convinced that an effort must be undertaken by the international community to improve security in the Rwandese refugee camps. The present report offers some options which the Security Council may wish to consider. On the basis of the information provided by my Special Representative and of the preparatory work undertaken by the Secretariat, I feel that the peace-keeping operation envisaged above may be, under the present circumstances, the most realistic avenue for achieving a progressive improvement of the security environment in the camps. This will be a difficult, complex and largely unprecedented enterprise. It is therefore essential that member states be prepared to provide, in a timely manner, the human, financial and logistic resources necessary to carry it out effectively. I am therefore consulting member states with a view to ascertaining their willingness to participate in such an operation. On the basis of these consultations and of the views which the Security Council may form on the options outlined in this report, I will then be in a position to make more detailed recommendations regarding the role which the United Nations could play to assist in the establishment and maintenance of a secure environment in the Rwandese refugee camps in Zaire.

(1) CNR 652 P1/2

OUTGOING CODE CABLE UNAMIR

84 NOV 1 01 49 IMMEDIATE

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 10 November 1994
NUMBER: UNAMIR: 3710

SUBJECT: International Tribunal

... Please find attached, for your information, a self-explanatory note on the meeting of the Task Force on the establishment of the International Criminal Tribunal for Rwanda which was held yesterday afternoon, as a follow-up to the adoption of Security Council resolution 955(1994). We would be grateful for any comments you may have on this. Regards.

(2) SRSG

a. Protection for the officers and their premises will incur a significant security bill.

b. UNAMIR must have a strong input into the location of the office. We may also require additional CIVPOL to augment the guarding Task. SRSG

c. For your consideration.

FC
11 NOV 94

G.C. Tousignant
Major - General
Commandant

CNR 652 P2/2

NOTE ON THE INTERDEPARTMENTAL MEETING ON THE
ESTABLISHMENT OF AN INTERNATIONAL TRIBUNAL FOR RWANDA
9 November 1994

The Task Force on the establishment of an International Tribunal for Rwanda met yesterday, 9 November, under the chairmanship of Mr. Corell, the Legal Counsel. The objective of the meeting was to discuss the implementation of Security Council Resolution 955 (1994) establishing the Tribunal. Attending were representatives of the Legal Office , DPKO, DPA, OHRM, OCS, OPPBA, OUSG/DAM, and OPMCU/OCSS. Mr. Corell briefed the Task Force on his recent visit to Rwanda. He emphasized that by the time he arrived in Kigali the Government had already decided to vote against the draft resolution in the Security Council establishing the Tribunal. The Government felt that it could not support the Resolution if the death penalty was not included.

It was Mr. Corell's assessment that with emotions in Rwanda rising on the issue of death penalty it would be difficult to have the seat of the Tribunal in Kigali. However, an assessment had to be made and presented to the Security Council.

Mr. Zacklin pointed out that the Security Council had decided that an Office of the Tribunal should be set up in Rwanda, and had also left the possiblity of increasing the number of judges and the Trial Chambers of the Tribunal in order to meet the concerns of Rwanda. The first stage in establishing the Tribunal was to set up the Prosecutor's Office and have a Deputy Prosecutor and the staff appointed, offices and equipment provided by the beginning of December. The second stage would be to get the six judges of the Trial Chambers elected by March or April. Mr. Goldstone had indicated that he wanted to set up 3 investigation teams each with 7 people. It was therefore, necessary to identify premises for the staff.

In the discussion that followed it was concluded that Mr. Charles Wright of OPMCU/OCSS should go and look at the availability of premises and other facilities in Kigali, Nairobi, Dar-Es-Salaam and Arusha. In Kigali, he would check if the Office of the Tribunal could be co-located with UNAMIR. He would also look at facilities for holding trials in these areas. The question of the seat of the Tribunal could be considered later on. It also became apparent that the budgetary process of funding the Tribunal would take a long time to complete. It was therefore decided that Mr. Mark Gilpin of OPPBA should work very closely with the Legal Office to see whether ways could be found of urgently providing funds for the Tribunal for at least three months.

Mr. Corell summarized the discussion by stating that the following needed to be undertaken: (1) preparation of the budget paper, (2) preparation of a draft report to the Security Council to be submitted when necessary, (3) recommending the seat of the Tribunal as well as venues of trial and/or administrative offices, (4) issuing invitations to countries to nominate prospective judges and (5) preparation of Headquarters Agreement for the seat of the Tribunal as well as Host Agreements wherever trial investigation and registry offices are to be established

It was agreed that the Task Force would meet again after the Legal Office has consulted Mr. Goldstone.

Leonard T. Kapungu
10 November 1994

CNR 653 P1/3

UNAMIR
94 NOV 11 05:24

UNITED NATIONS
DEPARTMENT OF PEACEKEEPING OPERATIONS
1994 NOV 10 P 9:02

OUTGOING CODE CABLE

To: KHAN, UNAMIR, KIGALI
KENT, UNREO, KIGALI

From: HANSEN, UNATIONS, NEW YORK

Date: 10 November 1994

Number: 3717

(1)

Reference our meeting in Geneva last Tuesday, I attach a copy of a letter from Mr. James Grant, Executive Director, UNICEF, addressed to the Secretary-General, for your information.

(2)
Noted
11 Nov 94
G.C. Tou.
Major - Gen. .
Commandant

SRSG UNREO

PM
SF
ET
JB
GB
KK

unicef

United Nations Children's Fund
Fonds des Nations Unies pour l'enfance
Fondo de las Naciones Unidas para la Infancia

CNR 653 P2/3
Office of the Executive Director

UNICEF House
3 United Nations Plaza
New York, New York 10017
(212) 326-7035
Telex: 175989 / Fax: (212) 888-7465

INTEROFFICE MEMORANDUM

To: Mr. Boutros-Boutros Ghali
Secretary-General

Date: 7 November 1994

From: James P. Grant
Executive Director

Subject: Rwanda Meeting 8 November

I am very sorry not to be able to join you at this important meeting on Rwanda. I had convened an important meeting with participants from all parts of the world for the same day more than two months ago, and the date could not be adjusted. I have asked Dr. Guido Bertolaso, UNICEF Deputy Executive Director for External Relations, to represent me. He has been deeply involved with complex emergencies for many years and has been in Rwanda and Goma -- recently and over the years.

On the thought it might be useful for your discussion, I am listing several inter-connected issues which must be dealt with if Rwanda is not to drift toward another Somalia.

1) Security to ensure effective distribution of relief supplies in refugee camps. This, of course, is the most immediate issue: how to ensure that relief supplies reach the intended refugees and to assure security for relief personnel. I believe this limited mission can be achieved through police type protection of international personnel and the actual distributions.

2) Security of Rwanda refugees in the camps. The issue here is both that of protecting the refugees against organized intimidation by military personnel of the former government to prevent refugees from returning and to hand over relief supplies distributed to them; and secondly, to avoid the creation of a situation analogous to that of the Pol Pot operating against Cambodia from the camps they controlled. This would be far more complex, require a significantly larger international force and the active collaboration of the Zairian police/soldiers who can distinguish among the Rwandans. This is becoming urgent.

3) Early resettlement of internally displaced persons inside Rwanda. The issue here is that internally displaced persons, particularly those in camps in the South, have been very reluctant to return to their villages and the government has yet to take an all-out facilitative effort. If the internally displaced are reluctant to return to their villages, how can the refugees be expected to return in large numbers?

4) Early accelerated restoration of the functioning of the Rwandan Government. Until very recently, Rwandan Government ministries have been largely shells, with little capacity to restore full government services. A major obstacle has been the lack of ability to pay salaries, due to the absence of a central bank and sources of income. Restoration of these services is indispensable, second to removing intimidation, if a massive return of refugees is to take place. In recent weeks, thanks to imaginative and cooperative programmes, hundreds of schools have reopened, dozens of health centres have resumed functioning, power is gradually being restored, etc. With strong leadership from DHA, much more can be done in the weeks ahead.

Pending restoration of a national currency, and the large-scale availability of funds from the World Bank and IMF early next year, some way needs to be found to cover compensation of those employees who are not now being directly supported. Key government staff of direct concern to WFP and UNICEF (Education, Health, Water) currently are receiving different combinations of compensation in food and cash. We met the same need in Kampuchea in 1980 by giving all civil servants compensation in food for several months (and the Soviets did likewise for the soldiers and police).

5) De facto amnesty. I believe that massive return of refuges is unlikely when hundreds of thousands fear retribution for the roles they played either directly or indirectly in the massacres inside Rwanda. It is noteworthy that none of the recent reconciliation agreements seek to punish past criminal acts by large numbers of people. Thus, the recent Burundi agreement (patterned in many ways after the Mandela-De Klerk agreement for South Africa) does not call for punishment of those responsible for the massacre of 100,000 in Burundi a year ago (among the victims was the wife of the current Burundi president). This de facto amnesty is closely linked, on the one hand, to the establishment of the international tribunal, and on the other to the need for a further broadening of the Kigali Government to include more Hutus identified with the prior government. Some greater depth of national reconciliation is required beyond the steps taken to date by the Kigali Government, but this is much easier said than done!

I hope you find these points useful. UNICEF, of course, will do its part, and more.

END

CNR 650 P1/18 01

OUTGOING CODE CABLE

94 NOV -8 06 53

TO: KHAN, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 8 November 1994

NUMBER: UNAMIR 3695

SUBJECT: Security Council Meeting

Attached is a note on the Security Council Meeting on Rwanda held today, 8 November. The Security Council adopted, by a vote of 13 to 1 against and 1 abstention, Resolution 955 (1994) (attached) establishing an International Tribunal for Rwanda. Rwanda voted against the Resolution while China abstained.

Best regards.

10 Nov 94

ET SRSG

SECURITY COUNCIL MEETING ON RWANDA

8 November 1994

The Security Council, by a vote of 13, 1 against and 1 abstention, adopted today, 8 November, Resolution 955 (1994) (attached) establishing an International Tribunal for Rwanda. Rwanda voted against the Resolution while China abstained. In the explanation of votes, statements were made by France, New Zealand, the United Kingdom, Czech Republic, Argentina, Brazil, Pakistan, China, Spain, Nigeria, Rwanda, Oman, and the United States.

Rwanda explained that it had voted against the Resolution because it did not take into account its concerns which had been brought to the attention of the sponsors of the Resolution. It said that it would have wanted the Tribunal to look at all acts of genocide committed between 1 October 1990 and July 1994 instead of the period from 1 January to 31 December 1994 which the Council had set in the Statute. That period did not take into account the fact that the acts of genocide had been planned earlier, and had even been rehearsed with the elimination of many subgroups of the Tutsis. This had begun as far back as October 1990.

The composition and structure of the Tribunal was not acceptable as the prosecutor of the Tribunal for Rwanda would be the same as that one of the Tribunal for Yugoslavia. The Judges for the two courts to be established for the Tribunal of Rwanda were too few for the case-load in Rwanda. Further, the Statute gave jurisdiction to the Tribunal over crimes outside genocide without giving priorities to what cases it would consider first. The imprisonment of convicts outside Rwanda was unacceptable as this meant that there would be inequitable punishment. Those imprisoned in Rwanda would be liable to have death penalty imposed on them while those imprisoned outside would receive lesser penalties. Some of the prisoners would be in prisons of countries which had supported the regime that committed the genocide. This would undermine confidence in the Tribunal. In order for Rwandese to witness justice it was necessary for the Tribunal to have its seat in Rwanda. Only by doing so would the Tribunal serve as an instrument of national reconciliation. By sitting it in Rwanda the Tribunal would also promote the harmonization of the international and the national jurisprudence.

While it was important for an International Tribunal to be set up, the Tribunal which had been set up by the Council was not the type of the Tribunal that Rwanda expected. It would be ineffective insofar as the Rwanda situation was concerned.

China explained its abstention by stating that it was necessary for the Council to give Rwanda more time for consultation so that all its concerns could be taken into account. It also said that the Security Council had no authority to establish the Tribunal under Chapter VII although it could have considered supporting the Resolution had Rwanda been in favour of it.

Most of the other Member States regretted that the Resolution was not adopted unanimously. They expressed disappointment that Rwanda had voted against it. However, they hoped that despite its position the Government of Rwanda would support the Tribunal and cooperate with it. They urged that the Tribunal be set up as soon as possible. They called upon all States to cooperate with the Tribunal including executing orders to arrest individuals on their territory. New Zealand, the United Kingdom and the United States said that all attempts had been made to take into account the concerns of Rwanda. However, all concerns could not be met without sacrificing the international character of the Tribunal. On the question of death penalty, New Zealand and the United Kingdom said that there was no way they could have supported the Resolution had it called for the imposition of the death penalty. Time had come to end the circle of violence in Rwanda.

Most of the Member States noted that the seat of the Tribunal had yet to be decided. No decision would be taken until a report from the Secretariat had been received. However, they welcomed the fact that in any case an Office of the Tribunal would be established in Rwanda. Pakistan and Nigeria emphasized that, if at all possible, the seat of the Tribunal should be in Rwanda.

Brazil reiterated its position that the establishment of the Tribunal was not within the competence of the Security Council. Its vote for the Resolution should not be taken as a precedent as it maintains that such tribunals must be set up through the conclusion of international conventions.

Spain informed the Council that it had already provided the United Nations with forensic experts to assist it in the investigation of the genocide in Rwanda.

On the question of funding the Tribunal the United States urged all Member States to make voluntary contributions to finance the Tribunal. The United Nations would have to provide adequate funding to have the Tribunal start its work. The United States also called upon all Member States to support the rebuilding of the national judicial system of Rwanda.

Leonard T. Kapungu
8 November 1994

UNITED NATIONS

CNR 650 04 S

Security Council

Resolution S/1995(1994)

PROVISIONAL

S/1994/1168
8 November 1994

ORIGINAL: ENGLISH

Argentina, France, New Zealand, Russian Federation, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda,

Having considered the reports of the Secretary-General pursuant to paragraph 3 of resolution 935 (1994) of 1 July 1994 (S/1994/879 and S/1994/906), and having taken note of the reports of the Special Rapporteur for Rwanda of the United Nations Commission on Human Rights (S/1994/1157, annex I and annex II),

Expressing appreciation for the work of the Commission of Experts established pursuant to resolution 935 (1994), in particular its preliminary report on violations of international humanitarian law in Rwanda transmitted by the Secretary-General's letter of 1 October 1994 (S/1994/1125),

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

Determining that this situation continues to constitute a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of Rwanda, the prosecution of persons responsible for serious violations of international humanitarian law would enable this aim to be achieved and would contribute to the process of national reconciliation and to the restoration and maintenance of peace,

Believing that the establishment of an international tribunal for the prosecution of persons responsible for genocide and the other above-mentioned violations of international humanitarian law will contribute to ensuring that such violations are halted and effectively redressed,

Stressing also the need for international cooperation to strengthen the courts and judicial system of Rwanda, having regard in particular to the necessity for those courts to deal with large numbers of suspects,

Considering that the Commission of Experts established pursuant to resolution 935 (1994) should continue on an urgent basis the collection of information relating to evidence of grave violations of international humanitarian law committed in the territory of Rwanda and should submit its final report to the Secretary-General by 30 November 1994,

Acting under Chapter VII of the Charter of the United Nations,

1. Decides hereby, having received the request of the Government of Rwanda (S/1994/1115), to establish an international tribunal for the sole purpose of prosecuting persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 and to this end to adopt the Statute of the International Criminal Tribunal for Rwanda annexed hereto;

2. Decides that all States shall cooperate fully with the International Tribunal and its organs in accordance with the present resolution and the Statute of the International Tribunal and that consequently all States shall take any measures necessary under their domestic law to implement the provisions of the present resolution and the Statute, including the obligation of States to comply with requests for assistance or orders issued by a Trial Chamber under Article 28 of the Statute, and requests States to keep the Secretary-General informed of such measures;

3. Considers that the Government of Rwanda should be notified prior to the taking of decisions under articles 26 and 27 of the Statute;

4. Urges States and intergovernmental and non-governmental organizations to contribute funds, equipment and services to the International Tribunal, including the offer of expert personnel;

5. Requests the Secretary-General to implement this resolution urgently and in particular to make practical arrangements for the effective functioning of the International Tribunal, including recommendations to the Council as to possible locations for the seat of the International Tribunal at the earliest time and to report periodically to the Council;

6. Decides that the seat of the International Tribunal shall be determined by the Council having regard to considerations of justice and fairness as well as administrative efficiency, including access to witnesses and economy, and subject to the conclusion of appropriate arrangements between the United Nations and the State of the seat, acceptable to the Council, having regard to the fact that the International Tribunal may meet away from its seat when it considers it necessary for the efficient exercise of its functions; and decides that an office will be established and proceedings will be conducted

Rwanda, where feasible and appropriate, subject to the conclusion of similar appropriate arrangements;

7. Decides to consider increasing the number of judges and Trial Chambers of the International Tribunal if it becomes necessary;

8. Decides to remain actively seized of the matter.

Annex

Statute of the International Tribunal for Rwanda

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994 (hereinafter referred to as "the International Tribunal for Rwanda") shall function in accordance with the provisions of the present Statute.

Article 1

Competence of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, in accordance with the provisions of the present Statute.

Article 2

Genocide

1. The International Tribunal for Rwanda shall have the power to prosecute persons committing genocide as defined in paragraph 2 of this article or of committing any of the other acts enumerated in paragraph 3 of this article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

(a) Genocide;

(b) Conspiracy to commit genocide;

(c) Direct and public incitement to commit genocide;

(d) Attempt to commit genocide;

(e) Complicity in genocide.

Article 3

Crimes against humanity

The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds:

(a) Murder;

(b) Extermination;

(c) Enslavement;

(d) Deportation;

(e) Imprisonment;

(f) Torture;

(g) Rape;

(h) Persecutions on political, racial and religious grounds;

(i) Other inhumane acts.

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Article 4

Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II

The International Tribunal for Rwanda shall have the power to prosecute persons committing or ordering to be committed serious violations of Article 3 common to the Geneva Conventions of 12 August 1949 for the Protection of War Victims, and of Additional Protocol II thereto of 8 June 1977. These violations shall include, but shall not be limited to:

(a) Violence to life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;

(b) Collective punishments;

(c) Taking of hostages;

(d) Acts of terrorism;

(e) Outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;

(f) Pillage;

(g) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples;

(h) Threats to commit any of the foregoing acts.

Article 5

Personal jurisdiction

The International Tribunal for Rwanda shall have jurisdiction over natural persons pursuant to the provisions of the present Statute.

Article 6

Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 4 of the present Statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 4 of the present Statute was committed by a subordinate does not relieve his or her superior of criminal responsibility if he or she knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him or her of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal for Rwanda determines that justice so requires.

Article 7

Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal for Rwanda shall extend to the territory of Rwanda including its land surface and airspace as well as to the territory of neighbouring States in respect of serious violations of international humanitarian law committed by Rwandan citizens. The temporal jurisdiction of the International Tribunal for Rwanda shall extend to a period beginning on 1 January 1994 and ending on 31 December 1994.

Article 8

Concurrent jurisdiction

1. The International Tribunal for Rwanda and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The International Tribunal for Rwanda shall have primacy over the national courts of all States. At any stage of the procedure, the International Tribunal for Rwanda may formally request national courts to defer to its competence in accordance with the present Statute and the Rules of Procedure and Evidence of the International Tribunal for Rwanda.

Article 9

Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present Statute, for which he or she has already been tried by the International Tribunal for Rwanda.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal for Rwanda only if:

(a) The act for which he or she was tried was characterized as an ordinary crime; or

(b) The national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present Statute, the International Tribunal for Rwanda shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 10

Organization of the International Tribunal for Rwanda

The International Tribunal for Rwanda shall consist of the following organs:

(a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;

(b) The Prosecutor; and

(c) A Registry.

Article 11

Composition of the Chambers

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

(a) Three judges shall serve in each of the Trial Chambers;

(b) Five judges shall serve in the Appeals Chamber.

Article 12

Qualification and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The members of the Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal for the Former Yugoslavia") shall also serve as the members of the Appeals Chamber of the International Tribunal for Rwanda.

3. The judges of the Trial Chambers of the International Tribunal for Rwanda shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the Trial Chambers from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within thirty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality and neither of whom shall be of the same nationality as any judge on the Appeals Chamber;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of not less than twelve and not more than eighteen candidates, taking due account of adequate representation on the International Tribunal for Rwanda of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the six judges of the Trial Chambers. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

4. In the event of a vacancy in the Trial Chambers, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

5. The judges of the Trial Chambers shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Tribunal for the Former Yugoslavia. They shall be eligible for re-election.

Article 13

Officers and members of the Chambers

1. The judges of the International Tribunal for Rwanda shall elect a President.

2. After consultation with the judges of the International Tribunal for Rwanda, the President shall assign the judges to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

3. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of that Trial Chamber as a whole.

Article 14

Rules of procedure and evidence

The judges of the International Tribunal for Rwanda shall adopt, for the purpose of proceedings before the International Tribunal for Rwanda, the rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters of the International Tribunal for the Former Yugoslavia with such changes as they deem necessary.

Article 15

The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens responsible for such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal for Rwanda. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Prosecutor of the International Tribunal for the Former Yugoslavia shall also serve as the Prosecutor of the International Tribunal for Rwanda. He or she shall have additional staff, including an additional Deputy Prosecutor to assist with prosecutions before the International Tribunal for Rwanda. Such

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staff shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

Article 16

The Registry

1. The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal for Rwanda. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

Article 17

Investigation and preparation of indictment

1. The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his or her own choice, including the right to have legal assistance assigned to the suspect without payment by him or her in any such case if he or she does not have sufficient means to pay for it, as well as to necessary translation into and from a language he or she speaks and understands.

4. Upon a determination that a prima facie case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the Statute. The indictment shall be transmitted to a judge of the Trial Chamber.

Article 18

Review of the indictment

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a prima facie case has been established by the Prosecutor, he or she shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

Article 19

Commencement and conduct of trial proceedings

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal for Rwanda, be taken into custody, immediately informed of the charges against him or her and transferred to the International Tribunal for Rwanda.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

Article 20

Rights of the accused

1. All persons shall be equal before the International Tribunal for Rwanda.

2. In the determination of charges against him or her, the accused shall be entitled to a fair and public hearing, subject to article 21 of the Statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present Statute.

4. In the determination of any charge against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her;

(b) To have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing;

(c) To be tried without undue delay;

(d) To be tried in his or her presence, and to defend himself or herself in person or through legal assistance of his or her own choosing; to be informed, if he or she does not have legal assistance, of this right; and to have legal assistance assigned to him or her, in any case where the interests of justice so require, and without payment by him or her in any such case if he or she does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him or her and to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him or her;

(f) To have the free assistance of an interpreter if he or she cannot understand or speak the language used in the International Tribunal for Rwanda;

(g) Not to be compelled to testify against himself or herself or to confess guilt.

Article 21

Protection of victims and witnesses

The International Tribunal for Rwanda shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the victim's identity.

Article 22

Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 23

Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of Rwanda.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Article 24

Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

(a) An error on a question of law invalidating the decision; or

(b) An error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

Article 25

Review proceedings

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal for Rwanda an application for review of the judgement.

Article 26

Enforcement of sentences

Imprisonment shall be served in Rwanda or any of the States on a list of States which have indicated to the Security Council their willingness to accept convicted persons, as designated by the International Tribunal for Rwanda. Such

imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal for Rwanda.

Article 27

Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal for Rwanda accordingly. There shall only be pardon or commutation of sentence if the President of the International Tribunal for Rwanda, in consultation with the judges, so decides on the basis of the interests of justice and the general principles of law.

Article 28

Cooperation and judicial assistance

1. States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

(a) The identification and location of persons;

(b) The taking of testimony and the production of evidence;

(c) The service of documents;

(d) The arrest or detention of persons;

(e) The surrender or the transfer of the accused to the International Tribunal for Rwanda.

Article 29

The status, privileges and immunities of the International Tribunal for Rwanda

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal for Rwanda, the judges, the Prosecutor and his or her staff, and the Registrar and his or her staff.

/...

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of this article.

4. Other persons, including the accused, required at the seat or meeting place of the International Tribunal for Rwanda shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal for Rwanda.

Article 30

Expenses of the International Tribunal for Rwanda

The expenses of the International Tribunal for Rwanda shall be expenses of the Organization in accordance with Article 17 of the Charter of the United Nations.

Article 31

Working languages

The working languages of the International Tribunal shall be English and French.

Article 32

Annual report

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

UNAMIR CNR 644 P1/4

94 NOV -3 06:43

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 2 November 1994

NUMBER: UNAMIR 3613

SUBJECT: Security in the Rwandese refugee camps

94 NOV 2 PM 6:23

1. Thank you for your MIR 2267 on your visit to the Ngara refugee camps in Tanzania. The information you provided is very helpful as we proceed to deal with the question of security in the Rwandese refugee camps in both Tanzania and Zaire. Attached is a note of the meeting we on the same question with a delegation from the United States on 1 November. The meeting felt the same as you that if Tanzania was provided with sufficient financial and logistic support it would be able to address the security problems in the camps on its territory.

2. We would welcome any comments you may have on the discussion we had with the US delegation as indicated in the attached note.

Best regards

NOTE FOR THE FILE

Meeting with the United States Delegation on Security in the Rwandese refugee camps

1. Senior officials of DPKO, DPA, DHA, and UNHCR met on 1 November 1994 with representatives of the United States Government, including the National Security Council, State Department, Joint Chiefs of Staff and the US Permanent Mission to the United Nations. A list of the US Officials is attached. The Representative of the High Commissioner for Human Rights in New York was also present.

2. Mr. Annan explained that the recommendation of the UN Technical Team to separate former Rwandese political leaders, the military and the militia from the refugees in camps in Zaire would require an overwhelming force of at least a division, possibly operating under chapter VII, for which it would most likely be difficult to find troops. The Secretariat was therefore looking at other options to increase security in the camps which did not involve separation. One option was for international assistance to be provided to train, supervise and monitor Zairian forces so that they could effectively provide security in the camps. Equipment and financial assistance would also be provided. This was similar to a recent proposal of UNHCR.

3. The second option was to organize selected elements of the former Rwandese gendarmerie in the camps, who were not involved in the atrocities, to provide security in the camps. International personnel would provide supervision and monitoring and the gendarmerie would later be incorporated into the Rwandan national police. The third option was to establish a peace-keeping force, under chapter VI, which could be deployed on an incremental basis, covering one or two camps at a time, to provide security for international relief workers, the delivery of humanitarian assistance, and to escort to the border those refugees who wanted to return. UNAMIR would then escort them from the border to their home communities. Mr. Annan stressed that these options were not mutually exclusive and could be coupled.

4. The proposal recently put forward by UNHCR was very exploratory and included the deployment 600-800 international security personnel to be provided through bilateral arrangements by the contributing countries with the government of Zaire. These personnel would train Zairian security elements and work with them in providing security in the camps. This proposal would be part of other options the United Nations may decide to undertake, but would, at best, take 4-6 weeks to implement.

5. It was pointed out that security issues also had to be addressed around the camps and at border crossings. Furthermore, conditions had to be created inside the country so that the refugees could safely return. In addition, the problem of internally displaced persons had to be addressed. However, the government did not have the finances necessary to ensure that appropriate measures were taken to address these issues and was getting increasingly frustrated in this regard. Furthermore, there was evidence that the security situation in the country was becoming more unstable.

6. The United States delegation agreed that there were two equally important problems which had to be addressed simultaneously. One was to provide the Rwandese Government with sufficient

financial resources to enable it to function and to encourage it to reintegrate the army of the former warring factions. The United States was in the process of trying to assist the government in raising the $7.5 million required to erase its arrears with the international financial institutions and had provided $2.5 million toward this end. The second problem to be tackled was to provide security in the Rwandese refugee camps and to encourage the refugees to return.

7. The United States delegation agreed with the assessment of Mr. Annan that it would not be possible to assemble a division to perform the task of separating political leaders, the military and the militia from the camp population. This was not, therefore, a real option. The US delegation doubted whether local security forces could be trained to provide effective security in the camps.

8. The US delegation indicated that the US would be prepared to support either a limited chapter 7 or an aggressive chapter 6 peace-keeping mission. The nature of the mission would be dictated by the number of troops that could be recruited. It was suggested that two battalions, plus logistics units, (1600-2000 men) could be deployed. The first battalion would provide daytime protection for relief workers and to secure border crossings. The second battalion would provide a "security bubble" which would go into each camp, a month at a time, to provide security for those who wished to repatriate.

9. In regard to the short-term "bubble" concept, it was pointed out that the former political leaders were waiting for the Rwandese government to collapse and would also wait-out a limited period peace-keeping force deployed to the camps. The US delegation noted that it was the fear of incursions into Rwanda that drove their concern over the security of the camps. It was also pointed out that the "bubble" concept did not address the control that the militia had over the camps. In this regard, the idea of Zaire possibly setting up detention centres for these elements was discussed. It was also noted that even if conditions were created in the camps so that the refugees could freely chose to repatriate, the conditions were not such inside Rwanda for them to safely return to the country.

10. In regard to the camps in Tanzania, the US suggested that the best way to increase security was to assist the government in its present efforts towards this end, working through UNHCR. It was pointed out that the UNHCR was already providing logistic support to the Tanzanian security forces who were operating effectively in the camps in Tanzania. The US delegation indicated that the US may be prepared to support efforts to assist Tanzania in increasing security in the camps.

11. Mr. Annan pointed out that in order not to put UNAMIR in an untenable position of being criticised for favouring one side against the other, it was preferable that the operation in Zaire be a separate force on the pattern of UNOMUR. He also suggested that preferably a force level of 2,500 soldiers should be considered.

12. There was discussion whether such a peace-keeping force should operate under Chapter VI or Chapter VII. The UNHCR representative stressed that humanitarian agencies would prefer that such a force operate under Chapter VI. The US was of the view that chapter under which the force would operate would depend, to a large part, upon the troop contributing countries. The US proposed that countries such as Turkey, Pakistan, Morocco, Russia, Indonesia, Poland, and South Korea, which is considered to have the capability to provide troops, be approached at the highest level for this purpose. The US would be able to help in this regard and was also be prepared to assist the UNations in planning for the operation and in the provision of lift capacity and equipment.

13. The Secretariat would proceed with the preparation of the Secretary-General's report to the Security Council in which a number of options would be put forward. These options would include (a) deployment of a peace-keeping force in the camps, (b) strengthening Zairian security capacity, as well as organizing the untainted elements of the former Rwandese gendarmerie to provide security; and (c) measures to secure funding for Tanzanian security personnel. These proposals would be provided to the Security Council to garner the Council's preliminary reaction to them. In the meantime, further planning would be undertaken, and potential troop contributing countries would be approached, before more concrete recommendations in this regard were submitted to the Council for its consideration.

KM/LTK/MC
2 November 1994

CNR 639 P1/1

OUTGOING CODE CABLE UNAMIR

94 NOV -2 04 231

TO: KHAN, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 1 November 1994

NUMBER: UNAMIR 3589

SUBJECT: RPA Restriction - Use of APC

1. Thank you for your FAX MIR-2258 dated 1 November 1994. We consider this incident very serious and any attempts to restrict your freedom of movement is unacceptable.

2. The FC should take a firm position with the Defence Minister during your scheduled meeting on 2 November. The mandate of UNAMIR under resolutions 917 (1994) and 925 (1994) requires not only freedom of movement, but the capability to move the necessary forces to extend protection to people at risk.

3. Kindly inform us of the outcome of your meeting with the Minister of Defence, so that we decide on the further action which may be required. Best regards.

SRSG

CNR 606 P1/1

UNITED NATIONS NATIONS UNIES

OUTGOING CODE CABLE

TO: SHAHARYAR KHAN, UNAMIR, KIGALI

FROM: ANNAN, DPKO, UNATIONS, NEW YORK

DATE: 13 OCTOBER, 1994

NUMBER: 3305

SUBJECT: Contribution of CIVPOL to UNAMIR

Reference our cable number 3295 dated 12 October 1994, I would very much appreciate your confirmation that arrangements have been concluded to receive the Djibouti CIVPOL contingent in Nairobi as advised, and for their prompt travel to Kigali.

Best Regards.

MA to fc
Please prepare
a response before
2 pm for the SRSG
Signature. thanks.
Hedi 14/10

CNR-608 P1/1

UNAMIR

OUTGOING CODE CABLE OCT 14 22 :59

TO: TOUSIGNANT, FORCE COMMANDER, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 13 October 1994

NUMBER: 3313

SUBJECT: **Rules of Engagement.**

1. The Office of Legal Affairs is reviewing approval procedures for Rules of Engagement and minor changes may be decided.

2. In the meantime, the updated Rules of Engagement submitted by your fac-simile No. 1998, dated 26 September 1994, have been approved.

3. Regards.

ONM 572 PL/7

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE

IN

OUTGOING CODE CABLE

IMMEDIATE

1994 SEP 22 P 4:50
UNITED NATIONS
OPERATIONS

TO: SHAHARYAR KHAN, UNAMIR, KIGALI
FROM: GOULDING, UNATIONS, NEW YORK
DATE: 22 SEPTEMBER 1994
NUMBER: 3089

SUBJECT: NOTES ATTACHED

ATTACHED PLEASE FIND, FOR YOUR INFORMATION, TWO NOTES:

1) ON KOUVATE'S MEETING WITH THE PRESIDENT OF MEDECINS SANS FRONTIERES;
2) A NOTE PREPARED BY THIS DEPARTMENT TO ENABLE MR.GHAREKHAN TO BRIEF THE SECURITY COUNCIL ON RWANDA.

WITH WARM REGARDS.

6

FG A 7410

MA

CNR 572 92/7

Note to Mr. Goulding

RWANDA

Attached please find a note on my meeting yesterday with a delegation from Médecins Sans Frontières concerning human rights in Rwanda.

As you will see, their verdict of the UN's activities in this area is not a very positive one.

Lansana Kouyaté
22 September 1994

cc Mr. K. Annan
Mr. J. Ayalo Lasso
Mr. H. Corell
Mr. I. Fall
Mr. S. Khan

Note for the file

RWANDA/
MEDECINS SANS FRONTIERES

On 21 September, Mr. Kouyaté was visited by Mr. Philippe Biberson, President of MSF, Ms. Françoise Saulnier, an international lawyer with MSF, and Ms. Catherine Dumait-Harper, UN liaison officer for MSF. Also present was Andrew Gilmour of DPA.

Ms. Saulnier had just returned from Rwanda and was appalled by the slowness of the United Nations, which had promised so much in the field of human rights, yet so far had achieved absolutely nothing. There were still hardly any UN human rights officers deployed, several months after the Commission on Human Rights adopted its resolution (in May). Those few officers that were in place had no equipment whatsoever to carry out their work.

As a result of this almost total inactivity, some of the NGOs were being forced to do the work that should be done by the UN. However, this work was far more dangerous for NGOs, many of whom were identified with particular countries (France, Belgium etc.) and not seen as impartial. The NGOs often found it very difficult to know what to do with the evidence they unavoidably encountered. One consequence of continued delays in the dispensing of justice was that many Rwandans might start to take justice into their own hands and exact bloody reprisals.

Regarding an international tribunal, MSF also felt that there was a pressing need to establish one, since nobody in Rwanda saw Rwandan justice as impartial. The trials of people accused of committing human rights abuses would have no credibility in the country if the judges were Rwandan.

Mr. Kouyaté completely agreed that speed was of the essence and informed the MSF delegation that discussions had started with members of the Security Council over whether the jurisdiction of the Yugoslav Tribunal should be extended to Rwanda or whether it should be separate.

He briefed them on the three recent UN missions in the region: Mr. Khan's, Amb. Dillon's and Mr. Annan's, and hoped that the UN would have more information about the current human rights situation after Mr. Annan returned. He also stressed that much of the problem concerning the UN human rights officers derived from the lack of money, with only $2.5 million having been pledged towards Mr. Ayalo Lasso's appeal of $10 million.

AG

Andrew Gilmour
22 September 1994

URGENT

Note to Mr. Gharekhan

RWANDA

Please find attached, as requested, a note prepared by the Africa II Division of DPA, on the situation in Rwanda.

I would particularly like to draw your attention to the information contained in the section on human rights and the urgent need for more funds.

Lansana Kouyate
22 September 1994

cc Mr. Goulding
Mr. Annan
Mr. Correll

CNR 572 P5/7

Note to Mr. C. Gharekhan

RWANDA

Alleged massacres

1. As I have already informed the Security Council, there were some unconfirmed reports that massacres of Hutus by RPF forces were committed last week in the district of Byumba and in the towns of Muko, Ngambe, and Nyabihu.

2. A joint UNAMIR/RPF delegation left Kigali today in order to conduct an investigation. The Security Council will be informed about its results as soon as possible.

Political

1. The SRSG visited Zaire from 12 to 14 September 1994 where he met with President Mobutu, the Prime Minister and other high-ranking Government officials, as well as members of the diplomatic corps. Discussions focussed on problems linked to the serious refugee situation in the eastern border areas of Zaire.

2. While addressing the political, economic and ecological consequences of the refugee situation for Zaire, officials underlined the inability to address the problem appropriately in terms of logistic and financial means and emphasized that they would continue to look for assistance from the United Nations in alleviating the refugee problem for Zaire and solving the humanitarian crisis in the area.

3. As a first step towards that end, Zairian officials recognized the immediate need to relocate military elements from the camps to new sites farther away from the border areas. Concern was raised regarding members of the militia, of the former presidential guard, and the lower political echelons who - to a more serious degree - are posing the greatest intimidating threat to refugees willing to return to Rwanda. Zaire requested the international community to assist in the relocation operation.

4. Special emphasis was given to the consideration of measures dealing with the latter group of refugees. There was agreement over the need to discreetly identify members of the group in order to isolate extremist elements from the ordinary refugee population. A show of strength was necessary to restrain the militia element. It was believed that the removal of the uniformed military would deal a blow to the morale of the militia. The need for caution was repeatedly underlined.

5. It was the view of Zairian officials that the much needed security for operations under consideration could only be

provided for by the international community through the United Nations. Zaire was ready to make an appropriate request but would militarily cooperate with that force.

6. Agreement was also reached about the need to quantify more precisely the extent of the logistic, financial and security assistance required for the operation. A joint working group was established to prepare a proposal which could be presented to the United Nations, particularly to the Security Council. The working group was supposed to start its work yesterday.

7. On 16 September 1994, the SRSG met with the President of Tanzania to discuss similar issues. Agreement was reached in principle to address the refugee problem as outlined in the context of Zaire. The President promised to convey the SRSG's views to members of his Government.

8. The Under-Secretary-General for Peacekeeping Operations, Mr. Kofi Annan, visited the area to evaluate the refugee situation, the general situation in Rwanda and the needs for continued UNAMIR operations. During his stay in Kigali, Mr. Annan met with Prime Minister Twagiramungu and other Government officials. During his visit to Sector 4, Mr. Annan stopped at Cyangugu, Kibuye and Gikongoro. During his visit to Sector 5, he travelled to Meruru to visit the Gisenyi Military Observer Headquarters. Upon conclusion of his mission, he attended ceremonies at Kabale, Uganda, marking the closing of UNOMUR. Mr. Annan has left Kigali for Nairobi and is expected to arrive in New York soon.

9. In a separate development, a two-day international conference on rebuilding Rwanda was held over the last weekend in The Hague. It was organized by the Amsterdam-based National Committee for Development Organization and sponsored by the OAU and the Council of Europe. Some 125 representatives of African and European governments and parliaments, including a delegation from Rwanda, discussed Rwanda's problems and sought proposals on how best to rebuild Rwanda and assist its neighbors which have suffered from damage left in the wake of hundreds of thousands of refugees. The delegation of the Government of Rwanda was led by President Pasteur Bizimungu. The Hague Appeal issued at the end of the conference called for the speedy creation of an international tribunal and urged the international community to support the new Government in encouraging the refugees to return to Rwanda.

10. On 20 September 1994, another conference was opened in Ouagadougou, Burkina Faso, focussing on how to create a new State from the wreckage of Rwanda after civil war and unprecedented massacres. Participants included two former ministers of the Habyarimana Government, one representing the Republican Democratic Movement, and the other the National Republican

Movement for Democracy and Development. Representatives of civil groups participated from the refugee camps in eastern Zaire, and some from the Kigali area. Reportedly, the new Government was not represented. The conference seemed to have been inconclusive.

Human rights

1. Based on reports from the field, humanitarian relief agencies and other non-governmental organizations appealed to the United Nations to increase its presence and action, particularly in the field of human rights. Lack of appropriate personnel and equipment would create a vacuum which can not be filled by them. Non-governmental organizations, therefore, call upon Member States to increase their voluntary financial assistance for the deployment of human rights observers. The action was triggered by reports indicating that repeated efforts by the High Commissioner for Human Rights to acquire the needed level of funding failed. Out of the US$ 10 million finance requirement only US$ 2 million were pledged.

2. The High Commissioner for Human Rights announced the arrival of a five-member investigative team in Kigali to gather evidence to identify persons most culpable and responsible for grave violations of international humanitarian law, including genocide, committed in Rwanda beginning on or about 6 April 1994. The expert team, provided by the Government of the United States of America, includes prosecuting attorneys, investigators and legal experts. The arrival of the team in Kigali brings to 25 the number of human rights field officers in Rwanda.

3. In this context, the Secretary-General urges once again Member States to help accelerate the return of the refugees and the rebuilding of the country by providing the necessary assistance. He cannot underline enough the urgent need to tackle the crucial issue of human rights and establish as soon as possible a tribunal which will finally break the cycle of impunity which has plagued Rwanda for too many decades.

Humanitarian

1. On 20 September 1994, an explosion caused by either a bomb or a grenade left several people dead and about 15 injured in a refugee camp at Chimanga, 80 kilometers from Bukavu in eastern Zaire. Another mass grave containing some 8,000 bodies has been discovered near Gafunzo in Sector 4.

DPA
22 September 1994

CNR 593 P1/4

OUTGOING CODE CABLE

MOST IMMEDIATE

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 6 October 1994
NUMBER: UNAMIR: 3229

SUBJECT: Next steps in Rwanda

In preparation of a meeting which we will have with US Government officials tomorrow morning, we have received the attached "non-paper" from the US Permanent Mission. We would be grateful if you could let us have your views regarding the issues raised in the paper. Please ensure that your reply is received here by 9:00 a.m. our time tomorrow, so that it can be used, as appropriate, during the meeting. Many thanks and regards.

G.
Please copy to DPKO Ops, Dobbie then File beside SRSG Extended Mandate material
A 8/10 MA

Sorry have not received your reply with file
7/10

Please advise for the views of the FC as requested
7/10

U.S. Government Non-Paper on
Next Steps in Rwanda and the Region

The primary objective of the international community in Rwanda should be to create a safe and secure environment so that refugees and displaced persons can voluntarily repatriate in confidence.

In this regard, there are at least three related problems which need to be addressed: security in the refugee camps [including security for refugees, relief workers, and removal/separation of ex-FAR and Hutu militia]; ex-FAR and Hutu militia incursions into Rwanda; and human rights violations by the RPA. These problems should be addressed through a coordinated strategy of concurrent and integrated steps that will create conditions for the primary objective: safe, voluntary return of refugees and displaced persons.

The U.S. Government is exploring various ideas to address the security issues involved in repatriation of refugees/displaced persons from the camps in Rwanda, Zaire, Tanzania and Burundi. We believe at least two actions are necessary to reach the primary goal of a safe repatriation:

-- UNAMIR must be fully deployed throughout Rwanda.

-- Until restoration of confidence is achieved, there is a need to minimize suffering and exposure to violence in the camps. This means protection of refugees and relief workers from militia and ex-FAR.

The U.S. Government is ready to cooperate in both endeavors. However, to be effective, we must explore thoroughly the options and define exactly the mission. Questions about the mandate of an expanded UNAMIR mission or any other option must be addressed and thought through.

Questions For Consideration:

The following set of questions are a fact-finding tool, and should not be taken to imply any preferred course of action. However, we would like the UN to address the following questions:

General Issues:

-- How does the UN intend to work toward the primary objective as we see it, that is to create a secure environment in Rwanda to enable the safe repatriation of refugees and the return to their homes of internally displaced persons?

-- Does the UN intend to propose an expansion of UNAMIR, or the creation of a new force [or forces] to achieve these goals?

-- If so, what would be the role of this force (an expanded UNAMIR, an OAU force, something similar to the French-led Operation Turquoise, or a country acting bilaterally are possible ideas)? Would this force (or forces) provide security only for returnees in Rwanda? For refugees in camps outside Rwanda? For relief workers in camps?

-- Assuming a UN-led mission, if this force was being asked to provide some form of protection in the camps, would it be under a chapter VI mandate, or would a chapter VII mandate be required?

-- If chapter VI, who would be asked for consent - Rwanda, Zaire, Tanzania, Burundi, former government leaders?

-- In general, should there be a UN political dialogue with the refugee Hutus, and who would the UN (Dillon or Khan) talk to? Would the UN talk to armed groups? If not, what are the implications for Ch VI vs. Ch VII?

-- What size force is envisioned? What is the predicted budget for such a force and where would resources be identified to support the force?

-- What would be the UN's strategy to recruit sufficient troops?

-- What would be the proposed timeline of the operation? What clear objectives and realistic criteria would be taken into account for ending the operation?

-- What would be the UN's response if political reconciliation does not progress as expected?

Camp Security

-- It is vital to know exactly what threat exists before a mission to address that threat can be formulated. We understand that the threat varies from camp to camp, and for each individual [i.e., a different threat exists for Tutsi refugees, Hutu refugees, and relief workers, etc.].

-- What is the UN's view of the existing threat(s) in the refugee camps in Zaire, Burundi and Tanzania?

-- Are you considering having a potential force remove the ex-FAR and Hutu militia from the camps? What role should the force play in disarming/reintegrating ex-FAR forces? Are these achievable goals that are worth pursuing?

-- How would efforts towards demobilization and reintegration of the ex-FAR affect planning?

Border Incursions:

-- Is it necessary to place an inter-positional force along Rwanda's border? If so should UNAMIR assume this role, or should a separate force be for this purpose?

Human Rights:

-- What should be UNAMIR's mandate concerning the deterrence/halting of human rights abuses inside Rwanda? What is the appropriate relationship between UNAMIR or any new force and Human rights monitors?

Other Concepts:

-- In addition to the multilateral force option, other concepts need to be explored.

-- The donor community should examine incentives [primarily financial] which the international community could offer the ex-FAR to disarm, don civilian clothing, and relocate voluntarily.

-- Consideration should be given to continuing to look for countries willing to provide or assist Zaire and Tanzania to provide security on a bilateral or multilateral basis.

-- Consideration should also be given to pursuing the option of a regional security effort [the immediate neighbors/the Great Lakes States organization], with OAU/UN blessing, which would provide security in the camps and might even escort volunteer refugees back. This latter aspect [an idea floated by Tanzania] faces obvious problems [e.g., the need for GOR agreement, the need for donor financing] and assumes that, absent intimidation in the camps, a large number of refugees would be willing to return to Rwanda.

-- Above all, the international community needs to continue its efforts to reduce the level of insecurity in Rwanda by encouraging the new authorities in Kigali to eliminate reprisal killings and help the gor to reestablish infrastructure [judicial, financial, commercial and transport] and create conditions which will encourage voluntary repatriation of refugees. Effective action is especially necessary to address land/property tenure issues inside Rwanda in order to address competing claims on the part of recently-departed Hutu refugees and returning long-duration Tutsi refugees.

-- An achievable mission to address these urgent problems must be clearly defined. We would appreciate hearing your views as soon as possible.

-- We would like to send a team of US government officials to New York to discuss further these issues. We look forward to the issuance of UN secretariat's next report on Rwanda and the region.

CNR 583 CNM 221 P1/1

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI

INFO: GBEHO, UNOSOM, MOGADISHU

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 29 SEPTEMBER 1994

NUMBER: **3166**

SUBJECT: **AIR SUPPORT - UNAMIR**

Notes

30 Sept

G.C. Tousignant
Major - General
Commandant

1. WITH REFERENCE TO YOUR REQUEST FOR SUPPORT TO UNAMIR AIRCRAFT OPERATIONS, YOUR CONCERNS HAVE BEEN THE SUBJECT OF CAREFUL CONSIDERATION AND EXTENSIVE DISCUSSION AMONG OUR AIROPS PROFESSIONALS (AS WELL AS UNOSOM).

2. I TRUST THAT YOU ARE AWARE OF THE FINANCIAL DIFFICULTIES WHICH LED TO THE GAP IN AVAILABILITY OF AIRCRAFT WITHIN UNAMIR; ALTHOUGH EVERY EFFORT IS MADE TO ENABLE CONTINUITY IN FUNDING, THE UN LEGISLATIVE PROCESS IS NOT ALWAYS AS RAPID AND TIMELY AS NEEDED. NONETHELESS, WE HAVE ENDEAVOURED TO PROVIDE MAXIMUM FLEXIBILITY IN MEETING YOUR AIR SUPPORT REQUIREMENTS. HENCE THE AGREEMENT TO MAINTAIN THREE HELICOPTERS UNTIL THE QUESTION OF THE MILITARY OPTION IS RESOLVED, THE CONTINUING OFFER OF SUPPORT AS POSSIBLE FROM UNOSOM, AND THE FALL-BACK OPTION OF COMMERCIAL CONTRACTING FROM LOCAL SOURCES. EVERY POSSIBLE EFFORT IS BEING MADE IN THE MEANTIME TO EXPEDITE THE POSITIONING OF UNAMIR'S AIRCRAFT.

3. WE ARE UNFORTUNATELY UNABLE TO SUPPORT YOUR REQUEST TO REDISTRIBUTE UNOSOM AIRCRAFT ASSETS TO UNAMIR. TRANSFER OR DEDICATION OF ASSETS FROM ONE MISSION TO ANOTHER IS NOT POSSIBLE, FOR REASONS OF BUDGETARY INTEGRITY AND FISCAL/LEGISLATIVE ACCOUNTABILITY. THE FINANCIAL RULES AND REGULATIONS OF THE ORGANIZATION ARE QUITE CLEAR ON THIS POINT.

4. AS NOTED ABOVE, UNOSOM HAS BEEN ADVISED OF YOUR DIFFICULTIES, AND HAS BEEN INSTRUCTED TO CONTINUE TO APPLY THE UTMOST FLEXIBILITY IN TASKING ITS AIRCRAFT SO AS TO PROVIDE THE MAXIMUM SUPPORT POSSIBLE TO UNAMIR. YOU SHOULD MAKE CLEAR TO UNOSOM THE PRIORITY OR URGENCY OF EACH REQUIREMENT. SHOULD YOU EXPERIENCE ANY PARTICULAR PROBLEM WITH PRIORITY SITUATIONS, PLEASE FEEL FREE TO CONTACT THE SRSG OR DIRECTOR OF ADMINISTRATION OF UNOSOM TO RESOLVE THE ISSUE. THEY ARE INFORMED OF THIS INSTRUCTION BY COPY OF THIS FACSIMILE MESSAGE.

5. I TRUST THAT THESE ARRANGEMENTS WILL ADEQUATELY ADDRESS YOUR CONCERNS, AND ALLEVIATE THE AIR SUPPORT DIFFICULTIES RECENTLY EXPERIENCED IN UNAMIR.

ce

CYCY
994-09-30 03:26 5602 UNITED NATIONS HQS NEW YORK 002 P04

CNR 586 P1/2

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 29 September 1994
NUMBER: UNAMIR: 3176

SUBJECT: **Status of Mission Agreement**

1. You will recall that, on 5 November 1993, the United Nations concluded an agreement on the status of UNAMIR with the former Government of Rwanda. Since then, however, the mandate of UNAMIR has been modified on several occasions.

2. In order to ensure that the agreement of 5 November 1993 applies to the current mandate of UNAMIR and with a view to obtaining from the new Government a confirmation that they are prepared to honour the obligations assumed by the previous Government under the agreement, the Legal Office has prepared the attached Exchange of Letters, in consultation with this Department.

3. Grateful you consult the Government on the text of the letter and seek their concurrence to it. The Secretary-General will then send the letter formally to the Foreign Minister. Please advise asap. Regards.

30 Sep 94

CNR 586 P2/2

DRAFT

23 September 1994

Excellency,

I have the honour to refer to the Agreement concluded on 5 November 1993 between the United Nations and Rwanda on the status of UNAMIR.

As you are aware, following the conclusion of this Agreement, the Security Council decided, by its resolution 912 (1994) of 21 April, to adjust the mandate of UNAMIR. On 17 May, the Council further decided, under resolution 918 (1994), to expand the mandate of the Mission. The additional responsibilities entrusted to UNAMIR under this resolution were reaffirmed by the Security Council in its resolution 925 (1994) of 8 June.

Accordingly, and in order to facilitate the fulfilment of UNAMIR's mandate, I propose that the provisions of the Agreement concluded between the United Nations and Rwanda on 5 November 1993 apply, mutatis mutandis, to UNAMIR's mandate as expanded by the Security Council.

If the above provisions meet with your approval, I would propose that this letter and the written confirmation of your acceptance of its provisions constitute an agreement between the United Nations and Rwanda supplementing the above-mentioned Agreement on the Status of UNAMIR.

Accept, Excellency, the assurances of my highest consideration.

Boutros Boutros-Ghali

H.E. Mr. Jean Marie Vianney NDAGIJIMANA
Minister for Foreign Affairs and Cooperation
Kigali

OCC

CYCY

994-09-30 03:24 5602 UNITED NATIONS HQS NEW YORK 002 P

CNR 585 P1/3

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 29 September 1994

NUMBER: UNAMIR: 3175

(1)

FAX SEP 29 P 11:30

SUBJECT: Letter from President Bizimungo

... Please find attached, for your information, a self-explanatory letter addressed to the Secretary-General by President Bizimungo. Regards.

(2) Noted
SLFC
30 Sep 94

REPUBLIQUE RWANDAISE

PRESIDENCE DE LA REPUBLIQUE
CABINET DU PRESIDENT

Kigali, le

N°

IK
cc Annan
Goulding
ICA/AS
HA
KM

Réf N° :

Objet :

BOUTROS BOUTROS GHALI
SECRETARY GENERAL
UNITED NATIONS
NEW YORK

Your Excellency,

Re : Unfounded reports on Rwanda emanating from the United Nations System

During the last couple of days, there have been some very serious and unfounded allegations in the international press regarding the situation in my country. Those most serious, irresponsible and wild allegations are even more of concern to my Government because the United Nations High Commission for Refugees is at the centre of it all. The purpose of my writing to you therefore is to formally express the disappointment of my Government in some activities of the UNHCR, and more particularly in the so-called investigations on the repatriation of Rwandese refugees.

On the 21st September 1994, our Prime Minister received the UN Under-Secretary General Mr KOFFI ANNAN. In their discussions, Mr Annan, mentioned that he had been mandated to express your concern about a report circulating in UNHCR circles alleging that there had occured systematic massacres in one region of Rwanda during the months of August and September 1994. Characteristic of my Government's policy of transparency, the Prime Minister assigned a team of Government Ministers and Senior Security Officers to carry out a thorough investigation, alongside representatives of UNAMIR, on the verbal allegations of the findings of the UNHCR team.

On checking some of the places mentioned in UNHCR uncorroborated report, they found that the claims of fresh mass graves were unfounded. The only mass graves found were those that date back to the genocide carried out by the Interahamwe of the previous regime.

It is therefore only out of bad faith for the report to want to attribute these to acts of our GOVERNMENT.

Our primary concerns can be summed up as follows :

1. That UN agency, which has always benefited from a full cooperation of my Government, should find it fit to deliberately leak damaging and false information, without even having the courtesy of giving us a copy of the "report". I have made a formal request for us to receive a copy, but to-date we have no reaction from UNHCR.

2. The negative effect that this kind of misinformation might have on our repatriation efforts, is being fuelled by the very agency on whom the refugees would have relied for the repatriation. In a meeting I had with the UNHCR representatives, I challenged them to come with the International Observers and prove their allegations.

3. This is not the first time that the UNHCR Officials have made claims or statements that are meant to cause scare and fear in the refugee camps. We are also aware that the very same structures, with the leadership that organised the genocide, are being re-instated by UNHCR in refugee camps. The UNHCR officials have been duly informed of the likely consequences.

4. This type of working method is putting at stake the credibility of the UN in general, and UNAMIR in particular. My Government is on record as having done all in its power to facilitate the work of UNAMIR, such as authorizing them to deploy its forces all over our country. It is inconceivable therefore that such acts as those alleged in the UNHCR report could have occured without their being known to UNAMIR, or for that matter other agents of the international community operating in Rwanda.

Mr Secretary General,

I wish to formally implore you to continue in your untiring efforts to ensure that the UN system serves its member-states with a sole aim of promoting peace, stability and development.
To this end, I am convinced that in your usual dedication to the principles of the United Nations you will ensure that UN agencies keep their expected sense of fairness and commitment to the truth. I look forward to discuss the matter with you further when I visit the United Nations shortly.

Please, accept your Excellency the assurances of my highest consideration.

Kigali, 27/09/1994.

[illegible]
President of the Republic of Rwanda

(1)

CNR 581 P1/2

UNITED NATIONS

OUTGOING CODE CABLE

IMMEDIATE

1994 SEP 28 P 11:30

TO : SHAHARYAR KHAN, UNAMIR, KIGALI

FROM : ANNAN, UNATIONS, NEW YORK

DATE 28 SEPTEMBER 1994

NUMBER 3154

SUBJECT: Security of documents

1. An AFP dispatch claims to have obtained yesterday a copy of your report of 19 September (please see attached).

2. This is the second time that a news organization appears to have obtained a confidential document from UNAMIR. This would suggest that your security arrangements need tightening. Please take urgent action.

Thanks and regards.

(2) RC
Votre pour action
que vous suggère
vous: Voir message
article sur Rwanda

(3) Noted
30 Sep 94

Washington - A Congressional Committee approved legislation Wednesday setting a 1 March cut-off date for US military intervention in Haiti. The measure, approved by the House of Representatives Foreign Affairs Committee on a party-line 27-18 vote, gives President Clinton after-the-fact authorization for the operation. In addition to setting a date, the legislation limits the mission of US forces in Haiti to protecting American citizens, stabilizing the security situation to permit progress towards democratic rule and facilitating delivery of humanitarian aid. (REUTER)

RWANDA

Paris - The UN is considering the use of force to move defeated Rwandan ex-government soldiers out of refugee camps near the border in Zaire, according to a report obtained by AFP Wednesday. In a report to Secretary-General Boutros-Ghali dated 19 September, UN envoy Shaharyar Khan said the UN might have to invoke Chapter VII powers, which provide for the use of force, to move some 16,000 soldiers away from the border and deeper into Zaire.

UN spokesmen in Geneva and New York said they did not know of the report but cautioned that any UNAMIR operation would need approval by the Security Council. Diplomats said such approval was rather unlikely for the time being. Khan's move comes amid growing fears that the defeated troops are planning an offensive to restart Rwanda's civil war, and amid attempts to end their intimidation of civilian refugees. (AFP)

MIDDLE EAST

Jerusalem - Israeli Prime Minister Yitzhak Rabin may attend a regional economic conference in Casablanca next month alongside high-ranking officials from throughout the Arab world, his spokesman said Wednesday. This would mark the first time an Israeli Prime Minister would meet senior officials from a large number of Arab countries since Yitzhak Shamir launched Middle East peace talks in Madrid three years ago. (REUTER)

US/RUSSIA

Washington - President Bill Clinton and Russian President Boris Yeltsin set about improving economic ties between the two countries Wednesday and drumming up millions of dollars in US investment to Russia. The leaders launched their second day of summit talks with discussions on widening trade and addressing demands from Russia that it be treated as an equal partner on the economic level and not as a charity

(MORE)

ROUTING SLIP **FICHE DE TRANSMISSION**

TO: A: FC

FROM: DE: ED

Room No. – No de bureau	Extension – Poste	Date 1/10

FOR ACTION		POUR SUITE A DONNER
FOR APPROVAL		POUR APPROBATION
FOR SIGNATURE		POUR SIGNATURE
FOR COMMENTS		POUR OBSERVATIONS
MAY WE DISCUSS?		POURRIONS-NOUS EN PARLER ?
YOUR ATTENTION	✓	VOTRE ATTENTION
AS DISCUSSED		COMME CONVENU
AS REQUESTED		SUITE A VOTRE DEMANDE
NOTE AND RETURN		NOTER ET RETOURNER
FOR INFORMATION		POUR INFORMATION

FC
Reply sent this morning.
MA 1/10

COM.6 (2-78)

CYCY
1994-10-26 11:35 5601 SRSG UNITED NATIONS HQS NEW YORK 018

CNR 587 CYZ 439 P1/3

UNITED NATIONS

OUTGOING CODE CABLE

TO : SHAHARYAR KHAN, UNAMIR, KIGALI

INFO : OGATA, HICOMREF, GENEVA

FROM : ANNAN, UNATIONS, NEW YORK.

DATE : 30 SEPTEMBER 1994

NUMBER : 3186

SUBJECT: Public statements relating to UNHCR

1. If the attached dispatch from Reuters is even generally accurate, it clearly contravenes the instructions sent in my cable 3172 yesterday, which must have been received in UNAMIR this morning your time.

2. It is unacceptable that differences of perceptions between two parts of the UN system be aggravated publicly in the field when at HQ the effort is to resolve them and to speak with one voice. It would be particularly unfortunate if this unseemly friction is continued against the background of the trauma that Rwanda has suffered and to deal with the UN's efforts should be devoted.

3. Kindly ensure that the Secretary-General's instructions that public statements on this issue should not be made by UN officials until the investigations have been completed (see attached) are strictly observed.

4. Quite separately, we would expect that UNAMIR's press briefings are given by civilian information officers, supported by military information officers when necessary.

5. Your cabled confirmation of compliance with these instructions is requested.

Best regards.

URGENT

♦GRTR0393 3 GVR 530
BC-RWANDA-(SCHEDULED)
♦:BC-RWANDA (SCHEDULED)
U.N. slams attacks on Rwandan government as plot
By Mancoah Seipisu
KIGALI, Sept 30 (Reuter) -- A U.N. spokesman told reporters on Friday that Rwanda's new leaders were the target of a plot to discredit them and the United Nations.

``There are people who deliberately want to counter what the present government and the U.N. is trying to achieve for the good of Rwanda,'' said Jean Guy Plante, military spokesman of UNAMIR, the U.N. Assistance Mission in Rwanda.

``It is an attempt to discredit UNAMIR, the secretary-general, and the government. Ninety-five percent of all attacks are not justified.''

``If we were to know that the RPF had done anything drastic and wrong, we would not hide it. We would be the first to say.''

The RPF is the former guerrilla Rwanda Patriotic Front which took power in July after a three month civil war and the massacre of an estimated one million people by Hutu government troops, mobs and militiamen.

Plante did not say who was responsible for the attacks but spoke after reporters asked for his comments on a report last week by the U.N. refugee agency UNHCR that it had credible evidence of a systematic killings of Hutus by RPF soldiers.

The RPF, which is dominated by Rwanda's Tutsi ethnic minority, vehemently denied the report. Secretary-General Boutros Boutros-Ghali barred public comment by U.N. officials on the report pending a investigation.

Hutus who spoke to UNHCR officers at a refugee camp in Tanzania said RPF soldiers used hammers and screw drivers to kill Hutus and those who attempted to run away were shot.

Former government officials and defeated Hutu troops and militiamen who fled to Tanzania and Zaire have been campaigning to stop an estimated two million refugees returning home.

The UNHCR report was passed to journalists on Thursday.

Asked to comment specifically on the UNHCR report compiled by field officers, Plante said: ``You will not get me to say anything relating to the UNHCR past, present or future.''

Plante said that Canadian and Ghanaian U.N. troops sent a week ago to end lawlessness in southeastern Rwanda had not reported anything that gave a sense of insecurity in the area.

``The troops are patrolling day and night. We feel that the area is secure. If something drastic was to happen, we would smell it, people would come to us,'' Plante told reporters.

The U.N. military spokesman said there had been documented incidents of RPF revenge killings -- and these were known and culprits had already been arrested and were awaiting trial.

He said rumours spread by indidivuals, clandestine radio stations and ``other means'' harmed UNAMIR's performance and slowed progress on such tasks as moving displaced from camps near Rwanda's frontiers to their home villages.

He said individuals wanted to derail U.N. work in Rwanda and show the new government was unable to perform its duties.

Damien Personnaz, information officer for UNICEF, the U.N. Children's Fund, told reporters people interviewed in villages in the southeast had made no complaints of insecurity.

He said people admitted to a hospital at Kibungo, the main town in the southeast, were suffering from dysentery or fever.
REUTER
♥101424 GMT Sep 94
<

UNITED NATIONS

Press Release Secretary General

Department of Public Information • News Coverage Service • New York

SG/SM/5224
26 September 1994

SECRETARY-GENERAL SAYS THOROUGH INVESTIGATION OF MASSACRE ALLEGATIONS IN RWANDA TO BE CARRIED OUT

The following statement was issued today by the Spokesman for Secretary-General Boutros Boutros-Ghali:

The Secretary-General wishes to clarify the position concerning allegations that forces of the Rwandese Government may have been responsible in recent weeks for massacres of members of the Hutu community in Rwanda.

During the month of August, a United Nations High Commissioner for Refugees (UNHCR) mission visited a number of locations in Rwanda in order to assess how far conditions existed for the safe return to that country of refugees who had fled to Burundi, the United Republic of Tanzania and Zaire. In the course of its work, the UNHCR mission obtained certain information which appeared to indicate that soldiers of the Rwandese Patriotic Front might have been engaged in systematic killings of members of the majority community in Rwanda.

The High Commissioner briefed senior officials of the Secretariat on 16 September. The Secretary-General directed that the allegations should be taken up immediately with the Rwandese Government. This was done, on 20 September, by the Under-Secretary-General for Peace-keeping Operations, Kofi Annan, who was in Kigali at the time, and by the Secretary-General's Special Representative for Rwanda, Shahryar Khan.

The Rwandese Government undertook to investigate the allegations urgently and a team consisting of four Government ministers, representatives of the United Nations Assistance Mission for Rwanda (UNAMIR) and the UNHCR, and a United Nations human rights monitor paid a first visit on 23 September to some of the places where the killings were alleged to have taken place. Arrangements are now being made for a thorough investigation to be carried out by the Commission of Experts established by Security Council resolution 935.

The United Nations involvement in this investigation will, like all United Nations activities in Rwanda, be coordinated by the Secretary-General's Special Representative. The Secretary-General has given strict instructions that no further public statements be made by United Nations officials until the results of the investigation are available to him.

* *** *

CNR 584 CYZ 436 P1/1

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
INFO: OGATA, HICOMREF, GENEVA
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 29 SEPTEMBER 1994
NUMBER: 3172
SUBJECT: Public Statements on UNHCR

1. I have been dismayed to see, in recent days, that United Nations spokesmen and other officials in your area have been making public statements impugning UNHCR in relation to the recent Gersony Report. As you are aware, UNHCR is not the only entity to have raised questions about the treatment of returning Hutu civilians; nor is it appropriate to criticise that body directly or by implication for having acted in a manner wholly consistent with its mandate. An Associated Press report quoting "officials" as saying "they would also investigate how much the United Nations' own refugee agency helped create a new climate of fear in Rwanda" is particularly reprehensible. All United Nations agencies are united in their efforts to resolve the Rwandan tragedy, and it is essential that we present a united face to the public.

2. I must therefore remind you of the Secretary-General's instruction that no further public statements should be made by United Nations officials on this subject until the results of the investigation are available to him. I would be grateful if you could issue fresh instructions to this effect, particularly to military officials in the field who have been quoted recently in the press. I am obliged to advise you that any further breaches of the Secretary-General's instructions by members of UNAMIR will be taken extremely seriously here.

(2) Done
- For filing
FC
1 Oct 94

CYCY
2 23:43 5602 UNITED NATIONS HQS NEW YORK 019

CNR 572 P1/7

UNITED NATIONS NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

REFERENCE:

OUTGOING CODE CABLE

IMMEDIATE

TO: SHAHARYAR KHAN, UNAMIR, KIGALI
FROM: GOULDING, UNATIONS, NEW YORK
DATE: 22 SEPTEMBER 1994
NUMBER: **3089**

SUBJECT: NOTES ATTACHED

ATTACHED PLEASE FIND, FOR YOUR INFORMATION, TWO NOTES:

1) ON KOUYATE'S MEETING WITH THE PRESIDENT OF MEDECINS SANS FRONTIERES;
2) A NOTE PREPARED BY THIS DEPARTMENT TO ENABLE MR.GHAREKHAN TO BRIEF THE SECURITY COUNCIL ON RWANDA.

WITH WARM REGARDS.

NTF
Cable sent to NY
on 24 Sep 94
FC
25 Sep 94

FC SUPPORT TO HUMAN RIGHTS
1. Have discussed with CPAO. You may wish to include this subject when you next speak with Gen Baril.
2. To provide immediate assistance UNAMIR could lend 2 to 3 sedans and one minibus, with perhaps a radio per vehicle.
3. This will not reduce the acute need for the UN to procure 4x4 vehicles and the correct issue of radio equipment. You may wish to stress this point to Gen Baril.
4. Do you want hard copy to NY? FC 23/9 MA

CNR 572 P2/7

Note to Mr. Goulding

RWANDA

Attached please find a note on my meeting yesterday with a delegation from Médecins Sans Frontières concerning human rights in Rwanda.

As you will see, their verdict of the UN's activities in this area is not a very positive one.

Lansana Kouyaté
22 September 1994

cc Mr. K. Annan
Mr. J. Ayalo Lasso
Mr. H. Corell
Mr. I. Fall
Mr. S. Khan

Note for the file

RWANDA/
MEDECINS SANS FRONTIERES

On 21 September, Mr. Kouyaté was visited by Mr. Philippe Biberson, President of MSF, Ms. Françoise Saulnier, an international lawyer with MSF, and Ms. Catherine Dumait-Harper, UN liaison officer for MSF. Also present was Andrew Gilmour of DPA.

Ms. Saulnier had just returned from Rwanda and was appalled by the slowness of the United Nations, which had promised so much in the field of human rights, yet so far had achieved absolutely nothing. There were still hardly any UN human rights officers deployed, several months after the Commission on Human Rights adopted its resolution (in May). Those few officers that were in place had no equipment whatsoever to carry out their work.

As a result of this almost total inactivity, some of the NGOs were being forced to do the work that should be done by the UN. However, this work was far more dangerous for NGOs, many of whom were identified with particular countries (France, Belgium etc.) and not seen as impartial. The NGOs often found it very difficult to know what to do with the evidence they unavoidably encountered. One consequence of continued delays in the dispensing of justice was that many Rwandans might start to take justice into their own hands and exact bloody reprisals.

Regarding an international tribunal, MSF also felt that there was a pressing need to establish one, since nobody in Rwanda saw Rwandan justice as impartial. The trials of people accused of committing human rights abuses would have no credibility in the country if the judges were Rwandan.

Mr. Kouyaté completely agreed that speed was of the essence and informed the MSF delegation that discussions had started with members of the Security Council over whether the jurisdiction of the Yugoslav Tribunal should be extended to Rwanda or whether it should be separate.

He briefed them on the three recent UN missions in the region: Mr. Khan's, Amb. Dillon's and Mr. Annan's, and hoped that the UN would have more information about the current human rights situation after Mr. Annan returned. He also stressed that much of the problem concerning the UN human rights officers derived from the lack of money, with only $2.5 million having been pledged towards Mr. Ayalo Lasso's appeal of $10 million.

AG
Andrew Gilmour
22 September 1994

CNR 572 P4/7

URGENT

Note to Mr. Gharekhan

RWANDA

Please find attached, as requested, a note prepared by the Africa II Division of DPA, on the situation in Rwanda.

I would particularly like to draw your attention to the information contained in the section on human rights and the urgent need for more funds.

Lansana Kouyate
22 September 1994

cc Mr. Goulding
Mr. Annan
Mr. Correll

CNR 572 P5/7

Note to Mr. C. Gharekhan

RWANDA

Alleged massacres

1. As I have already informed the Security Council, there were some unconfirmed reports that massacres of Hutus by RPF forces were committed last week in the district of Byumba and in the towns of Muko, Ngambe, and Nyabihu.

2. A joint UNAMIR/RPF delegation left Kigali today in order to conduct an investigation. The Security Council will be informed about its results as soon as possible.

Political

1. The SRSG visited Zaire from 12 to 14 September 1994 where he met with President Mobutu, the Prime Minister and other high-ranking Government officials, as well as members of the diplomatic corps. Discussions focussed on problems linked to the serious refugee situation in the eastern border areas of Zaire.

2. While addressing the political, economic and ecological consequences of the refugee situation for Zaire, officials underlined the inability to address the problem appropriately in terms of logistic and financial means and emphasized that they would continue to look for assistance from the United Nations in alleviating the refugee problem for Zaire and solving the humanitarian crisis in the area.

3. As a first step towards that end, Zairian officials recognized the immediate need to relocate military elements from the camps to new sites farther away from the border areas. Concern was raised regarding members of the militia, of the former presidential guard, and the lower political echelons who - to a more serious degree - are posing the greatest intimidating threat to refugees willing to return to Rwanda. Zaire requested the international community to assist in the relocation operation.

4. Special emphasis was given to the consideration of measures dealing with the latter group of refugees. There was agreement over the need to discreetly identify members of the group in order to isolate extremist elements from the ordinary refugee population. A show of strength was necessary to restrain the militia element. It was believed that the removal of the uniformed military would deal a blow to the morale of the militia. The need for caution was repeatedly underlined.

5. It was the view of Zairian officials that the much needed security for operations under consideration could only be

provided for by the international community through the United Nations. Zaire was ready to make an appropriate request but would militarily cooperate with that force.

6. Agreement was also reached about the need to quantify more precisely the extent of the logistic, financial and security assistance required for the operation. A joint working group was established to prepare a proposal which could be presented to the United Nations, particularly to the Security Council. The working group was supposed to start its work yesterday.

7. On 16 September 1994, the SRSG met with the President of Tanzania to discuss similar issues. Agreement was reached in principle to address the refugee problem as outlined in the context of Zaire. The President promised to convey the SRSG's views to members of his Government.

8. The Under-Secretary-General for Peacekeeping Operations, Mr. Kofi Annan, visited the area to evaluate the refugee situation, the general situation in Rwanda and the needs for continued UNAMIR operations. During his stay in Kigali, Mr. Annan met with Prime Minister Twagiramungu and other Government officials. During his visit to Sector 4, Mr. Annan stopped at Cyangugu, Kibuye and Gikongoro. During his visit to Sector 5, he travelled to Meruru to visit the Gisenyi Military Observer Headquarters. Upon conclusion of his mission, he attended ceremonies at Kabale, Uganda, marking the closing of UNOMUR. Mr. Annan has left Kigali for Nairobi and is expected to arrive in New York soon.

9. In a separate development, a two-day international conference on rebuilding Rwanda was held over the last weekend in The Hague. It was organized by the Amsterdam-based National Committee for Development Organization and sponsored by the OAU and the Council of Europe. Some 125 representatives of African and European governments and parliaments, including a delegation from Rwanda, discussed Rwanda's problems and sought proposals on how best to rebuild Rwanda and assist its neighbors which have suffered from damage left in the wake of hundreds of thousands of refugees. The delegation of the Government of Rwanda was led by President Pasteur Bizimungu. The Hague Appeal issued at the end of the conference called for the speedy creation of an international tribunal and urged the international community to support the new Government in encouraging the refugees to return to Rwanda.

10. On 20 September 1994, another conference was opened in Ouagadougou, Burkina Faso, focussing on how to create a new State from the wreckage of Rwanda after civil war and unprecedented massacres. Participants included two former ministers of the Habyarimana Government, one representing the Republican Democratic Movement, and the other the National Republican

Movement for Democracy and Development. Representatives of civil groups participated from the refugee camps in eastern Zaire, and some from the Kigali area. Reportedly, the new Government was not represented. The conference seemed to have been inconclusive.

Human rights

1. Based on reports from the field, humanitarian relief agencies and other non-governmental organizations appealed to the United Nations to increase its presence and action, particularly in the field of human rights. Lack of appropriate personnel and equipment would create a vacuum which can not be filled by them. Non-governmental organizations, therefore, call upon Member States to increase their voluntary financial assistance for the deployment of human rights observers. The action was triggered by reports indicating that repeated efforts by the High Commissioner for Human Rights to acquire the needed level of funding failed. Out of the US$ 10 million finance requirement only US$ 2 million were pledged.

2. The High Commissioner for Human Rights announced the arrival of a five-member investigative team in Kigali to gather evidence to identify persons most culpable and responsible for grave violations of international humanitarian law, including genocide, committed in Rwanda beginning on or about 6 April 1994. The expert team, provided by the Government of the United States of America, includes prosecuting attorneys, investigators and legal experts. The arrival of the team in Kigali brings to 25 the number of human rights field officers in Rwanda.

3. In this context, the Secretary-General urges once again Member States to help accelerate the return of the refugees and the rebuilding of the country by providing the necessary assistance. He cannot underline enough the urgent need to tackle the crucial issue of human rights and establish as soon as possible a tribunal which will finally break the cycle of impunity which has plagued Rwanda for too many decades.

Humanitarian

1. On 20 September 1994, an explosion caused by either a bomb or a grenade left several people dead and about 15 injured in a refugee camp at Chimanga, 80 kilometers from Bukavu in eastern Zaire. Another mass grave containing some 8,000 bodies has been discovered near Gafunzo in Sector 4.

DPA
22 September 1994

G3 OPS

1. Please staff a response for FC's signature, including input from Mildis etc.
   a. Extent of our deployment in Sectors 1, 2, 3 and 5.
   b. what form the restrictions take
   c. number of incidents, how long to resolve etc.
2. To me, Please, by 1600 Tue 20 Sep

Seen 21/9 94

21/9 ma

6

CNR 568 P1/1

OUTGOING CODE CABLE

IMMEDIATE

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 19 September 1994
NUMBER: UNAMIR: 3060

SUBJECT: Restrictions on UNAMIR deployment/movements

1994 SEP 19 P 10:10

1. In your daily sitrep of 17 September, you indicated that RPA is putting restrictions on UNAMIR troop deployment and movements in sectors 1, 2, 3 and 5. We understand that the matter has been taken up with the authorities and that they have promised to take the necessary measures to rectify the situation.

2. Grateful you let us know in due course whether the situation has improved. In the meantime, it would be appreciated if you could provide asap more information on the nature and extent of these restrictions. We would also appreciate your providing us with the details of the present status of UNAMIR deployment in those sectors. You will understand that this is a matter of some importance in view of the allegations which have recently surfaced regarding RPA activities in those areas. Regards.

FC

94 SEP 20 13 CMANUR 1/4

UNAMIR FORCE HQ
OUTGOING FACSIMILE

1876

ORIGINATING FAX NUMBER: OPS/002 20 SEP 94

TO: ANNAN, UNATIONS, NEW YORK	FROM: TOUSIGNANT MAJ GEN FORCE COMMANDER UNAMIR, KIGALI
FAX: 001 (212) 963 9053	FAX: (250) 84265
REFERENCE: CNR 568 P1/1 DATED 19 SEP 94	
SUBJECT: RESTRICTIONS ON UNAMIR DEPLOYMENT/MOVEMENTS	
NUMBER OF PAGES, INCLUDING THIS ONE:	

for Mike Haddow Lt Col Rm MA to FC

C

1. CURRENT UNAMIR DEPLOYMENT IN SECTORS 1, 2, 3 AND 5 ARE AS FOLLOWS:

A. SECTOR 1

(1) BYUMBA

(A) NIGERIA COY ADVANCE ELEMENTS (64).

(B) CANADIAN SIGNAL DET.

(C) 32 MILOBS.

C (2) RECCE BY NICOY COMMANDER FOR FUTURE DEPLOYMENT FRUSTRATED BY LOCAL CIV/MIL AUTHORITIES IN THE AREA.

(3) STILL AWAITING CLEARANCE FOR ACCOMMODATION AND HQ SINCE 5 SEP DESPITE DAILY REMINDERS.

B. SECTOR 2. EARMARKED FOR GHANBATT.

(1) UNAMIR PRESENCE PROVIDED BY 49 MILOBS WHO PATROL SECTOR TO A LIMITED DEGREE DUE TO AN ACUTE SHORTAGE OF VEHS. OTHER UNITS DEPLOYED IN SECTOR INCLUDE THE FOLLOWING:

(A) UNAMIR HQ - KIGALI.

FC 5/012

94 SEP 20 13 UNAMIR 33

(B) AUSMED - KIGALI.

(C) BRITCON - KIGALI.

(D) CANCON - KIGALI.

C. SECTOR 3

(1) GITARAMA

(A) ONE X MALAWI PLATOON.

(B) MILOB SECTOR HQ.

(2) RUHANGO. ONE X MALAWI PLATOON HQ.

(3) BUTARE

(A) TAC HQ.

(B) MALAWI COMPANY HQ.

(C) 2 X MALAWI PLATOON.

(D) CANADIAN SIGS DET.

(E) MILOBS.

D. SECTOR 5

(1) GISENYI

(A) 36 MILOBS.

(B) CANADIAN SIGS DET.

(C) TUNBATT - YET TO DEPLOY.

2. RESTRICTIONS IMPOSED ON UNAMIR PERSONNEL

A. TO CARRY OUT ITS MANDATE UNAMIR TROOPS REQUIRE UNRESTRICTED MOVEMENTS WITHIN ITS AOR. LISTED BELOW ARE INCIDENTS THAT HAVE IMPOSED RESTRICTIONS ON TROOPS MOVEMENTS/DEPLOYMENTS BY RPA IN RECENT TIMES.

(1) ON 24 AUG 94 VEHS PTLS CONSISTING OF PERS OF BRITCON FD AMB AND ENGRS, AND NGOs WERE STOPPED AT AN RPA CHECK PT GR 5107 BY RPA TROOPS. RPA OFFICERS CLAIMED TO HAVE NO KNOWLEDGE OF THE UN PTL. THE PTL WAS TOLD LAY DOWN THEIR WPNS. THE WPNS WERE UNLOADED AND THE RPA OFFICER TOOK SERIAL NUMBERS OF THE WPNS AND ID CARD NUMBERS OF THE UN PERS PRESENT. THE PTL WAS

3/4

FINALLY ALLOWED TO RETURN.

(2) ON 04 SEP 94, TWO MILOB TEAMS FROM GIKONGORO (SECTOR 4A) TRIED TO RECCE NEW ROUTES IN AND OUT OF THEIR SECTOR TO FACILITATE RESUPPLY OF DISPLACED PERSONS IN CAMPS IN THE SECTOR. THIS WAS IN ANTICIPATION OF LIKELY RESUPPLY PROBLEMS DURING THE RAINY SEASON. THE TEAM WHICH WENT NORTHWARDS WAS STOPPED BY THE RPA AT BRIDGE GR 5550 AND DENIED ACCESS TO THE BRIDGE. THE SECOND TEAM WHICH WENT SOUTH TRIED TO EXPLORE ROUTES FROM MUNINI GR 478998 TO BUTARE WAS ALSO STOPPED AT KAMANA GR 513974 AND ASKED TO RETURN.

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(A) A PTL SENT TO KINIGI GR 5440 WAS STOPPED AT RPA CHECK POINT. SUBSEQUENTLY THE PTL USED ALTERNATE ROUTE TO CONFIRM WHETHER THEIR BEING DENIED ACCESS TO THE AREA WAS AN ISOLATED CASE. THE PTL WAS NOT STOPPED AT ANY OTHER CHECK POINTS, BUT WHEN THEY AGAIN ENCOUNTERED THE SAME CHECK POINT FROM THE REVERSE DIRECTION THE PTL WAS ORDERED FROM THEIR CARS AND FORCE TO WAIT APPROXIMATELY ONE HOUR UNTIL AN OFFICER ARRIVED. THE RPA OFFICER EXPLAINED THAT THERE WAS NO PROBLEM AND THAT THE CHECK POINT HAD ACTED IN THAT

MANNER BECAUSE THEY HAD NOT BEEN INFORMED OF THE UN PTL PLAN.

(B) RPA PUT RESTRICTIONS ON LOADING/UNLOADING OF BARGE AT GISENYI FOR THE RESUPPLY OF FRAFBATT TROOPS IN KIBUYE BECAUSE IT HAD ARRIVED LATE. HOWEVER THE MATTER WAS RESOLVED AFTER NEGOTIATIONS BETWEEN MILOBS IN THE SECTOR AND RPA AUTHORITIES THERE.

(C) MILOB ASSISTED BY A SECTION OF MALAWIAN TROOPS CONVEYED 11 RETURNEES TO GITARAMA AND 34 TO KIGALI. RPA TROOPS AT CHECK POINT GR 530078 DEMANDED THAT MILOBS ESCORTING RETURNEES SHOULD PRODUCE A MOVEMENT PERMIT FROM THEIR SUPERIORS (RPA). THE RETURNEES AND ESCORTS WERE DELAYED FOR ABOUT 20 MINUTES BEFORE THEY WERE PERMITTED TO PASS THROUGH TO KIGALI.

(7) NICOY ADVANCE PARTY AND GHANBATT RECONNAISSANCE FOR FUTURE DEPLOYMENTS IN SECTORS 1 AND 2 RESPECTIVELY HAVE BEEN HAMPERED BY RPA ELEMENTS IN THE MENTIONED SECTORS DESPITE THE FACT THAT CLEARANCE HAS BEEN SOUGHT THROUGH RPA LO IN FORCE HQ SINCE 5 SEP 94. NICOY ADVANCE PARTY AT THE MOMENT DEPLOYED IN BYUMBA. ATTEMPTS TO RECCE NYAGATARE GR 3657 AND MURAMBI GR 4601 HAVE NOT BEEN SUCCESSFUL. GHANBATT HAS REPORTED ON 20 SEP 94 THAT IT HAS MANAGED AFTER NEGOTIATIONS WITH LOCAL CIVIL/MILITARY AUTHORITIES GAIN ACCESS TO AREAS IT WANTED TO RECCE IN SECTOR 2. AFTER BEEN DENIED ACCESS TO THE SECTOR ON TWO OCCASIONS.

3. SUBMITTED FOR YOUR ATTENTION.

CNR 568 P1/1

OUTGOING CODE CABLE

IMMEDIATE

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 19 September 1994
NUMBER: UNAMIR: 3060

SUBJECT: Restrictions on UNAMIR deployment/movements

1994 SEP 19 P10:10

1. In your daily sitrep of 17 September, you indicated that RPA is putting restrictions on UNAMIR troop deployment and movements in sectors 1, 2, 3 and 5. We understand that the matter has been taken up with the authorities and that they have promised to take the necessary measures to rectify the situation.

2. Grateful you let us know in due course whether the situation has improved. In the meantime, it would be appreciated if you could provide asap more information on the nature and extent of these restrictions. We would also appreciate your providing us with the details of the present status of UNAMIR deployment in those sectors. You will understand that this is a matter of some importance in view of the allegations which have recently surfaced regarding RPA activities in those areas. Regards.

FC

G3 OPS.

1. Please staff a response for FC's signature, including input from MilObs etc.
   a. Extent of our deployment in Sectors 1, 2, 3 and 5.
   b. what form the restrictions take
   c. number of incidents, how long to resolve etc.

2. To me, Phase, by 1600 Tue 20 Sep

Seen 21/9/94

20/9 MA

UNAMIR
94 SEP 20 16 - 12

1/4

UNAMIR FORCE HQ
OUTGOING FACSIMILE

1876

ORIGINATING FAX NUMBER: OPS/002 20 SEP 94

TO: ANNAN, UNATIONS, NEW YORK	**FROM:** TOUSIGNANT MAJ GEN FORCE COMMANDER UNAMIR, KIGALI
FAX: 001 (212) 963 9053	**FAX:** (250) 84265
REFERENCE: CNR 568 P1/1 DATED 19 SEP 94	
SUBJECT: RESTRICTIONS ON UNAMIR DEPLOYMENT/MOVEMENTS	
NUMBER OF PAGES, INCLUDING THIS ONE:	

for Russ Haddon Lt Col Rcvd MA to FC

1. CURRENT UNAMIR DEPLOYMENT IN SECTORS 1, 2, 3 AND 5 ARE AS FOLLOWS:

A. SECTOR 1

(1) BYUMBA

(A) NIGERIA COY ADVANCE ELEMENTS (64).

(B) CANADIAN SIGNAL DET.

(C) 32 MILOBS.

(2) RECCE BY NICOY COMMANDER FOR FUTURE DEPLOYMENT FRUSTRATED BY LOCAL CIV/MIL AUTHORITIES IN THE AREA.

(3) STILL AWAITING CLEARANCE FOR ACCOMMODATION AND HQ SINCE 5 SEP DESPITE DAILY REMINDERS.

B. SECTOR 2. EARMARKED FOR GHANBATT.

(1) UNAMIR PRESENCE PROVIDED BY 49 MILOBS WHO PATROL SECTOR TO A LIMITED DEGREE DUE TO AN ACUTE SHORTAGE OF VEHS. OTHER UNITS DEPLOYED IN SECTOR INCLUDE THE FOLLOWING:

(A) UNAMIR HQ - KIGALI.

FC

FAX DIR

UNAMIR
94 SEP 20 16 - 33

(B) AUSMED - KIGALI.

(C) BRITCON - KIGALI.

(D) CANCON - KIGALI.

C. SECTOR 3

(1) GITARAMA

(A) ONE X MALAWI PLATOON.

(B) MILOB SECTOR HQ.

(2) RUHANGO. ONE X MALAWI PLATOON HQ.

(3) BUTARE

(A) TAC HQ.

(B) MALAWI COMPANY HQ.

(C) 2 X MALAWI PLATOON.

(D) CANADIAN SIGS DET.

(E) MILOBS.

D. SECTOR 5

(1) GISENYI

(A) 36 MILOBS.

(B) CANADIAN SIGS DET.

(C) TUNBATT - YET TO DEPLOY.

2. RESTRICTIONS IMPOSED ON UNAMIR PERSONNEL

A. TO CARRY OUT ITS MANDATE UNAMIR TROOPS REQUIRE UNRESTRICTED MOVEMENTS WITHIN ITS AOR. LISTED BELOW ARE INCIDENTS THAT HAVE IMPOSED RESTRICTIONS ON TROOPS MOVEMENTS/DEPLOYMENTS BY RPA IN RECENT TIMES.

(1) ON 24 AUG 94 VEHS PTLS CONSISTING OF PERS OF BRITCON FD AMB AND ENGRS, AND NGOs WERE STOPPED AT AN RPA CHECK PT GR 5107 BY RPA TROOPS. RPA OFFICERS CLAIMED TO HAVE NO KNOWLEDGE OF THE UN PTL. THE PTL WAS TOLD LAY DOWN THEIR WPNS. THE WPNS WERE UNLOADED AND THE RPA OFFICER TOOK SERIAL NUMBERS OF THE WPNS AND ID CARD NUMBERS OF THE UN PERS PRESENT. THE PTL WAS

3/4

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3. SUBMITTED FOR YOUR ATTENTION.

CNR 552 P1/3

UNAMIR
10 SEP 10 04 36

OUTGOING CODE CABLE IMMEDIATE

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 9 September 1994
NUMBER: UNAMIR: 2907

SUBJECT: Logistic support to inter-African battalion

... Reour previous cables on the above, please find attached a note verbale from the Permanent Mission of France informing us that the withdrawal of the remaining French contingent in Goma will begin on 15 September and be completed by the end of the month. Grateful you inform us of the progress of your discussions with the French forces in Goma regarding the logistic support to the inter-African battalion. Grateful you also confirm whether UNAMIR will be able to fully take over the logistic support to that battalion between 15 and 30 September. Regards.

SRSG FC

CNR 552 P2/3
8/9 11:45 am

ACTION: HMM, DGO
AGNT

Cool : JMGO, HA
KM

Mission Permanente de la France
auprès des Nations Unies
One Dag Hammarskjöld Plaza
245 East 47th Street
New York, N.Y. 10017

N° 538 /DB

La Mission Permanente de la France auprès des Nations Unies présente ses compliments au Secrétariat de l'Organisation et a l'honneur de se référer au soutien logistique actuellement assuré par un détachement militaire français au profit du contingent interafricain de la MINUAR à partir de Goma au Zaïre.

Dans une correspondance datée du 1er septembre, le Secrétariat indiquait à cette mission que l'appui logistique français pourrait continuer à être requis au-delà du 15 septembre pour une période de courte durée. La cellule de liaison de la MINUAR avait été chargée de fixer, en concertation avec les responsables militaires français sur le terrain, la durée de cette période.

Selon les informations qui nous reviennent de notre capitale, la MINUAR devrait être en mesure de prendre en compte ce soutien logistique à partir du 15 septembre ou dans les jours suivants.

En conséquence, la France a pris la décision de procéder au retrait progressif des 550 hommes du détachement militaire français de Goma à compter du 15 septembre. Ces derniers cesseront de gérer la plate-forme aéroportuaire de Goma à partir du 23 septembre, date à laquelle la responsabilité en sera de nouveau confiée aux autorités zaïroises. Le retrait complet du détachement français de Goma devrait être effectif le 30 septembre.

Pour le cas où la MINUAR éprouverait des difficultés à assurer le soutien logistique du contingent interafricain dans les jours qui suivront le 15 septembre, les forces françaises continueraient à l'aider en tant que de besoin.

S'agissant des modalités de remboursement de la prestation française à compter du 22 août et devant faire l'objet d'une lettre d'attribution, celles-ci seront établies par une concertation étroite entre le Conseiller militaire de cette mission et la Division de l'Administration et de la Logistique des Missions du Secrétariat.

SECRETARIAT DES NATIONS UNIES
Département des Opérations de Maintien de la Paix

A l'attention de M. Kofi ANNAN
Secrétaire général adjoint

Bureau 3727 A

Nous estimons à ce stade à 1,2 million de francs par mois, le coût de l'appui logistique dispensé au profit du contingent interafricain de la MINUAR. La relative modicité de ce montant s'explique par le fait qu'une bonne partie des approvisionnements nécessaires faisaient partie d'un don du gouvernement français aux pays ayant mis des troupes à disposition du contingent interafricain.

La Mission permanente de la France saisit cette occasion pour renouveler au Secrétariat les assurances de sa haute considération.

New York le 7 septembre 1994

INCOMING
CRYPTOFAX CABLE

FC

CNR 535 P1/3

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 2 September 1994
NUMBER: 2809

SUBJECT: Letter from Amnesty International

1994 SEP -2 P 10:20

Please find attached a self-explanatory letter from Amnesty International. We would appreciate your comments on this letter, as well as your input, to enable us to provide an appropriate response to the issues raised by Amnesty International. Regards.

would FC/Major Plante pl. serve us material for a reply.

Sheahan 2
3.9.

ED

FC

Maj Plante

② Major Plante

[redacted]

I need all the facts for a proper reply on this.

6.9.94

G.C. Touslignant
Major - General

AMNISTÍA INTERNACIONAL
AMNISTIE INTERNATIONALE
МЕЖДУНАРОДНАЯ АМНИСТИЯ
منظمة العفو الدولية
國際特赦組織

Ref.: LO/CKH/JR/ABC

2/9 12:05 pm
ACTION: HA, CENT
Cecl: SIL, KM, JMOS, KA

Kofi A. Annan
Under-Secretary-General
for Peace-keeping Operations
The United Nations
New York, New York 10017
United State of America

1 September 1994

Dear Mr Annan,

I am writing to you to express our deep concern about reported statements by Major Jean-Guy Plante, the spokesman for the United Nations Assistance Mission for Rwanda (UNAMIR) in response to a report that a returning refugee was killed late on Saturday, 27 August 1994 at a checkpoint at the edge of the United Nations (UN) "safe zone" by soldiers of the Rwanda Patriotic Army (RPA) under circumstances which suggest that the soldiers may have used excessive lethal force in breach of international minimum standards. According to the report, the RPA soldiers stopped a convoy of five British army trucks carrying approximately 200 returning Hutu refugees at a checkpoint 40 kilometres east of the border town of Kibuye as they were crossing from the UN "safe zone" into territory controlled by the Government of Rwanda. One of the passengers fled and was reportedly pursued by approximately 15 RPA soldiers. Witnesses heard five bursts of automatic gunfire and said that when the soldiers returned they said that they had killed the man who fled.

Under existing procedures, UN forces search returning refugees and displaced persons crossing from the UN "safe zone" for arms and disarm anyone who is carrying arms. Thus, it is highly likely that the man who fled was not carrying arms and therefore posed no immediate threat to the 15 RPA soldiers who were pursuing him or to bystanders.

Major Plante was reported to have said:

> "This man was fleeing and in these situations, if someone runs you shoot. . . . The RPF has the right to arrest, search or detain someone they suspect of crimes. They have the right to take whatever security measure they deem appropriate to protect themselves and all law-abiding citizens."

Under international standards, such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, soldiers performing law enforcement functions, such as the RPA soldiers at the checkpoint, may not use intentional lethal force except "when strictly unavoidable in order to protect life". (Principle 9)

Amnesty International is also concerned about the report that the whereabouts of three other men in the convoy detained at the same time are still unknown. Apparently, the UN has been attempting to obtain information about their identity and whereabouts from RPA officials. Amnesty [redacted]

Amnesty International has written to the Rwandese authorities seeking prompt clarification about the reported killing on 27 August 1994 and the whereabouts of anyone detained in the convoy on that date.

[redacted] Major Plante. If correctly reported, the statement of the UN spokesman seems to undermine the UN's

own fundamental international standards on the intentional use of lethal force.

In the February 1994 publication, "United Nations Criminal Justice Standards for Peace-keeping Police", prepared by the UN Crime Prevention and Criminal Justice Branch in Vienna paragraph 2.4 reiterates the above mentioned principle:

> "Law enforcement officials shall not use a firearm with the intention to kill any person unless it is completely unavoidable in order to protect the life of the law enforcement official or the life of any other person."

Amnesty International appreciates that UNAMIR is operating in very difficult conditions, but it is concerned that a UN spokesman should be reported as condoning violations of UN criminal justice standards by the RPA at a time when the UN has been mandated to monitor the safety of returning civilians.

I look forward to hearing from you at your earliest convenience.

Yours sincerely,

Hervé Berger
Deputy Secretary General

cc: Mr A. de Soto
Ms N. Bar-Yaacov

CNR 535 P1/3

OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI

FROM: ANNAN, UNATIONS, NEW YORK

DATE: 2 September 1994

NUMBER: 2809

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Shaaban 2
3.9.

ED Ahtisaari 3/9

FC

Maj Plante

Reply sent by code cable 1712 of 6/9/94.
S.

② Major Plante

I need all the facts for a proper reply on this.

6/9/94

G.C. Tousignant
Major - General
Commandant

AMNISTÍA INTERNACIONAL
AMNISTIE INTERNATIONALE
МЕЖДУНАРОДНАЯ АМНИСТИЯ
منظمة العفو الدولية
国際赦組織

Ref.: LO/CKH/JR/ABC

2/9 12:05 pm
ACTION: HA, CENT
Cccl: SIR, KM, JMOS, KA

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Amnesty International is also concerned about the report that the whereabouts of three other men in the convoy detained at the same time are still unknown. Apparently, the UN has been attempting to obtain information about their identity and whereabouts from RPA officials. Amnesty International would welcome any information the UN is able to obtain about these men.

Amnesty International has written to the Rwandese authorities seeking prompt clarification about the reported killing on 27 August 1994 and the whereabouts of anyone detained in the convoy on that date.

Amnesty International would welcome any clarification of the remarks reportedly made by Major Plante. If correctly reported, the statement of the UN spokesman seems to undermine the UN's

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT
1 Easton Street, London WC1X 8DJ, United Kingdom
Tel: (44) [illegible] 5500 Telegrams: Amnesty London WC1 Telex: 28502 FAX: 956 1157
[illegible] amnestyis@gn.apc.org

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I look forward to hearing from you at your earliest convenience.

Yours sincerely,

Hervé Berger
Deputy Secretary General

cc: Mr A. de Soto
Ms N. Bar-Yaacov

CNR 532 P1/5

UNAMIR

OUTGOING CODE CABLE

1994 AUG 33 04:03

TO: KHAN, UNAMIR, KIGALI

HEIN, UNREO, KIGALI

FROM: HANSEN, UNATIONS, NEW YORK

DATE: 1 SEPTEMBER 1994

NUMBER 2789

SUBJECT: REGIONAL APPROACH TO THE RWANDA CRISIS

1. The Secretary-General has asked former US Ambassador Mr. Robert Dillon, to undertake a mission to review the regional dimensions of the Rwanda crisis. Attached, for your information, is a copy of the Press Release issued here today as well as an initial and hurriedly prepared paper which attempts to outline regional dimensions that need to be reviewed in order to strengthen our coordination and response to the humanitarian crisis in Rwanda and its spill-out effects on its neighbours.

2. Mr. Dillon, who will be accompanied by representatives of DHA, DPA and DPKO, will be in New York next week for briefings prior to his departure over the weekend. Will inform you of the detailed plans. We are currently preparing terms of reference for the mission which I shall send you tomorrow for your views before its finalization.

FC

Please note

Thanks

[redacted]

Regional Approach to Rwanda Crisis

In view of the significant spill-over of the crisis engulfing Rwanda on its neighbouring countries, the Secretary-General has decided to pursue more vigorously a regional approach to address the problems in Rwanda and its consequences for Burundi, Tanzania, Uganda and Zaire. Such an approach would enable a more effective utilization of resources available within the region as well as a more comprehensive set of measures to address the problems of the region. It will also help identify problems that may have implications for other countries and enhance the coordination of the overall efforts of the United Nations and concerned humanitarian organizations.

The Secretary General has consequently asked Mr. Robert Sherwood Dillon, former US Ambassador to Lebanon, who has also served as the Deputy Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), to undertake a mission to the region.

Mr. Dillon will consult with all concerned in the region and identify measures for strengthening coordination of United Nations humanitarian efforts throughout the region. He will also consult with all United Nations agencies engaged in programmes of assistance to the Rwandans, inside and outside the country, affected by the crisis.

The Secretary-General continues to be concerned about the deterioration in the security conditions in the refugee camps. He has instructed his Special Representative in Rwanda, Mr. S. Khan, to urgently discuss this with the neighbouring countries and recommend appropriate measures to improve the security within the camps in Zaire and Tanzania.

Mr. Dillon will begin this mission at the end of next week.

CNR 532 P3/5

Notes on a Regional Approach for the Rwanda-Burundi Crisis

The crisis engulfing Rwanda and Burundi for almost a year has had significant spill-over effect for neighbouring countries, underscoring the need to develop a strategy for addressing problems in the regional context. In terms of refugee flows, public health threats, pressure on logistic resources, fragile ecosystems and generally on political, social and economic coping mechanisms, few issues can be reduced to solutions at the purely national level, at which most of our current efforts are concentrated.

The root cause of the present crisis - the ethnic conflict between the Hutus and the Tutsis - see no border. Poverty and lack of development not only in Rwanda and Burundi but in the region generally exacerbate this ethnic tension for which the fragile economic and political systems of the region have no coping capacity. Costs to the countries of the region mount as each one of them has to face the consequences of spill-over (Tanzania, Zaire, Burundi, Uganda) of mass movement of population across porous borders.

Indeed the ethno-political factor of the crises has a regional dimension as one or both of the two main belligerent groups are represented in the populations of neighbouring countries, each of which, in turn, has tended to side with one or the other party to the ethnic conflict in Rwanda and Burundi. The way in which the Governments in the neighbouring asylum countries deal with the political activities in the refugee camps, e.g. the degree to which Zaire and Tanzania prevent/tolerate/support a reconstitution of RGF forces will be an important factor in peace making/peace-building and rehabilitation efforts in Rwanda.

In formulating a response to the crisis in Rwanda the regional dimensions become apparent; the logistics of food aid involving ports on the Indian Ocean, road and railway networks in neighbouring countries, storage facilities etc.: coordination activities, monitoring population movements even the dialogue on several of these issues which involves the affected country as well as the neighbouring countries.

Other dimensions are primarily local or country specific like agricultural rehabilitation, water and sanitation, education etc. and are being dealt with within the central and a national governmental framework.

There are several dimensions of the crisis which do not fall clearly in regional or national categories. Issues in areas like health and increased pressures on fragile ecosystems are strongly determined by population movements and refugee flows. The recent spread of cholera and dysentery in Zaire, and the widespread environmental degradation in the trail of refugee populations in Ngora and Goma are cases in point.

In the clearly regionally defined dimensions of the crisis, e.g. population movements and relief logistics, the key UN agencies - UNHCR and WFP - have already adopted a regional strategy. If nothing else this already poses the question of how to reconcile the regional coordination and fund-raising strategies with these of other UN system agencies and NGOs who follow primarily country specific strategies.

In the predominantly country specific dimensions of the crisis, there are many similarities in the problems to suggest the possible relevance of regional strategies to support responses to these issues. This might apply not only to the above-mentioned [illegible]

using the experience and the assets built up to deal with an emergency in one country as a basis for contingency planning for potential emergencies in other countries. Specifically, for instance, the resources currently deployed in Rwanda could be developed as stand-by capacity for a breaking emergency in Burundi.

Finally, in issues that have a strong mix of national and regional dimensions, there might be a good case for supplementing the current emphasis on national approaches with a relatively stronger emphasis on analysing the potential of a regional strategy.

It is proposed that an analysis be conducted of the potential for improving the UN overall response - humanitarian, political, peace-keeping and peace-building - through an identification of issues that could be more effectively addressed through a regional strategy. An early exploratory mission by a representative of the Secretary-General, supported by staff of DPA, DPKO and DHA in mid-September, could undertake a preliminary assessment. In the light of its conclusions, a subsequent mission by the team could prepare proposals for addressing effectively the urgent and inter-related problems of Rwanda, Burundi and the neighbouring countries.

CNR 531 P1/2

OUTGOING CODE CABLE

IMMEDIATE

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 1 September 1994
NUMBER: UNAMIR: 2788

SUBJECT: Inter-African battalion

Re our UNAMIR-2682 and 2734 and your MIR-1667 of 31 August, please find attached copy of a letter I addressed today to Ambassador Mérimée. Please note that I have assured the Ambassador that the UNAMIR Liaison Team in Goma will work out with their French counterparts the modalities and duration of the French logistic support that may be needed beyond 15 September for the inter-African battalion. Grateful you take the necessary action without delay and report to us on the precise arrangements to be agreed upon. I wish to stress that the French Government attaches considerable importance to this matter. Regards.

2 Sep 94

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1 septembre 1994

Monsieur l'Ambassadeur,

Comme suite à votre lettre du 22 août 1994, je tiens à vous confirmer que le battaillon inter-africain a été intégré à la MINUAR et placé sous son commandement lors du retrait de l'Opération Turquoise. La MINUAR a confié à ce battaillon la responsabilité de ses opérations dans le secteur IV-A (préfecture de Gikongoro).

Je tiens à vous remercier pour l'appui logistique que la France apporte actuellement à ce battaillon. La MINUAR travaille à la mise en place du dispositif nécessaire au soutien de ce battaillon. Elle estime cependant que l'appui logistique français continuera à être requis au-delà du 15 septembre pour une période de courte durée. La celulle de liaison de la MINUAR à Goma à été chargée de fixer, en consultation avec les responsables militaires français sur le terrain, les modalités et la durée de cet appui, étant entendu qu'il sera formalisé à New York par une lettre d'attribution. La Division des opérations hors siège se mettra en rapport avec votre Mission à ce sujet.

Je vous prie de croire, Monsieur l'Ambassadeur, à l'assurance de ma très haute considération.

Kofi A. Annan
Secrétaire général adjoint pour les opérations de maintien de la paix

S.E.M. Jean-Bernard Mérimée
Ambassadeur extraordinaire
Représentant
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