:R

DIRECTIVES OF THE FORCE COMMANDER

17 JAN 1994 - 17 MAY 1995

UNCLASSIFIED
RH/WG MAR 2009

PLEASE RETAIN
ORIGINAL ORDER

UN ARCHIVES
SERIES S-1120
BOX 3
FILE 3
ACC. 1998/0278

Mr Montague 28-X-94

Mr Goto, This is ok - On return with thanks

This is my file on the document 2/11/94
prepared by the military (re jurisdiction).

I've discussed my annotations (in the document) verbally with Maj. Oswald, who is to revise the draft and circulate.

I'd like this file back after your perusal.

Ike Shinkle
room 4013

Mr Neugebauer
Pl. see
We spoke 28.10.94
1/11/94

Noted
1/11/94 MEN

Annex "A"

FC could also look at our [illegible] to the FORCE

2000-1

Distribution List

FC DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES

References:

A. Section 9: Op Directive No 2 Rules of Engagement

B. FC Directive for the Handling of Detainees dated 28 Sep 94

C. FC Directive on Conduct, Dress and Weapon Carriage Policy dated .....

1. General. In the conduct of their duties, UNAMIR personnel may be required to hand over individuals to the Government of Rwanda. This hand over may occur as a result of Rwandan authorities seeking legal jurisdiction over foreign or Rwandan nationals.

2. Definitions.

a. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as apart of UNAMIR.

b. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraph 5 c and d below,

c. "Hand over" is the formal procedure detailed in Annexes C and D.

d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.

e. "Military personnel of national contingents" includes military staff on UNAMIR HQ.

f. "Official capacity" for UNAMIR troops is anytime soldiers are in uniform or by exception when in civilian clothes (see Reference C).

g. "Visitors" includes, but is not limited to, journalists, tourists and dignitaries representing national governments.

3. Aim. The aim of this Directive is to outline the procedures for handing over individuals or groups of people to the Rwandan authorities.

4. Foreign Nationals and Rwandan Jurisdiction. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:

a. SRSG, Force Commander and the Police Commander of CIVPOL;

b. UN civilian officials assigned to the civilian component to serve with UNAMIR,

c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "consultants");

d. Military personnel of national contingents who are a part of UNAMIR,

e. Personnel of UN specialist agencies,

f. Personnel of NGO's, and

g. Visitors.

The legal status of these categories of personnel and the hand over procedures for them are detailed at Annex es A and C respectively.

5. Rwandan Nationals and Rwandan Jurisdiction. Rwandan authorities may seek jurisdiction over the following categories of Rwandan nationals:

a. Locally recruited personnel who are working for the UN,

b. Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces. This category includes any person who seeks protection in a UNAMIR installation because they fear for their safety; and

c. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or a hostile intent (as defined in Reference A) against:

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

(2) Other UNAMIR military or civilian personnel,

(3) Non-UNAMIR humanitarian aid personnel,

(4) Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces; or

(5) Other UN-authorized military or civilian personnel.

d. Rwandans who are detained for stealing or who are suspected of stealing items from: UNAMIR, UN, humanitarian organisations or UN protected sites (see Reference A paragraphs 3.b and 8).

The legal status and hand over procedures for Rwandan nationals is at Annexes B and D respectively.

6. Any person who is in the care of UNAMIR troops is to be treated humanely, ensuring that they are provided with food, drinking water and they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

7. Reference B is now cancelled.

ANNEX A TO LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES DATED 1994

FOREIGN NATIONALS AND RWANDAN JURISDICTION

CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HANDOVER
SRSG, FC, POLICE COMM OF CIV POL	ACCORDED DIPLOMATIC IMMUNITY AND PRIVILEGE UNDER INTERNATIONAL LAW	NOT TO BE HANDED OVER TO RWANDAN AUTHORITIES UNDER ANY CIRCUMSTANCES
UN CIVILIAN OFFICIALS ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR	IMMUNE FROM LEGAL PROCESS FOR ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE SRSG
UNMO, CIVPOL AND CONSULTANTS	* IMMUNE FROM LEGAL PROCESS FOR ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY * IMMUNE FROM PERSONAL ARREST OR DETENTION AND SEZIURE OF THEIR PERSONNEL BAGGAGE	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND/OR THE SRSG
MILITARY PERS OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR	IMMUNITY FROM LEGAL PROCESS IN RESPECT OF ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND THE CONTINGENT COMMANDER
PERSONNEL OF UN SPECIALIST AGENCIES	IMMUNITY FROM LEGAL PROCESS IN RESPECT OF ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE HEAD OF THE AGENCY
PERSONNEL OF NGO'S	NO IMMUNITY UNLESS THEY HAVE ENTERED INTO A BILATERAL ARRANGEMENT WITH THE RWANDAN GOVERNMENT	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE HEAD OF THE NGO

VISITOR	NO IMMUNITY UNLESS THEY HAVE ENTERED INTO A BILATERAL ARRANGEMENT WITH THE RWANDAN GOVERNMENT	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND/OR SRSG

ANNEX B TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1994

RWANDAN NATIONALS AND RWANDAN JURISDICTION

CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HANDOVER
LOCALLY RECRUITED PERS	IMMUNE FROM LEGAL PROCESS IN RESPECT OF ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY NOTE: THIS PROTECTION DOES NOT EXTEND TO ACTS COMMITTED BEFORE THIER EMPLOYMENT WITH THE UN , [illegible]	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE SRSG
REFUGEES, DISPLACED PERSONS AND CIVILIANS IN SITES OR AMONG POPULATIONS UNDER THE PROTECTION OF UNAMIR	UNDER PROTECTION AS STATED IN ROE IN REFERENCE A [illegible]	ONLY TO BE HANDED OVER AT AN OFFICE OF THE PROSECUTOR
RWANDAN NATIONAL DETAINED BY UNAMIR AUTHORITIES	TREAT HUMANELY	ONLY TO BE HANDED OVER AT AN OFFICE OF THE PROSECUTOR

ANNEX C TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1994

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

1. UN Civilian Assigned to the Civilian Component to Serve with UNAMIR

a. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilians working for UNAMIR, the SRSG or his representative HQ UNAMIR and the International Committee of the Red Cross (ICRC) must be notified.

b. UNAMIR soldiers are not to allow Rwandan authorities to take custody of the UN civilian unless the SRSG has given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's Office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

2. UNMOs, CIVPOL and Consultants

a. As soon as a Rwandan authority seeks legal jurisdiction over an UNMO, CIVPOL or a consultant, the FC or his representative, the SRSG or his representative and the ICRC must be notified.

b. UNAMIR soldiers are not to allow Rwandan authorities to take custody of a UNMOs, CIVPOL or a consultant unless the FC and/or the SRSG has given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of the UNMO, CIVPOL or consultant, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's Office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

3. Military Personnel of National Contingents who are a part of UNAMIR

a. As soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are a part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified.

b. UNAMIR soldiers are not to allow Rwandan authorities to take custody of another UNAMIR soldier unless the FC and the appropriate contingent commander have given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of the UNAMIR soldier, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's Office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

4. Personnel of UN Specialist Agencies

a. As soon as a Rwandan authority seeks legal jurisdiction over a member of a UN specialist agency, the SRSG or his representative, the appropriate head of the agency and the ICRC must be notified.

b. UNAMIR soldiers are not to allow Rwandan authorities to take custody of a member of a UN specialist agency unless the SRSG and the appropriate head of the agency have given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of a member of a UN specialist agency UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far in possible in advance and, if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's Office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

5. Personnel of NGO's

a. As soon as a Rwandan authority seeks legal jurisdiction over a member of an NGO, HQ UNAMIR, the appropriate head of the NGO agency and the ICRC must be notified.

b. UNAMIR soldiers are not to allow Rwandan authorities to take custody of a member of an NGO unless the appropriate head of the NGO has given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of a member of an NGO, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

6. Visitors

a. As soon as a Rwandan authority seeks legal jurisdiction over a visitor HQ UNAMIR and the ICRC must be notified.

b. UNAMIR soldiers are not to allow Rwandan authorities to take custody of a visitor unless the FC and/or the SRSG has given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of a visitor UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

ANNEX D TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1994

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

1. Locally Recruited Personnel

a. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified.

b. UNAMIR soldiers are not to allow any Rwandan authority to take custody of locally recruited personnel unless the SRSG has given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of locally recruited personnel , UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's Office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

2. Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR

a. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC and the ICRC must be notified.

b. UNAMIR soldiers are not to allow any Rwandan authority to take custody of refugees, displaced persons and/or civilians in sites or amongst populations under the protection of UNAMIR unless the FC has given permission for this to occur.

c. If Rwandan authorities use force to attempt to take custody of refugees, displaced persons and/or civilians in sites and or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's Office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) Name of person handed over,

(2) Location where the Rwandan Government sought jurisdiction,

(3) Crime person accused of,

(4) Name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction, and

(5) Date and time the person was handed to the Prosecutor's office.

3. Persons detained by UNAMIR troops

a. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principles of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention.

b. They are to be identified and their personal details recorded.

c. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees according to its modalities.

d. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).

e. The ICRC are to be notified and if possible are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over, the person in the Prosecutor's Office to whom the hand over is made and if available, the ICRC representative who was present during the hand over.

f. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised Office for the processing and handing over of detainees in Rwanda.

g. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2 , G3 Ops and the Force Provost Marshall:

(1) Name of the detainee,

(2) Location where person was detained,

(3) Crime person accused of,

(4) Name of the UNAMIR person who detained the detainee, and

(5) Date and time the detainee was handed to the Office of the Prosecutor.

ANNEX E TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1994

PROSECUTOR OFFICES IN RWANDA

TOWN	PROSECUTOR'S NAME	ADDRESS
KIBUNGO	MUSHUMBA, Jean Baptiste	
KIGALI	NSANZUWERA, Francois	
RWANAGANA	GATAMBIYE, Sylere	
KIBUYE	TUYISENGE, Cyprien	
GITARAMA	KAYIBANDA P. Celestin	
NYANZA	HARELIMANA, Simon	
BUTARE	GATSIMBANYI, Callixte	
GIKONGORO	HAVUGIYAREMYE, Aloys	
CYANGUGU	NYANDWI, Viateur	
GISENYI	HARERIMANA, Charles	
RUHENGERI	UWIYINGOMA, David	
BYUMBA	MUSUHUKE, Francois	

NOTE: IT IS THE DUTY OF ALL SECTOR COMMANDERS TO KNOW EXACTLY WHERE THE ABOVE OFFICES ARE LOCATED.

ANNEX F TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1994

ICRC REPRESENTATIVE'S IN RWANDA

TOWN	ICRC REPRESENTATIVE'S NAME	ADDRESS
KIBUNGO		
KIGALI		
RWANAGANA		
KIBUYE		
GITARAMA		
NYANZA		
BUTARE		
GIKONGORO		
CYANGUGU		
GISENYI		
RUHENGERI		
BYUMBA		

NOTE: IT IS THE DUTY OF ALL SECTOR COMMANDERS TO KNOW EXACTLY WHERE THE ABOVE OFFICES ARE LOCATED.

ANNEX G TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1994

HAND OVER PROFORMA

I, ...(1), A MILITARY MEMBER OF UNAMIR/MINUAR HAVE HANDED OVER .....(2) TO THE OFFICE OF THE PROSECUTOR OF ....(3).

SIGNED THIS DAY OF 19

....

UNAMIR **OFFICE OF THE PROSECUTOR** **ICRC**

(1) Insert here the name of the UNAMIR person conducting the hand over.

(2) Insert here the name of the person being handed over.

(3) Insert here the name of the Prosecutor's Office.

UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

Annex "B"

TO: MGEN Guy Tousignant
Force Commander

DATE: 24 November 1994
REF: OSRSG/LA/011

THROUGH: Dr. A. Kabia
Executive Director

FROM: I. Minta
Legal Adviser/OSRSG

SUBJECT: **UNAMIR Guidelines on Refugees, Displaced Persons, and Civilian Hand Overs**

I would like a meeting with LA & Maj Oswald pl.
ED
LA

Ref: **Attached Letter from Human Rights Operations**

1. The guidelines referred to - originally discussed with me in draft form by Maj. Oswald, although I have not seen the final version - were based on UNAMIR's **mandate** and its **Status of Mission Agreement** with the Government of Rwanda.

2. The guidelines could thus go only as far as those sources of UNAMIR's legal authority would allow. Indeed, in some respects - such as with regard to UNAMIR's protection of non-UNAMIR personnel, except in the context of the delivery of humanitarian assistance or of self-defence - the point could be made that the guidelines exceed UNAMIR's legal authority. However, Maj. Oswald and myself agreed that any such over-reaching on our part was justifiable on broad humanitarian grounds.

This is correct but are we to act separately. If so we shall conflict with each other!

3. The sources of the Human Rights Operations' (HRO) legal authority in Rwanda are not the same as those of UNAMIR. The two should therefore not be confused or inter-mingled with each other, especially at the operational level - despite the fact that they both emanate from the overall authority of the United Nations and despite the need to streamline the operations of the various UN agencies in Rwanda.

4. This is because the actions of UNAMIR personnel, or of HRO or other UN personnel in Rwanda, can only be justified legally with reference to their respective legal mandates laid down by the legislative bodies of the UN.

5. Consequently, the additions to the UNAMIR guidelines proposed by HRO should be treated separately, as they are presumably derived from different legal sources than those governing UNAMIR's operations. Perhaps it would be best to put those requirements in an Addendum, with an explanatory note indicating the legal sources and the fact that those govern HRO operations.

cc: SRSG

UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
FIELD OPERATION IN RWANDA

NATIONS UNIES
HAUT COMMISSAIRE AUX DROITS DE L'HOMME
OPERATION SUR LE TERRAIN AU RWANDA

22 November 1994

Dear General,

UNAMIR Guidelines on Refugee, Displaced Person, and Civilian Hand Overs

I refer to the guidelines on the above subject contained in your Force Commander's directive.

As you know, these guidelines were drafted in August 1994 before the Human Rights Field Operation in Rwanda had deployed a field presence with HRFOs outposted at various locations throughout the country. At that time, it was evidently decided that it was unnecessary to make reference to the protective mandate of the High Commissioner for Human Rights. However, now that the HRFOs are outposted on the ground in some strength, they have an essential role to play in the type of situation which the directive describes.

I should therefore like to suggest some appropriate amendments, which make due reference to the duties and role of HRFOs in these circumstances.

Enclosed please find a draft for your consideration, with the amendments indicated in bold type.

Yours sincerely,

William Clarance
Chief, Human Right
Field Operation in Rwanda

Major-General Guy Tousignant
Force Commander
UNAMIR

cc: Ambassador S. Khan
Special Representative
of the Secretary General

(2)
Legal Office
Request that you review the attached document and provide guidance.
23/11/94

. Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR

a. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative, **the Chief of UNHRFOR or his representative**, and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons and/or civilians in sites or amongst populations under the protection of UNAMIR unless the FC, **after consultation with the Chief of UNHRFOR**, has given permission for this to occur. UNAMIR troops are to allow MP, CIVPOL, or **UNHRFOR** to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) use force to attempt to take custody of refugees, displaced persons and/or civilians in sites and or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

d. **If the Rwandan authority(s) requests to take custody of a refugee, displaced person and/or civilian in sites or amongst populations under the protection of UNAMIR is based on a claim of that person's criminal conduct, the Rwandan authority(s) must present a written warrant or request signed** by the appropriate Prosecutor (details of the Prosecutor's office are at Annex E) **which specifically names the person, the crime being charged, and the date of the offense.** The **UNHRFOR and the** ICRC [is] **are** to be notified as far as possible in advance of any plan to hand over such a person, **and the UNHRFOR shall be given the opportunity to interview the person before and, along with** the ICRC if possible, be present during the hand over. The person must then be taken to the appropriate Prosecutor's Office. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. **If the Rwandan authority(s) requests to take custody of a refugee, displaced person and/or civilian in sites or amongst populations under the protection of UNAMIR is based on a claim other than the person committed a**

crime, the Rwandan authority(s) must present written justification for seeking such custody signed by the appropriate government official, specifically naming the person, and stating the legal basis for the custody. The UNHRFOR shall be given the opportunity to interview the person and make additional inquiries within one week from the date special protection was sought to determine whether proper justification for the hand over exists and whether the person has justifiable reasons for seeking special protection. Should proper justification not exist or should the person's reasons to seek special protection are justified, the person should not be released to the Rwandan authority(s) and the UNHRFOR will make arrangements for the transfer of the person to another agency or organization as soon as possible. If the hand over is authorized by the UNHRFOR, the person must then be taken to the appropriate government office. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the government office to whom the hand over is made.

f. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over

(2) location where the Rwandan Government sought jurisdiction

(3) crime person accused of or other legal basis for claim of custody

(4) name of the UNAMIR and UNHRFOR person(s) who was present when the Rwandan Government sought jurisdiction

(5) date and time the person was handed to the Prosecutor's or other government official's office, and

(6) whether an ICRC representatives was present during the hand over and if not, why not.

LEGAL OFFR

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

File No 5000.45 (PLANS)

To: Distribution List

From: A/DCOS OPS

Date: 17 May 95

Subject: FC's DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES

Reference: A. 5000.45 (PLANS) dated 8 May 95 (enclosed)

---

1. The Force Commander's directive on the legal jurisdiction applicable to UNAMIR and Rwandan authorities has been revised in order to clarify UNAMIR's legal jurisdiction with respect to witnesses, members of the Rwandan Patriotic Army, Rwandan nationals, NGOs and visitors.

2. Reference A outlines the changes made to the previous version of the directive.

3. You are requested to disseminate this document to all personnel.

Enclosures: 2

DISTRIBUTION LIST:

Action:

Lists B, C and D
HRLO/UNHRFO
CISS
CCPO
STO
CSO
MCC
CITMM
BMES
CCO

Information:

Lists A and E

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

File No 5000.45 (PLANS)

To: FC Approved/~~Not Approved~~ 16.5.95

From: G3 PLANS

Through: DCOS OPS Recommended/ ~~Not Recommended~~ 8.5.95

COS Recommended/ ~~Not Recommended~~ 08/5

DFC Recommended/ ~~Not Recommended~~ 09 May 95

Date: 8 May 95

Subject: **REWRITE OF FC's DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES**

---

1. This Directive has been revised in order to clarify UNAMIR's legal jurisdiction with respect to witnesses, members of the Rwandan Patriotic Army (RPA), Rwandan nationals, NGOs and visitors.

2. Overview of the proposed changes. A paragraph concerning witnesses has been added (para 9). Protection is to be extended to witnesses if their circumstances fall within the mandate and/or it is considered that a moral obligation exists. A new section has been added that deals directly with Rwandan Patriotic Army (RPA) soldiers (paras 9, 10 and 11). Protection is not to be extended to RPA soldiers. UNAMIR is authorised to liaise with appropriate authorities should the person seeking protection request UNAMIR assistance. The person is to treated as a detainee and be allowed to leave the premises at any time. In Annex C the blanket authority for UNAMIR personnel to automatically use force should Rwandan authorities attempt to use force to take custody of personnel of NGOs or visitors has been removed.

3. It is requested that you accept the revised Directive and provide your approval.

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

File No 2000-1 (FC)

16 May 1995

Distribution List

FORCE COMMANDER'S DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES

References: A. UNAMIR SOPs, Part 3, Section 17, Rules of Engagement dated 17 March 1995.
B. FC Directive on Conduct, Dress and Weapon Carriage Policy dated 26 April 1995.

INTRODUCTION

1. This updated Directive is effective on receipt and cancels the earlier version which was issued on 31 January 1995. It has the support of the SRSG's office, ICRC and UNHRFOR.

GENERAL

2. In the conduct of their duties, UNAMIR personnel may be required to hand over individuals to the Government of Rwanda. This hand over may occur as a result of Rwandan authorities seeking legal jurisdiction over foreign or Rwandan nationals.

DEFINITIONS

3. The following definitions shall apply to this Directive:

a. "Appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.

b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as part of UNAMIR.

c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 7d and 7e below.

d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.

e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.

f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or in civilian clothes for official functions (see Reference B).

g. "UNHRFOR" is the United Nations Human Rights Field Operations in Rwanda.

h. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises.

AIM

4. The aim of this Directive is to outline the procedures for handing over individuals or groups of people to the Rwandan authorities.

FOREIGN NATIONALS AND RWANDAN JURISDICTION

5. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:

a. SRSG, Force Commander and the Police Commissioner of CIVPOL;

b. UN civilian officials assigned to the civilian component to serve with UNAMIR;

c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");

d. military personnel of national contingents who are part of UNAMIR;

e. personnel of UN specialised agencies;

f. personnel of NGOs; and

g. visitors.

6. The legal status of these categories of personnel and the hand over procedures for them are detailed at Annexes A and C respectively.

RWANDAN NATIONALS AND RWANDAN JURISDICTION

7. Rwandan authorities may seek jurisdiction over the following categories of Rwandan nationals:

a. Locally recruited personnel who are working for the UN.

b. Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces.

c. Rwandans who seek UNAMIR protection because they are, or they believe that they are, at risk.

d. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or a hostile intent (as defined in Reference A) against:

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

(2) other UNAMIR military or civilian personnel,

(3) non-UNAMIR humanitarian aid personnel,

(4) displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces,

(5) other UN-authorized military or civilian personnel; and

e. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A).

8. The legal status and hand over for Rwandan nationals is at Annexes A and D respectively.

9. Witnesses. Rwandan nationals who request the protection of UNAMIR because they have witnessed and/or have been the subject of serious physical abuse may be provided with such protection if their circumstances fall within the mandate and/or it is considered that a moral obligation exists for the provision of such assistance. The decision to offer such assistance will only be provided by the express authorization of UNAMIR HQ. A request for such assistance should be made as soon as possible after the initial request is made.

10. Any person in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

MEMBERS OF THE RWANDAN PATRIOTIC ARMY (RPA)

11. It is not within the mandate of UNAMIR to provide protection to members of the RPA. Should a member of the RPA seek protection the member is to be advised that protection will not be given.

12. Should the person seeking protection request the assistance of UNAMIR to liaise with the appropriate RPA authority for his handover, he should be informed that UNAMIR is unable to provide protection and HQ UNAMIR is to be informed in order to coordinate all actions. HQ UNAMIR will ensure that the appropriate local and UNAMIR RPA Liaison officer are informed.

13. The person seeking protection is not to be treated as a detainee and as such may have leave UNAMIR property at any time.

G.C. Tousignant
Major-General
Force Commander

Annexes:

Annex A - Foreign Nationals and Rwandan Jurisdiction
Annex B - Rwandan Nationals and Rwandan Jurisdiction
Annex C - Procedures for Handing Over Foreign Nationals
Annex D - Procedures for Handing Over Rwandan Nationals
Annex E - Prosecutors Offices in Rwanda
Annex F - ICRC Representatives In Rwanda
Annex G - Hand Over Proforma

DISTRIBUTION LIST (Page 5)

DISTRIBUTION LIST

Action:

Lists B, C and D
HRL/UNHRFO
CISS
CCPO
STO
CSO
MCC
CITMM
BMES
CCO

Information:

Lists A and E

ANNEX A TO
2000-1 (FC)
DATED 16 MAY 95

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	SRSG, FC, Police Comm of CIVPOL	. Accorded Diplomatic immunity and privilege under International Law.	. Not to be handed over to Rwandan authorities under any circumstance.
2.	UN Civilian officials assigned to the Civilian Component to serve with UNAMIR	. Immune from legal process for all acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the SRSG.
3.	UNMO, CIVPOL and Consultants	. Immune from legal process for all acts performed by them in their official capacity. . Immune from personal arrest or detention and seizure of their personal baggage	. Only to be handed over with the concurrence of the FC and/or the SRSG.
4.	Military Pers of National Contingents who are a part of UNAMIR	. Immunity from legal process in respect of acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the FC and the Contingent Commander.
5.	Personnel of UN Specialist Agencies	. Immunity from legal process in respect of acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the head of the Agency.
6.	Personnel of NGOs	. No immunity unless they have entered in to a bilateral arrangement with the Rwandan Government.	. To be handed over on demand of proper legal authority with the concurrence of the head of the NGO.
7.	Visitors	. No immunity from legal process in respect of acts performed by them in their official capacity.	. To be handled over on demand of proper legal authority.

ANNEX B TO
2000-1 (FC)
DATED 16 MAY 95

RWANDAN NATIONAL AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	Locally recruited personnel	. Immune from legal process in respect of all acts performed by them in their official capacity. Note: This protection does not extend to acts committed before their employment with the UN.	. Only to be handed over with the concurrence of the SRSG.
2.	Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR	. Under Protection as stated in ROE in Reference A.	. Only to be handed over at an office of the prosecutor.
3.	Rwandan National seeking protection because at risk	. Under the protection as stated in ROE in Reference A.	. Only to be handed over on the concurrence of the FC and the person seeking protection (unless the person refuses to leave UN premises) at an office of the prosecutor.
4.	Rwandan National detained by UNAMIR authorities	. Treat humanely.	. Only to be handed over at an office of the prosecutor.

ANNEX C TO
2000-1 (FC)
DATED 16 MAY 95

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

UN CIVILIAN ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR

1. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR, and the International Committee of the Red Cross (ICRC) and UNHRFOR must be notified. HQ UNAMIR is to dispatch Military Police (MP).

2. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

3. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.

4. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

5. A report detailing the following is to submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person was accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the handover and if not, why not.

UNMOs, CIVPOL AND EXPERTS ON MISSION

6. As soon as Rwandan authority seeks legal jurisdiction over an UNMO, CIVPOL or an Expert on Mission, the FC or his representative, the SRSG or his representative and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site. The Rwandan authority is to be reminded that these members are, under Rwandan and international law, immune from arrest, detention or the seizure of their baggage.

7. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of an UNMO, CIVPOL or an Expert on Mission unless the FC and/or the SRSG has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

8. If the Rwandan authority(s) uses force to attempt to take custody of the UNMO, CIVPOL or Expert on Mission, UNAMIR troops are authorised to use force in accordance with Reference A.

9. If authority is given for the hand over, the UNMO, CIVPOL or Expert on Mission must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the handover. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

10. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

MILITARY PERSONNEL OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR

11. A soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating states in respect of any criminal offenses which may have been committed by them in Rwanda.

12. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of another UNAMIR soldier unless the FC and the appropriate contingent commander have given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

13. If the Rwandan authority(s) uses force to attempt to take custody of the UNAMIR soldier, UNAMIR troops are authorised to use force in accordance with Reference A.

14. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

15. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PERSONNEL OF UN SPECIALISED AGENCIES

16. As soon as a Rwandan authority seeks legal jurisdiction over a member of a UN specialised agency, the SRSG or his representative, the appropriate head of agency and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

17. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of a UN specialised agency unless the SRSG and the appropriate head of the agency have given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

18. If the Rwandan authority(s) uses force to attempt to take custody of a member of a UN specialised agency, UNAMIR troops are authorised to use force in accordance with Reference A.

19. If authority is given for the handover, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

20. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall and the UN agency concerned:

a. name of person handed over and the agency they work for,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PERSONNEL OF NGOs

21. As soon as a Rwandan authority seeks legal jurisdiction over a member of an NGO, HQ UNAMIR, the appropriate head of the NGO agency and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

22. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of an NGO unless the appropriate head of the NGO has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

23. If authority is given for the handover, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

24. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over and the NGO they work for,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

VISITORS

25. As soon as a Rwandan authority seeks legal jurisdiction over a visitor, HQ UNAMIR, UNHRFOR and the ICRC should be notified. HQ UNAMIR is to dispatch MP to the site.

26. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a visitor providing the proper legal authority is identified as having legal authority (ie Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

27. If possible the person should be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

28. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over and their affiliation or nationality,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

ANNEX D TO
2000-1 (FC)
DATED 16 MAY 95

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

LOCALLY RECRUITED PERSONNEL

1. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. UNHRFOR is to be notified immediately.

2. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

3. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.

4. UNHRFOR is to be permitted to speak to the locally recruited person.

5. If authority is given for the hand over, the person must be taken to the appropriate Prosector's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours with out UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

6. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

REFUGEES, DISPLACED PERSONS AND CIVILIANS IN SITES OR AMONG POPULATIONS UNDER THE PROTECTION OF UNAMIR.

7. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

8. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR unless the FC has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

9. If the Rwandan authority(s) uses force to attempt to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

10. UNHRFOR is to be permitted to speak to the refugee, displaced persons, and/or civilian.

11. If authority is given for the hand over, the person must be taken to the appropriate Prosector's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours with out UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

12. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

RWANDANS SEEKING PROTECTION OF UNAMIR

13. Any Rwandan Civilian who seeks protection of UNAMIR troops is to afforded that protection. UNAMIR HQ is to be notified immediately to the circumstances surrounding the protection. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s). UNHRFOR is also to be notified immediately.

14. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of the Rwandan seeking protection unless the FC has given permission for this to occur.

15. If the Rwandan authority(s) use force to attempt to take custody of the Rwandan, UNAMIR troops are authorised to use force in accordance with Reference A.

16. The Rwandan who has sought protection should be notified as soon as possible that he can only be protected by UNAMIR on a temporary basis. No UNAMIR member should undertake to protect the person indefinitely. UNAMIR may give protection for 24 hours. This period may only be extended with the permission of UNAMIR HQ. It must be explained to the Rwandan authority(s) that one condition of affording protection is that he is handed over to the nearest Office of the Prosecutor. The national is to be informed that he should explain his case to the Prosecutor.

17. UNHRFOR is to be permitted to speak to the individual seeking protection.

18. If the person decides to be handed over to the nearest Office of the Prosecutor (details of these offices are at Annex E). the ICRC are to be notified as far in advance as possible and, if possible, are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours without UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

19. If the person seeking protection does not want to be handed over to the Office of the Prosecutor, UNAMIR is to allow the individual to leave the site that he has sought protection in. If the person refuses to leave he should be told that UNAMIR has no option but to take him to the Office of the Prosecutor.

20. If there is a Rwandan authority(s) seeking custody of the national, that authority should be notified that the person will be handed over as soon as possible to the nearest Office of the Prosecutor.

21. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of the person seeking protection,

b. location where the person sought protection,

c. crime person accused of,

d. name of the UNAMIR person who provided the protection,

e. circumstance/reason why person sought protection,

f. date, time and place the person seeking protection was handed to the Office of the Prosecutor, and

g. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

PERSONS DETAINED BY UNAMIR TROOPS

22. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principals of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s).

23. The detainee(s) is to be told the reason for his detention.

24. They are to be identified and their personal details recorded. The reason for the detention is also to be recorded.

25. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. A detainee is to be kept in custody for no more than 24 hours unless they have the permission of UNAMIR HQ. Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees.

26. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).

27. The ICRC (if possible) and the UNHRFOR are to be notified and present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

28. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised office for the processing and handing over of detainees in Rwanda.

29. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

a. name of the detainee,

b. location where the person was detained,

c. crime person accused of,

d. name of the UNAMIR person who detained the detainee,

e. date, time and place the detainee was handed to the Office of the Prosecutor, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

ANNEX E TO
2000-1 (FC)
DATED 16 MAY 95

PROSECUTOR OFFICES IN RWANDA

TOWN	PROSECUTOR'S NAME	ADDRESS
KIBUNGO	MUSHUMBA, Jean Baptiste	
KIGALI	NSANZUWERA, Sylere	
RWANAGANA	GATAMBIYE, Cyprien	
KIBUYE	TUYISENGE, Celestin	
GITARAMA	KAYIBANDA, Simon	
NYANZA	HARELIMANA, Callixte	
BUTARE	HAVUGIYAREMYE, Aloys	
GIKONGORO	NYANDWI, Viateur	
CYANGUGU	HARERIMANA, Charles	
GISENYI	UWIYINGOMA, David	
RUHENGERI	MUSUHUKE, Francois	
BYUMBA		

NOTE: It is the duty of all Sector Commanders to know exactly where the above offices are located.

ANNEX F TO
2000-1 (FC)
DATED 16 MAY 95

ICRC REPRESENTATIVES IN RWANDA

TOWN	ICRC REPRESENTATIVE	ADDRESS
KIBUNGO	Francois SENECHAUB	
KIGALI	Laurent FELLAY	
RWANAGANA	Francois SENECHAUB	
KIBUYE	Cristophe LOSEY	
GITARAMA	Laurent FELLAY	
NYANZA	Fereydoun AALAU	
BUTARE	Aalame FEREYDOUN	
GIKONGORO	Franz RUSCHENSTEIN	
CYANGUGU	Iris WITTNER	
GISENYI	Johanna GROBASH	
RUHENGERI	Johanna GROBASH	
BYUMBA	Hugo GISLER	

NOTE: It is the duty of all Sector Commanders to know exactly where the above offices are located.

ANNEX G TO
2000-1 (FC)
DATED 16 MAY 95

HAND OVER PROFORMA

I, _____(1), A MILITARY MEMBER OF
UNAMIR/MINUAR HAVE HANDED OVER_____(2)
TO THE OFFICE OF THE PROSECUTOR OF _____(3)
AT _____(4)

SIGNED THIS DAY _____ OF _____ 199___

_____ _____

UNAMIR **OFFICE OF THE PROSECUTOR**

(1) Insert here the name of the UNAMIR person conducting the hand over.

(2) Insert here the name of the person being handed over.

(3) Insert here the name of the Prosecutor's Office.

(4) Insert here the time of hand over.

CAD

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

File No 5000.45 (PLANS)

To: Distribution List

From: A/DCOS OPS

Date: 17 May 95

Subject: FC's DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES

Reference: A. 5000.45 (PLANS) dated 8 May 95 (enclosed)

---

1. The Force Commander's directive on the legal jurisdiction applicable to UNAMIR and Rwandan authorities has been revised in order to clarify UNAMIR's legal jurisdiction with respect to witnesses, members of the Rwandan Patriotic Army, Rwandan nationals, NGOs and visitors.

2. Reference A outlines the changes made to the previous version of the directive.

3. You are requested to disseminate this document to all personnel.

Enclosures: 2

DISTRIBUTION LIST:

Action:

Lists B, C and D
HRLO/UNHRFO
CISS
CCPO
STO
CSO
MCC
CITMM
BMES
CCO

Information:

Lists A and E

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

File No 5000.45 (PLANS)

To:	FC	Approved/~~Not Approved~~	16.5.95
From:	G3 PLANS		
Through:	DCOS OPS	Recommended/ ~~Not Recommended~~	8.5.95
	COS	Recommended/ ~~Not Recommended~~	08/5
	DFC	Recommended/ ~~Not Recommended~~	09 May 95
Date:	8 May 95		

Subject: **REWRITE OF FC's DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES**

---

1. This Directive has been revised in order to clarify UNAMIR's legal jurisdiction with respect to witnesses, members of the Rwandan Patriotic Army (RPA), Rwandan nationals, NGOs and visitors.

2. Overview of the proposed changes. A paragraph concerning witnesses has been added (para 9). Protection is to be extended to witnesses if their circumstances fall within the mandate and/or it is considered that a moral obligation exists. A new section has been added that deals directly with Rwandan Patriotic Army (RPA) soldiers (paras 9, 10 and 11). Protection is not to be extended to RPA soldiers. UNAMIR is authorised to liaise with appropriate authorities should the person seeking protection request UNAMIR assistance. The person is to treated as a detainee and be allowed to leave the premises at any time. In Annex C the blanket authority for UNAMIR personnel to automatically use force should Rwandan authorities attempt to use force to take custody of personnel of NGOs or visitors has been removed.

3. It is requested that you accept the revised Directive and provide your approval.

UNITED NATIONS
ASSISTANCE MISSION IN RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

File No 2000-1 (FC)

16 May 1995

Distribution List

FORCE COMMANDER'S DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES

References: A. UNAMIR SOPs, Part 3, Section 17, Rules of Engagement dated 17 March 1995.
B. FC Directive on Conduct, Dress and Weapon Carriage Policy dated 26 April 1995.

INTRODUCTION

1. This updated Directive is effective on receipt and cancels the earlier version which was issued on 31 January 1995. It has the support of the SRSG's office, ICRC and UNHRFOR.

GENERAL

2. In the conduct of their duties, UNAMIR personnel may be required to hand over individuals to the Government of Rwanda. This hand over may occur as a result of Rwandan authorities seeking legal jurisdiction over foreign or Rwandan nationals.

DEFINITIONS

3. The following definitions shall apply to this Directive:

a. "Appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.

b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as part of UNAMIR.

c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 7d and 7e below.

d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.

e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.

f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or in civilian clothes for official functions (see Reference B).

g. "UNHRFOR" is the United Nations Human Rights Field Operations in Rwanda.

h. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises.

AIM

4. The aim of this Directive is to outline the procedures for handing over individuals or groups of people to the Rwandan authorities.

FOREIGN NATIONALS AND RWANDAN JURISDICTION

5. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:

a. SRSG, Force Commander and the Police Commissioner of CIVPOL;

b. UN civilian officials assigned to the civilian component to serve with UNAMIR;

c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");

d. military personnel of national contingents who are part of UNAMIR;

e. personnel of UN specialised agencies;

f. personnel of NGOs; and

g. visitors.

6. The legal status of these categories of personnel and the hand over procedures for them are detailed at Annexes A and C respectively.

RWANDAN NATIONALS AND RWANDAN JURISDICTION

7. Rwandan authorities may seek jurisdiction over the following categories of Rwandan nationals:

a. Locally recruited personnel who are working for the UN.

b. Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces.

c. Rwandans who seek UNAMIR protection because they are, or they believe that they are, at risk.

d. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or a hostile intent (as defined in Reference A) against:

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

(2) other UNAMIR military or civilian personnel,

(3) non-UNAMIR humanitarian aid personnel,

(4) displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces,

(5) other UN-authorized military or civilian personnel; and

e. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A).

8. The legal status and hand over for Rwandan nationals is at Annexes A and D respectively.

9. Witnesses. Rwandan nationals who request the protection of UNAMIR because they have witnessed and/or have been the subject of serious physical abuse may be provided with such protection if their circumstances fall within the mandate and/or it is considered that a moral obligation exists for the provision of such assistance. The decision to offer such assistance will only be provided by the express authorization of UNAMIR HQ. A request for such assistance should be made as soon as possible after the initial request is made.

10. Any person in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

MEMBERS OF THE RWANDAN PATRIOTIC ARMY (RPA)

11. It is not within the mandate of UNAMIR to provide protection to members of the RPA. Should a member of the RPA seek protection the member is to be advised that protection will not be given.

12. Should the person seeking protection request the assistance of UNAMIR to liaise with the appropriate RPA authority for his handover, he should be informed that UNAMIR is unable to provide protection and HQ UNAMIR is to be informed in order to coordinate all actions. HQ UNAMIR will ensure that the appropriate local and UNAMIR RPA Liaison officer are informed.

13. The person seeking protection is not to be treated as a detainee and as such may have leave UNAMIR property at any time.

G.C. Tousignant
Major-General
Force Commander

Annexes:

Annex A - Foreign Nationals and Rwandan Jurisdiction
Annex B - Rwandan Nationals and Rwandan Jurisdiction
Annex C - Procedures for Handing Over Foreign Nationals
Annex D - Procedures for Handing Over Rwandan Nationals
Annex E - Prosecutors Offices in Rwanda
Annex F - ICRC Representatives In Rwanda
Annex G - Hand Over Proforma

DISTRIBUTION LIST (Page 5)

DISTRIBUTION LIST

Action:

Lists B, C and D
HRL/UNHRFO
CISS
CCPO
STO
CSO
MCC
CITMM
BMES
CCO

Information:

Lists A and E

ANNEX A TO
2000-1 (FC)
DATED 16 MAY 95

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	SRSG, FC, Police Comm of CIVPOL	. Accorded Diplomatic immunity and privilege under International Law.	. Not to be handed over to Rwandan authorities under any circumstance.
2.	UN Civilian officials assigned to the Civilian Component to serve with UNAMIR	. Immune from legal process for all acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the SRSG.
3.	UNMO, CIVPOL and Consultants	. Immune from legal process for all acts performed by them in their official capacity. . Immune from personal arrest or detention and seizure of their personal baggage	. Only to be handed over with the concurrence of the FC and/or the SRSG.
4.	Military Pers of National Contingents who are a part of UNAMIR	. Immunity from legal process in respect of acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the FC and the Contingent Commander.
5.	Personnel of UN Specialist Agencies	. Immunity from legal process in respect of acts performed by them in their official capacity.	. Only to be handed over with the concurrence of the head of the Agency.
6.	Personnel of NGOs	. No immunity unless they have entered in to a bilateral arrangement with the Rwandan Government.	. To be handed over on demand of proper legal authority with the concurrence of the head of the NGO.
7.	Visitors	. No immunity from legal process in respect of acts performed by them in their official capacity.	. To be handled over on demand of proper legal authority.

ANNEX B TO
2000-1 (FC)
DATED 16 MAY 95

RWANDAN NATIONAL AND THEIR LEGAL STATUS IN RWANDA

SER	CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
1.	Locally recruited personnel	. Immune from legal process in respect of all acts performed by them in their official capacity. Note: This protection does not extend to acts committed before their employment with the UN.	. Only to be handed over with the concurrence of the SRSG.
2.	Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR	. Under Protection as stated in ROE in Reference A.	. Only to be handed over at an office of the prosecutor.
3.	Rwandan National seeking protection because at risk	. Under the protection as stated in ROE in Reference A.	. Only to be handed over on the concurrence of the FC and the person seeking protection (unless the person refuses to leave UN premises) at an office of the prosecutor.
4.	Rwandan National detained by UNAMIR authorities	. Treat humanely.	. Only to be handed over at an office of the prosecutor.

ANNEX C TO
2000-1 (FC)
DATED 16 MAY 95

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

UN CIVILIAN ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR

1. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR, and the International Committee of the Red Cross (ICRC) and UNHRFOR must be notified. HQ UNAMIR is to dispatch Military Police (MP).

2. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

3. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.

4. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

5. A report detailing the following is to submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person was accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the handover and if not, why not.

UNMOs, CIVPOL AND EXPERTS ON MISSION

6. As soon as Rwandan authority seeks legal jurisdiction over an UNMO, CIVPOL or an Expert on Mission, the FC or his representative, the SRSG or his representative and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site. The Rwandan authority is to be reminded that these members are, under Rwandan and international law, immune from arrest, detention or the seizure of their baggage.

7. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of an UNMO, CIVPOL or an Expert on Mission unless the FC and/or the SRSG has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

8. If the Rwandan authority(s) uses force to attempt to take custody of the UNMO, CIVPOL or Expert on Mission, UNAMIR troops are authorised to use force in accordance with Reference A.

9. If authority is given for the hand over, the UNMO, CIVPOL or Expert on Mission must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the handover. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

10. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

MILITARY PERSONNEL OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR

11. A soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating states in respect of any criminal offenses which may have been committed by them in Rwanda.

12. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of another UNAMIR soldier unless the FC and the appropriate contingent commander have given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

13. If the Rwandan authority(s) uses force to attempt to take custody of the UNAMIR soldier, UNAMIR troops are authorised to use force in accordance with Reference A.

14. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

15. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PERSONNEL OF UN SPECIALISED AGENCIES

16. As soon as a Rwandan authority seeks legal jurisdiction over a member of a UN specialised agency, the SRSG or his representative, the appropriate head of agency and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

17. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of a UN specialised agency unless the SRSG and the appropriate head of the agency have given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

18. If the Rwandan authority(s) uses force to attempt to take custody of a member of a UN specialised agency, UNAMIR troops are authorised to use force in accordance with Reference A.

19. If authority is given for the handover, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

20. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall and the UN agency concerned:

a. name of person handed over and the agency they work for,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

PERSONNEL OF NGOs

21. As soon as a Rwandan authority seeks legal jurisdiction over a member of an NGO, HQ UNAMIR, the appropriate head of the NGO agency and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

22. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of an NGO unless the appropriate head of the NGO has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

23. If authority is given for the handover, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

24. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over and the NGO they work for,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

VISITORS

25. As soon as a Rwandan authority seeks legal jurisdiction over a visitor, HQ UNAMIR, UNHRFOR and the ICRC should be notified. HQ UNAMIR is to dispatch MP to the site.

26. UNAMIR soldiers are to allow the Rwandan authority(s) to take custody of a visitor providing the proper legal authority is identified as having legal authority (ie Gendarme, Prosecutors). UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

27. If possible the person should be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC and UNHRFOR are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

28. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G3 Ops, and the Force Provost Marshall:

a. name of person handed over and their affiliation or nationality,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and UNHRFOR representative was present during the hand over and if not, why not.

ANNEX D TO
2000-1 (FC)
DATED 16 MAY 95

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

LOCALLY RECRUITED PERSONNEL

1. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP to the site. UNHRFOR is to be notified immediately.

2. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

3. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.

4. UNHRFOR is to be permitted to speak to the locally recruited person.

5. If authority is given for the hand over, the person must be taken to the appropriate Prosector's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours with out UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

6. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

REFUGEES, DISPLACED PERSONS AND CIVILIANS IN SITES OR AMONG POPULATIONS UNDER THE PROTECTION OF UNAMIR.

7. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative and the ICRC and UNHRFOR must be notified. HQ UNAMIR is to dispatch MP to the site.

8. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR unless the FC has given permission for this to occur. UNAMIR troops are to allow MP to liaise with the Rwandan authority(s).

9. If the Rwandan authority(s) uses force to attempt to take custody of refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

10. UNHRFOR is to be permitted to speak to the refugee, displaced persons, and/or civilian.

11. If authority is given for the hand over, the person must be taken to the appropriate Prosector's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours with out UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

12. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of person handed over,

b. location where the Rwandan Government sought jurisdiction,

c. crime person accused of,

d. name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

e. date, time and place the person was handed to the Prosecutor's Office, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

RWANDANS SEEKING PROTECTION OF UNAMIR

13. Any Rwandan Civilian who seeks protection of UNAMIR troops is to afforded that protection. UNAMIR HQ is to be notified immediately to the circumstances surrounding the protection. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s). UNHRFOR is also to be notified immediately.

14. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of the Rwandan seeking protection unless the FC has given permission for this to occur.

15. If the Rwandan authority(s) use force to attempt to take custody of the Rwandan, UNAMIR troops are authorised to use force in accordance with Reference A.

16. The Rwandan who has sought protection should be notified as soon as possible that he can only be protected by UNAMIR on a temporary basis. No UNAMIR member should undertake to protect the person indefinitely. UNAMIR may give protection for 24 hours. This period may only be extended with the permission of UNAMIR HQ. It must be explained to the Rwandan authority(s) that one condition of affording protection is that he is handed over to the nearest Office of the Prosecutor. The national is to be informed that he should explain his case to the Prosecutor.

17. UNHRFOR is to be permitted to speak to the individual seeking protection.

18. If the person decides to be handed over to the nearest Office of the Prosecutor (details of these offices are at Annex E). the ICRC are to be notified as far in advance as possible and, if possible, are to be present during the hand over. UNHRFOR is to be present during the hand over. (Note: No hand over is to be delayed more than 24 hours without UNAMIR HQ permission on the sole basis that the ICRC and/or UNHRFO are not present.) The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

19. If the person seeking protection does not want to be handed over to the Office of the Prosecutor, UNAMIR is to allow the individual to leave the site that he has sought protection in. If the person refuses to leave he should be told that UNAMIR has no option but to take him to the Office of the Prosecutor.

20. If there is a Rwandan authority(s) seeking custody of the national, that authority should be notified that the person will be handed over as soon as possible to the nearest Office of the Prosecutor.

21. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

a. name of the person seeking protection,

b. location where the person sought protection,

c. crime person accused of,

d. name of the UNAMIR person who provided the protection,

e. circumstance/reason why person sought protection,

f. date, time and place the person seeking protection was handed to the Office of the Prosecutor, and

g. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

PERSONS DETAINED BY UNAMIR TROOPS

22. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principals of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority(s).

23. The detainee(s) is to be told the reason for his detention.

24. They are to be identified and their personal details recorded. The reason for the detention is also to be recorded.

25. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. A detainee is to be kept in custody for no more than 24 hours unless they have the permission of UNAMIR HQ. Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees.

26. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).

27. The ICRC (if possible) and the UNHRFOR are to be notified and present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

28. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised office for the processing and handing over of detainees in Rwanda.

29. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

a. name of the detainee,

b. location where the person was detained,

c. crime person accused of,

d. name of the UNAMIR person who detained the detainee,

e. date, time and place the detainee was handed to the Office of the Prosecutor, and

f. whether an ICRC and/or UNHRFOR representative was present during the hand over and if not, why not.

ANNEX E TO
2000-1 (FC)
DATED 16 MAY 95

PROSECUTOR OFFICES IN RWANDA

TOWN	PROSECUTOR'S NAME	ADDRESS
KIBUNGO	MUSHUMBA, Jean Baptiste	
KIGALI	NSANZUWERA, Sylere	
RWANAGANA	GATAMBIYE, Cyprien	
KIBUYE	TUYISENGE, Celestin	
GITARAMA	KAYIBANDA, Simon	
NYANZA	HARELIMANA, Callixte	
BUTARE	HAVUGIYAREMYE, Aloys	
GIKONGORO	NYANDWI, Viateur	
CYANGUGU	HARERIMANA, Charles	
GISENYI	UWIYINGOMA, David	
RUHENGERI	MUSUHUKE, Francois	
BYUMBA		

NOTE: It is the duty of all Sector Commanders to know exactly where the above offices are located.

ANNEX F TO
2000-1 (FC)
DATED 16 MAY 95

ICRC REPRESENTATIVES IN RWANDA

TOWN	ICRC REPRESENTATIVE	ADDRESS
KIBUNGO	Francois SENECHAUB	
KIGALI	Laurent FELLAY	
RWANAGANA	Francois SENECHAUB	
KIBUYE	Cristophe LOSEY	
GITARAMA	Laurent FELLAY	
NYANZA	Fereydoun AALAU	
BUTARE	Aalame FEREYDOUN	
GIKONGORO	Franz RUSCHENSTEIN	
CYANGUGU	Iris WITTNER	
GISENYI	Johanna GROBASH	
RUHENGERI	Johanna GROBASH	
BYUMBA	Hugo GISLER	

NOTE: It is the duty of all Sector Commanders to know exactly where the above offices are located.

ANNEX G TO
2000-1 (FC)
DATED 16 MAY 95

HAND OVER PROFORMA

I, _____(1), A MILITARY MEMBER OF
UNAMIR/MINUAR HAVE HANDED OVER_____(2)
TO THE OFFICE OF THE PROSECUTOR OF _____(3)
AT _____(4)

SIGNED THIS DAY _____ OF _____ 199___

_____ _____

UNAMIR **OFFICE OF THE PROSECUTOR**

(1) Insert here the name of the UNAMIR person conducting the hand over.

(2) Insert here the name of the person being handed over.

(3) Insert here the name of the Prosecutor's Office.

(4) Insert here the time of hand over.

17 March 1995

UNAMIR STANDING OPERATING PROCEDURES

SECTION 17: RULES OF ENGAGEMENT

PART I

INTRODUCTION

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

2. These UNAMIR ROE are provided for UN Forces operating under the auspices of UN Security Council Resolution 965 dated 30 November 1994. That Resolution states that UNAMIR will:

> " (a) Contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance where feasible, of secure humanitarian areas;
>
> (b) To provide security and support for the distribution of relief supplies and humanitarian relief operations; and
>
> (c) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;
>
> 3. (The Security Council) Decides to expand UNAMIR's mandate to include the following additional responsibilities within the limits of the resources available to it:
>
> (a) Contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, including full-time protection for the Prosecutor's Office, as well as security details for missions outside Kigali;"

3. Under the terms of the Arusha Peace Agreement and the UN Security Council Resolution mandates, UNAMIR has a commitment to all parties to assist them to achieve peace. Impartiality is the key and all UNAMIR's actions must be aimed at ensuring the furtherance of this objective.

However, circumstances could arise where the use of force by UNAMIR personnel would be necessary and justified.

PART II

AIM

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

PART III

DEFINITIONS

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

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

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

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

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

(2) other UNAMIR military or civilian personnel,

(3) non-UNAMIR humanitarian aid personnel,

(4) displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces, or

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

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

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

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

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

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

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

PART IV

INSTRUCTIONS ON THE USE OF FORCE

APPLICABILITY

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

COMMANDERS' RESPONSIBILITY

7. UNAMIR Commanders at all levels are required:

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

b. to ensure that every subordinate under their command:

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

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

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

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

USE OF FORCE AND ENGAGEMENT PRINCIPLES

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

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

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

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

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

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

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

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

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

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

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

k. Cross-Border Fire. UNAMIR personnel are authorised to fire across the border of Rwanda into neighbouring countries **only** when acting in self-defence (and defence of others as per paragraph 5.c).

AUTHORITY TO USE FORCE

10. Force may be used as follows:

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

(1) in self-defence;
(2) against attempts at infiltration or envelopment of UNAMIR units, compounds or locales;

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

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

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

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

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

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

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

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

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

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

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

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

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

AUTHORITY TO SEARCH AND DETAIN

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

12. Authority to Detain. Individuals shall only be detained if they commit a hostile act, display hostile intent or carry out any activity which would require that force be used against them.

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

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

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

CHALLENGE AND ESCALATION PROCEDURES

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

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

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

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

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

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

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

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

PROCEDURES DURING FIRING

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

PROCEDURE AFTER FIRING

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

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

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

(1) date, time and place of firing;

(2) unit and personnel involved;

(3) the events leading up to the firing;

(4) why UNAMIR personnel opened fire;

(5) who or what was fired on;

(6) the weapons fired; and

(7) the apparent results of the firing.

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

PART V

RULES OF ENGAGEMENT

19. The ROE stated in this directive apply to all personnel provided by nations participating in UNAMIR under the provisions of UN Security Council Resolution 965. These ROE are written in the form of either prohibitions or permissions. Issued as prohibitions, they are orders not to take specific actions. Issued as permissions they are guidance to commanders that certain specific actions may be taken if they are judged necessary to achieve the aim of the mission. The use of force by UNAMIR personnel is prohibited unless specifically authorised by the ROE.

20. Rule No. One: Authority to Carry Arms

a. State A: No authority; and

b. State B: Authority granted to carry weapons.

21. Rule No. Two: Status of Weapons

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

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

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

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

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

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

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

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

a. State A: No authorisation granted.
b. State B: Authorisation is granted. In doing so, use minimum force and escalate to include use of deadly force if hostile intent is exhibited or a hostile act is committed. Hand over to appropriate authority at the earliest opportunity.

24. Rule No. Five: Intervention and Warning Shots

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

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

25. Rule No. Six: Control of Weapons Systems

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

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

(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

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

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

PART VI

CONCLUSION

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

28. This Directive will be classified UN RESTRICTED.

Annexes:

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

Annex B UNAMIR Levels of Readiness/Alert

ANNEX A TO
RULES OF ENGAGEMENT
DATED 17 MARCH 1995

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

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

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

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

a. open display of weapons,

b. verbal warning,

c. barring access to the point being protected,

d. physical restraint,

e. warning shots,

f. pointing weapons, and

g. firing weapons at a person.

WARNINGS

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

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

(PAUSE)

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

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

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

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

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

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

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

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

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

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

ANNEX B TO
RULES OF ENGAGEMENT
DATED 17 MARCH 1995

UNAMIR LEVELS OF READINESS/ALERT

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

APPENDIX ONE TO
ANNEX B TO
RULES OF ENGAGEMENT
DATED 17 MARCH 1995

AIDE MEMOIRE - RULES OF ENGAGEMENT

NOTE: GREEN status indicated in boxes

RULE ONE: AUTHORITY TO CARRY ARMS

STATE A: No authority granted.

STATE B: Authority granted to carry weapons.

RULE TWO: STATUS OF WEAPONS

STATE A: Weapons will be carried with loaded magazines.

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

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

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

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

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

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

RULE FOUR: DISARMAMENT OF PARAMILITARY PERSONNEL OR CIVILIANS

STATE A: No authorization granted.

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

RULE FIVE: INTERVENTION AND WARNING SHOTS

STATE A:	Intervention between warring factions is prohibited.

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

RULE SIX: CONTROL OF WEAPON SYSTEMS

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

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

(1) Man (type of system);

(2) Prepare (type of system);

(3) Move (type of system); and

(4) Fire (type of system).

UNAMIR MINUAR

AIDE MEMOIRE

RULES OF ENGAGEMENT (ROE)

The Three Basic Principles

. The three basic principles that you must remember at all times are:

  . You are deployed on a **PEACE KEEPING** Mission.

  . If you have to use force use only the **MINIMUM FORCE** necessary to accomplish your task.

  . Remember you always have the right to act in **SELF DEFENCE**..

Instructions Regarding the Use of Force

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

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

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

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

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

- **Charge Weapons**

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

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

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

ROE States

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

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

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

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

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

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

(Pause)

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

Procedures After Firing

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

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

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

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

FC directives

2000-1

Distribution List

January 1995

FC DIRECTIVE ON THE LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES - VERSION II

References:

A. Section 9: Op Directive No 2 Rules of Engagement

~~B. FC Directive for the Handling of Detainees dated 28 Sep 94~~

C. FC Directive on Conduct, Dress and Weapon Carriage Policy dated.....

Introduction

1. This updated Directive is effective on receipt and cancels the earlier version which was issued on 3 November 1994. The primary reason for issuing version II is to direct what UNAMIR troops are to do if a Rwandan national seeks protection from UNAMIR. Note that all amendments are in italics and deletions have been overstruck.

2. This Directive has the support of the SRSG's office, ICRC and UNHRFOR.

General

3. In the conduct of their duties, UNAMIR personnel may be required to hand over individuals to the Government of Rwanda. This hand over may occur as a result of Rwandan authorities seeking legal jurisdiction over foreign or Rwandan nationals.

Definitions.

4. The following definitions shall apply to this Directive:

a. "appropriate authority" at this stage, refers only to the Prosecutor's Office. Further changes to this definition will be notified in writing by the FC.

b. "Civilian component" consists of UN officials and of other persons assigned by the Secretary-General to assist the SRSG or made available by participating States to serve as apart of UNAMIR.

c. "Detainee" is any person who is held for committing a hostile act or hostile intent against any of the categories of people referred to in paragraphs 5 c or 5 d below.

c. "Hand over" is the formal procedure detailed in Annexes C and D.

d. "Legal Jurisdiction" includes but is not limited to those situations where Rwandan authorities seek to take a foreign or Rwandan national into custody.

e. "Military personnel of national contingents" includes military staff at UNAMIR HQ.

f. "Official capacity" for UNAMIR troops is any time soldiers are in uniform or, by exception, in civilian clothes (see Reference C).

g. "Visitors" includes, but is not limited to, journalists, tourists, dignitaries representing national governments and non-UNAMIR personnel permitted to enter UNAMIR premises *and contractors and sub-contractors employed by the UN.-*

Aim.

5. The aim of this Directive is to outline the procedures for handing over individuals or groups of people to the Rwandan authorities.

Foreign Nationals and Rwandan Jurisdiction.

6. Rwandan authorities may seek jurisdiction over the following categories of foreign nationals:

a. SRSG, Force Commander and the Police Commissioner of CIVPOL;

b. UN civilian officials assigned to the civilian component to serve with UNAMIR;

c. United Nations Military Observers (UNMOs), Civilian Police (CIVPOL) and civilian personnel from overseas who are employed by the UN specifically for this mission but who are not UNAMIR staff (eg consultants) (hereinafter referred to as "experts on mission");

d. military personnel of national contingents who are a part of UNAMIR;

e. personnel of UN specialised agencies;

f. personnel of NGOs; and

g. visitors.

7. The legal status of these categories of personnel and the hand over procedures for them are detailed at Annexes A and C respectively.

Rwandan Nationals and Rwandan Jurisdiction

8. Rwandan authorities may seek jurisdiction over the following categories of Rwandan nationals:

a. Locally recruited personnel who are working for the UN;

b. Displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces.

c. *Rwandans who seek UNAMIR protection because they are, or they believe that they are, at risk.*

d. Rwandans who are detained by UNAMIR personnel for committing or who are suspected of committing a hostile act or a hostile intent (as defined in Reference A) against:

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

(2) other UNAMIR military or civilian personnel,

(3) non-UNAMIR humanitarian aid personnel,

(4) displaced persons, refugees and civilians in sites or among populations under the protection of UNAMIR forces,

(5) other UN-authorized military or civilian personnel; and

e. Rwandans who are detained for stealing and/or damaging property, or are suspected of stealing and/or damaging property belonging to, or in the care of, UNAMIR, UN humanitarian organisations or UN protected sites (see Reference A paragraphs 3.b and 8).

9. The legal status and hand over procedures for Rwandan nationals is at Annexes B and D respectively.

10. Any persons in the care of UNAMIR troops are to be treated humanely, ensuring that they are provided with food, drinking water and that they are afforded safeguards in terms of health, hygiene and protection against the rigours of climate and the dangers of armed conflict.

~~11. Reference B is now cancelled. Annexes E and F will be issued when details are known.~~

G. C. Tousignant
Major-General
Force Commander

Annexes:

Annex A - Foreign Nationals and Rwandan Jurisdiction

Annex B - Rwandan Nationals and Rwandan Jurisdiction

Annex C - Procedures for Handing Over Foreign Nationals

Annex D - Procedures for Handing Over Rwandan Nationals

Annex E - Prosecutors Offices in Rwanda

Annex F - ICRC Representatives in Rwanda

Annex G - Hand Over Proforma

ANNEX A TO LEGAL JURISDICTION APPLICABLE TO UNAMIR AND RWANDAN AUTHORITIES DATED 1995

FOREIGN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

CATEGORY	LEGAL IMMUNITY	AUTHORITY FOR HAND OVER
SRSG, FC, POLICE COMM OF CIV POL	ACCORDED DIPLOMATIC IMMUNITY AND PRIVILEGE UNDER INTERNATIONAL LAW	NOT TO BE HANDED OVER TO RWANDAN AUTHORITIES UNDER ANY CIRCUMSTANCES
UN CIVILIAN OFFICIALS ASSIGNED TO THE CIVILIAN COMPONENT TO SERVE WITH UNAMIR	IMMUNE FROM LEGAL PROCESS FOR ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE SRSG
UNMO, CIVPOL AND CONSULTANTS	* IMMUNE FROM LEGAL PROCESS FOR ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY * IMMUNE FROM PERSONAL ARREST OR DETENTION AND SEIZURE OF THEIR PERSONNEL BAGGAGE	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND/OR THE SRSG
MILITARY PERS OF NATIONAL CONTINGENTS WHO ARE A PART OF UNAMIR	IMMUNITY FROM LEGAL PROCESS IN RESPECT OF ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND THE CONTINGENT COMMANDER
PERSONNEL OF UN SPECIALIST AGENCIES	IMMUNITY FROM LEGAL PROCESS IN RESPECT OF ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE HEAD OF THE AGENCY
PERSONNEL OF NGOs	NO IMMUNITY UNLESS THEY HAVE ENTERED INTO A BILATERAL ARRANGEMENT WITH THE RWANDAN GOVERNMENT	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE HEAD OF THE NGO

VISITOR	NO IMMUNITY UNLESS THEY HAVE ENTERED INTO A BILATERAL ARRANGEMENT WITH THE RWANDAN GOVERNMENT	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE FC AND/OR SRSG

ANNEX B TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1995

RWANDAN NATIONALS AND THEIR LEGAL STATUS IN RWANDA

CATEGORY	**LEGAL IMMUNITY**	**AUTHORITY FOR HAND OVER**
LOCALLY RECRUITED PERS	IMMUNE FROM LEGAL PROCESS IN RESPECT OF ALL ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY NOTE: THIS PROTECTION DOES NOT EXTEND TO ACTS COMMITTED BEFORE THEIR EMPLOYMENT WITH THE UN	ONLY TO BE HANDED OVER WITH THE CONCURRENCE OF THE SRSG
REFUGEES, DISPLACED PERSONS AND CIVILIANS IN SITES OR AMONG POPULATIONS UNDER THE PROTECTION OF UNAMIR	UNDER PROTECTION AS STATED IN ROE IN REFERENCE A	ONLY TO BE HANDED OVER AT AN OFFICE OF THE PROSECUTOR
RWANDAN NATIONAL SEEKING PROTECTION BECAUSE AT RISK	*UNDER PROTECTION AS STATED IN ROE REFERENCE A*	*ONLY TO BE HANDED OVER AT THE OFFICE OF THE PROSECUTOR*
RWANDAN NATIONAL DETAINED BY UNAMIR AUTHORITIES	TREAT HUMANELY	ONLY TO BE HANDED OVER AT AN OFFICE OF THE PROSECUTOR

ANNEX C TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1995

PROCEDURES FOR HANDING OVER FOREIGN NATIONALS

1. UN Civilian Assigned to the Civilian Component to Serve with UNAMIR.

a. As soon as a Rwandan authority seeks legal jurisdiction over a UN civilian assigned to the civilian component to serve with UNAMIR, the SRSG, or his representative, HQ UNAMIR and the International Committee of the Red Cross (ICRC) must be notified. HQ UNAMIR is to dispatch Military Police (MP). ~~or CIVPOL to the site.~~

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of the UN civilian unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of the UN civilian, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UN civilian must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person was accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

2. UNMOs, CIVPOL and Experts on Mission.

a. As soon as a Rwandan authority seeks legal jurisdiction over an UNMO, CIVPOL or an expert on mission, the FC or his representative, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site. The Rwandan authority is to be reminded that these members are, under Rwandan and international law, immune from arrest, detention or the seizure of their baggage.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of an UNMO, CIVPOL or an expert on mission unless the FC and/or the SRSG has given permission for this to occur. UNAMIR troops are to allow MP or CIVPOL to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of the UNMO, CIVPOL or expert on mission, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UNMO, CIVPOL or consultant must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

(1) name of person handed over,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

3. Military Personnel of National Contingents Who are a Part of UNAMIR.

a. As soon as a Rwandan authority seeks legal jurisdiction over military personnel of national contingents who are a part of UNAMIR, the FC or his representative, the appropriate contingent commander and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site. The Rwandan authority should be reminded that military members of the military component of UNAMIR shall be subject to the exclusive jurisdiction of their respective participating states in respect of any criminal offences which may have been committed by them in Rwanda.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of another UNAMIR soldier unless the FC and the appropriate contingent commander have given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of the UNAMIR soldier , UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the UNAMIR soldier must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and the Force Provost Marshall:

(1) name of person handed over,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

4. Personnel of UN Specialised Agencies.

a. As soon as a Rwandan authority seeks legal jurisdiction over a member of a UN specialised agency, the SRSG or his representative, the appropriate head of the agency and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of a UN specialised agency unless the SRSG and the appropriate head of the agency have given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of a member of a UN specialised agency UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far in possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, the Force Provost Marshall and the UN agency concerned:

(1) name of person handed over and the agency they work for,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

5. Personnel of NGOs.

a. As soon as a Rwandan authority seeks legal jurisdiction over a member of an NGO, HQ UNAMIR, the appropriate head of the NGO agency and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a member of an NGO unless the appropriate head of the NGO has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of a member of an NGO, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over and the NGO they work for,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

6. Visitors

a. As soon as a Rwandan authority seeks legal jurisdiction over a visitor, HQ UNAMIR and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site.

b. UNAMIR soldiers are not to allow the Rwandan authority(s) to take custody of a visitor unless the FC or his representative and/or the SRSG or his representative has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of a visitor UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over and their affiliation or nationality,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan the Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

ANNEX D TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1995

PROCEDURES FOR HANDING OVER RWANDAN NATIONALS

1. Locally Recruited Personnel.

a. As soon as a Rwandan authority seeks legal jurisdiction over any locally recruited personnel, the SRSG or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site.

b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of locally recruited personnel unless the SRSG has given permission for this to occur. UNAMIR troops are to allow MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of locally recruited personnel, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops, and Force Provost Marshall:

(1) name of person handed over,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

2. Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR.

a. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative and the ICRC must be notified. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site.

b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons and/or civilians in sites or amongst populations under the protection of UNAMIR unless the FC has given permission for this to occur. UNAMIR troops are to allow MP~~or CIVVPOL~~ to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) uses force to attempt to take custody of refugees, displaced persons and/or civilians in sites and or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

d. If authority is given for the hand over, the person must be taken to the appropriate Prosecutor's Office (details of these offices are at Annex E). The ICRC are to be notified as far as possible in advance and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over,

(2) location where the Rwandan Government sought jurisdiction,

(3) crime person accused of,

(4) name of the UNAMIR person(s) who was present when the Rwandan Government sought jurisdiction,

(5) date and time the person was handed to the Prosecutor's office, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

3. *Rwandans Seeking Protection From UNAMIR*

a. *Any person who seeks protection from UNAMIR troops is to be afforded that protection. UNAMIR HQ is to be notified immediately of the circumstances surrounding the protection. HQ UNAMIR is to dispatch MP to the site. UNAMIR troops are to allow the MP to liaise with the Rwandan authority (s).*

b. *UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of the Rwandan seeking protection unless the FC has given permission for this to occur.*

c. *If the Rwandan authority(s) use force to attempt to take custody of the Rwandan, UNAMIR troops are authorised to use force in accordance with Reference A.*

d. *The Rwandan who has sought protection should be notified as soon as possible that he can only be protected by UNAMIR on a temporary basis. No UNAMIR member should undertake to protect the person indefinitely. It must also be explained to the Rwandan that one condition of affording protection is that he is handed over to the nearest Office of the Prosecutor. The national is to be told that he should explain to the Prosecutor why he believes that protection should be afforded to him.*

e. *If the person decides that he is wants to be handed over to the nearest Office of the Prosecutor (details of these offices are Annex E). The ICRC are to be notified as far in advance as possible and, if possible, are to be present during the hand over. If the Rwandan authorities claim that the person is being sought for committing atrocities during the April war then UNHRFOR are to be notified. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.*

f. *If the person seeking protection does not want to be handed over to the Office of the Prosecutor, UNAMIR is to allow the individual to leave the site that he has sought protection in. If the person refuses to leave he should be told that UNAMIR has no option but to take him to the Office of the Prosecutor.*

g. *If there is a Rwandan authority(s) seeking custody of the national that authority should be notified that the person will be handed over as soon as possible to the nearest Office of the Prosecutor.*

h *A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2 , G3 Ops and the Force Provost Marshall:*

(1) *name of the detainee,*

(2) *location where person was detained,*

(3) *crime person accused of,*

(4) *name of the UNAMIR person who detained the detainee,*

(5) date and time the detainee was handed to the Office of the Prosecutor, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

4. Persons detained by UNAMIR troops

a. They are to be searched, disarmed and segregated. At all times they are to be treated in accordance with the principles of minimum force as detailed at Reference A. UNAMIR HQ is to be notified immediately of the circumstances surrounding the detention. HQ UNAMIR is to dispatch MP ~~or CIVPOL~~ to the site. UNAMIR troops are to allow the MP ~~or CIVPOL~~ to liaise with the Rwandan authority(s).

b. They are to be identified and their personal details recorded.

c. A safe and secure place is to be arranged as a temporary place of custody. Detainees are to be kept in custody by UNAMIR troops for the minimum time necessary. Detainees are to be provided with food, water, shelter and medical attention as required. ICRC is to be informed immediately and is to be allowed to have access to these detainees.

d. Detainees and the property found in their possession are to be handed to the appropriate Prosecutor's Office (details of these offices are at Annex E). The detainee is to be allowed to keep all property essential for his/her comfort and survival (eg food and water).

e. The ICRC *and the UNHRFOR* are to be notified and, if possible, are to be present during the hand over. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

f. Detainees are not to be handed to any other RPA authorities. A Prosecutor's Office is the only authorised Office for the processing and handing over of detainees in Rwanda.

g. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2 , G3 Ops and the Force Provost Marshall:

(1) name of the detainee,

(2) location where person was detained,

(3) crime person accused of,

(4) name of the UNAMIR person who detained the detainee,

(5) date and time the detainee was handed to the Office of the Prosecutor, and

(6) whether an ICRC representative was present during the hand over and if not, why not.

ANNEX E TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1995

PROSECUTOR OFFICES IN RWANDA

TOWN	PROSECUTOR'S NAME	ADDRESS
KIBUNGO	MUSHUMBA, Jean Baptiste	
KIGALI	NSANZUWERA, Francois	
RWANAGANA	GATAMBIYE, Sylere	
KIBUYE	TUYISENGE, Cyprien	
GITARAMA	KAYIBANDA P. Celestin	
NYANZA	HARELIMANA, Simon	
BUTARE	GATSIMBANYI, Callixte	
GIKONGORO	HAVUGIYAREMYE, Aloys	
CYANGUGU	NYANDWI, Viateur	
GISENYI	HARERIMANA, Charles	
RUHENGERI	UWIYINGOMA, David	
BYUMBA	MUSUHUKE, Francois	

NOTE: IT IS THE DUTY OF ALL SECTOR COMMANDERS TO KNOW EXACTLY WHERE THE ABOVE OFFICES ARE LOCATED.

ANNEX F TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1995

ICRC REPRESENTATIVES IN RWANDA

TOWN	ICRC REPRESENTATIVE'S NAME	ADDRESS
KIBUNGO	CHRISTINE BEGUELIN	
KIGALI	JEAN-FRANCOIS SANGSUE	
RWANAGANA		
KIBUYE	MICHAEL KEINER	
GITARAMA		
NYANZA		
BUTARE	AALAME FEREYDOUN	
GIKONGORO	SERGE BEGUELIN	
CYANGUGU		
GISENYI		
RUHENGERI	JOHANNA GROMBASH	
BYUMBA	BRIGITTE GRAY-CORMINBOEUF	

NOTE: IT IS THE DUTY OF ALL SECTOR COMMANDERS TO KNOW EXACTLY WHERE THE ABOVE OFFICES ARE LOCATED.

ANNEX G TO LEGAL
JURISDICTION
APPLICABLE TO UNAMIR
AND RWANDAN
AUTHORITIES
DATED 1995

HAND OVER PROFORMA

I, ...(1), A MILITARY MEMBER OF UNAMIR/MINUAR HAVE HANDED OVER..... .....(2) TO THE OFFICE OF THE PROSECUTOR OF ....(3).

SIGNED THIS DAY OF 19

....

UNAMIR **OFFICE OF THE PROSECUTOR**

(1) Insert here the name of the UNAMIR person conducting the hand over.

(2) Insert here the name of the person being handed over.

(3) Insert here the name of the Prosecutor's Office.

UNITED NATIONS NATIONS UNIES

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

UNAMIR - MINUAR

DRAFT

OUTGOING TELEX NO. _____ **PAGE 1 OF 2**

TO:	**FROM: SHAHARYAR KHAN**
ATTN: **INFO:**	**DATE: 21 NOVEMBER 1994**
TELEX NO:	**PHONE: 212-963-3582** **FAX NO: 212-963-3090**
ORIGINATOR:	**SECTION:**
SUBJECT: PROCEDURES FOR THE HANDOVER OF INDIVIDUALS SEEKING REFUGE IN UNAMIR PREMISES TO THE GOVERNMENT OF RWANDA	

1. UNDER UNAMIR'S CURRENT ESTABLISHED PROCEDURES, INDIVIDUALS SEEKING REFUGE IN UNAMIR PREMISES WHO ARE WANTED BY THE RWANDAN GOVERNMENT ARE HANDED OVER TO THE PUBLIC PROSECUTOR IN THE PRESENCE OF THE ICRC. DETAILS ON THE DETAINEE ARE SUBMITTED IN A REPORT TO UNAMIR HQ AND THE ICRC REPRESENTATIVE IS ALLOWED ACCESS TO THE DETAINEE FOLLOWING THE TRANSFER OF CUSTODY.

2. UNHRFOR (HUMAN RIGHTS) HAS REQUESTED MODIFICATION OF THESE PROCEDURES TO ENABLE MORE DETAILED INTERVIEWING OF THE DETAINEE PRIOR TO THE HANDOVER; DISCUSSIONS WITH THE GOVERNMENT; VERIFICATION OF THE ALLEGATIONS; AND SATISFACTORY GUARANTEES ON THE DETAINEE'S SUBSEQUENT SECURITY. THESE ADDITIONAL REQUIREMENTS COULD DELAY THE TRANSFER OF

CUSTODY BY A ONE-WEEK PERIOD AND COULD CREATE DIFFICULTIES IN OUR DEALINGS WITH THE GOVERNMENT.

3. UNAMIR'S CURRENT PROCEDURES ARE IN ACCORDANCE WITH ESTABLISHED INTERNATIONAL GUIDELINES AND SEEK TO ENSURE THAT AN INDIVIDUAL'S BASIC HUMAN RIGHTS ARE OBSERVED WHILST SIMULTANEOUSLY DEMONSTRATING UNAMIR'S COOPERATION WITH GOVERNMENT AUTHORITIES TO FACILITATE THE PROPER ADMINISTRATION OF JUSTICE.

4. WE BELIEVE THAT MANY OF THE CONCERNS RAISED BY UNHRFOR CAN BE ADDRESSED BY UNDERTAKING PROPER FOLLOW-UP ACTION ON ANY HANDOVERS WITHOUT NECESSITATING ADDITIONAL CONDITIONS PRIOR TO THE TRANSFER OF CUSTODY. HOWEVER, WE HAVE NO OBJECTION TO ALLOWING UNHRFOR A ROLE IN THESE PROCEEDINGS IN CONJUNCTION WITH THE ICRC, WITHOUT ACCEPTING THE ADDITIONAL PRE-HANDOVER REQUIREMENTS THEY NOW PROPOSE.

5. WE HOPE THIS WILL PROVE TO BE A MUTUALLY SATISFACTORY ARRANGEMENT.

6. REGARDS.

NOTE FOR THE FILE

Rwandans of Hutu origin who have taken refuge in UNAMIR compounds Ntongwe and Gitarama

Incidents

1.The present Note concerns the current problem of Rwandans of Hutu origin who have taken refuge in two UNAMIR compounds in Sector 3A : Ntongwe(Mali Company,25 persons),Gitarama(Milobs,2?? persons).

This is an accurate account. Jonathan T. Sean 21.11

2.The matter was only brought to the attention of the HRFO team,Butare,some days after the asylum seekers had entered.There has been strong pressure from the RPA for them to be handed over--in Ntongwe,the RPA claim that they are criminal elements,but in Gitarama,they just say that the asylum seekers should leave the compound because it is safe for them to go home.

ED
Isel.
Ntinda

3.Initial interviewing of asylum seekers at Ntongwe by the Butare HRFO team indicated allegations of serious mistreatment,including verifiable information to substantiate claims of RPA soldiers arbitrarily arresting,mistreating and in some cases even killing Hutu males,sometimes as young as nine years of age.The asylum seekers claimed that abuses had been going on since July 1994,but had intensified since early November.

4.UNAMIR's established procedures for such cases,provide for formal handing over of persons to the public prosecutor in the presence of the ICRC(NB ICRC mandate does not permit interviewing before they are in detention).Significantly,the UNAMIR procedures do not mention the existence of the HRFOR.

5.It was understood that the UNAMIR Force Commander had ordered that the asylum seekers be handed over to the public prosecutor in accordance with established procedures.In anticipation,HRFO interviewing was intensified.

UNHCHR Geneva

6.The matter was discussed with Geneva later on 1[illegible] November (until then,it had not been possible to get through) Following intensive discussion,the Geneva

position,with which I agreed to the extent that it was feasible on the ground,was formulated as follows:

no hand over at least until: (a) all asylum seekers interviewed by HRFOs (b) results of interviews discussed with Govt. (c) allegations verified on the ground (d) satisfactory guarantees on subsequent security

UNAMIR

7.Early the following day,the matter was discussed with SRSG,who was prepared to join in making a joint approach to the Govt. in support of the HRFOR role in interviewing,bringing the findings to the attention of the Govt.and following up with verification on the ground (but not including security guarantees post hand over).However,in the light of the subsequent meeting with the Minister of the Interior,the latter action proved unnecessary(see below).

Minister of Interior

8.As agreed with SRSG,I then called on the Minister of the Interior to report the incidents and explain the High Commissioner's protective position in relation to them. He heard me out,painstakingly making detailed notes of the most serious allegations.He then pronounced himself in favour of HRFOR interviews,discussion of the results and verification on the ground.He added that he would expect us to express a considered opinion on whether or not the allegations made by the asylum seekers were well founded.He would give us one week--in future incidents,from the time the asylum seekers entered the compound and,in the present incidents,from that day--within which to complete interviews,discuss findings with the Govt.and finally to pronounce on the veracity or otherwise.

9.The Minister then undertook to telegram instructions to the Prefects of Gitarama and Butare to the effect that the RPA should desist from forcible arrests during such period.

10.From the Minister,I went straight to the SRSG to report before he left the country in the afternoon.

11.Meanwhile,in the field,the competent HRFO teams were strengthened to accelerate interviewing.

cc
SRSG ✓
Force Commander

William Clarance

Nigel

/.N.TM./

REPUBLIQUE RWANDAISE
MINISTERE DE LA JUSTICE
PARQUET DE LA REPUBLIQUE
BYUMBA.

Kigali, le 17/01/1994

N° I/0030/RMP 19352/S2

Monsieur le Commandant des Opérations
B Y U M B A

Objet: Arrestation du Soldat
NTAKIRUTIMANA Faustin.

Monsieur le Commandant,

J'ai le regret de porter à votre connaissance que le soldat NTAKIRUTIMANA alias Docteur précédemment affecté au 31ème bataillon a été arrêté en date du 05/01/1994 et conduit à la prison de Byumba (Kigali). L'intéressé est inculpé du chef de vol de biens d'équipement appartenant à l'ancien GOMN (Byumba).

Le dossier ouvert à charge du précité est en cours d'instruction et sera incessamment fixé devant la juridiction compétente.

Pour le Procureur de la République
MUVARA Pothin.
Substitut de Procureur.

REPUBLIQUE RWANDAISE
BYUMBA

Copie pour information à:

- Madame le Ministre de la Justice KIGALI
- Monsieur le Ministre de la Défense Nationale KIGALI
- Monsieur le Ministre des Affaires Etrangères et de la Coopération KIGALI
- Monsieur le Procureur Général près la Cour d'Appel KIGALI
- Monsieur le Chef d'Etat-Major de l'Armée Rwandaise KIGALI
- Monsieur le Commandant de la MINUAR KIGALI

UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

TO: **BrigGen Anyidoho**
DFC/COS/CMO

DATE: 29 November 1994
REF: OSRSG/LA/011

THROUGH; **Dr. A. Kabia**
Executive Director

FROM: **I. Minta**
Legal Adviser

SUBJECT: **Memorandum of Understanding Between UNAMIR and Kenyan Police**

I had reviewed a more elaborate document on the same issue (and other related issues) prepared by Maj. Oswald, applicable between UNAMIR and the Government of Rwanda. I understand that document is still in the process of being finalized.

But I had not been involved in the preparation of this shorter version for Kenya. I happened to be on the same flight from Nairobi with Maj. Oswald on 23 November, and he informed me that he had gone to Nairobi to finalize a Memorandum of Understanding based on the document for Rwanda.

I do think that the Memorandum of Understanding is necessary because:

(a) UNAMIR's Status of Mission Agreement only applies in Rwanda, and yet our (military) personnel may still need protections outside Rwanda; and

(b) If Kenya is willing to waive application of its laws in situations where UNAMIR soldiers get arrested there, and instead transfer them to UNAMIR, all the better.

However, I am not fully certain as to the effectiveness of the waiver, first because of the notation by the Kenyan Commissioner of Police that **"the document does not supersede our own Police Regulations"** and second because such a waiver would probably require Ministerial approval.

Ultimately, I do think the best precaution is for our personnel to avoid getting arrested in Kenya or anywhere else in the first place - particularly in view of the question mark over the effectiveness of the waiver.

cc: SRSG
OIC, Administration

Legal Officer

DFC

UNITED NATIONS NATIONS UNIES

ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TO: Distribution List

FROM: DCOS Ops

DATE: 25 Nov 94

SUBJECT: MEMORANDUM OF UNDERSTANDING BETWEEN UNAMIR AND THE KENYAN POLICE

1. A memorandum of understanding (MOU) expressing the standard operating procedure (SOP) to be followed by the Kenyan Police authorities when arresting/detaining UNAMIR Military personnel in Kenya was entered into on 22 Nov 94. This document is attached to this memo.

2. It should be noted that the SOP does not cover the situation where a UNAMIR Military member is accused of committing a serious crime under the Kenyan Penal Code. It such a crime were to be committed the matter would be dealt with on a case by case basis.

3. The Deputy Police Commissioner of the Kenyan Police has suggested that all UNAMIR personnel staying in Kenya (whether on leave or duty) should carry their UN ID cards. This would allow the Kenyan authorities to immediately identify the person as belonging to UNAMIR.

J. Arp
Colonel
DCOS Ops

Enclosure: 1

Distribution List

List A
List B
List C
List D
List E

UNAMIR Legal officer
Comments pse. Were you involved in this?

26/11
DFC/COS/CMO

STANDARD OPERATING PROCEDURE

This Standing Operating Procedure is undertaken between the Police Force of Kenya and the United Nations Assistance Mission for Rwanda (UNAMIR) Force Commander, Rwanda.

ARREST AND CUSTODY

1. UNAMIR is principally located in the country of Rwanda. Military members of UNAMIR are subject to national contingent laws and regulations. Military members are also subject to the laws of the country in which they reside and countries in which they are transient.

2. Military members of UNAMIR arrested by civilian police authorities in Kenya and who have been transferred into the custody of the United Nations Military Police or a representative of their contingent will be processed in accordance with the laws of the contingent that the member belongs to.

3. Kenyan Police will notify the UNAMIR Provost Marshall within 24 hours of the arrest and custody of a UNAMIR military member. The UNAMIR Provost Marshal will dispatch a UNAMIR military police person with a receipt for the person in custody and assume custody of the arrested person. On release from Kenyan custody, the arrested person will be transferred to his/her national contingent for processing.

ADMINISTRATIVE PROCEDURE

4. The Kenyan arresting authority will contact the UNAMIR Military Police Provost Marshall at UNAMIR HQ, Kigali, Rwanda or the United Nations Senior Administrative Officer in Nairobi as soon as practicable but no later than 24 hours from the arrest of a UNAMIR military member. A receipt for personnel in custody will be provided by UNAMIR military police at the time of transfer. The Kenyan arresting officer will provide a report of the incident which resulted in the arrest complete with witness and accused statements.

UNAMIR FORCE PROVOST MARSHALL

5. The UNAMIR Force Provost Marshall's office is located at UNAMIR HQ, in Kigali, Rwanda. Kenyan Police authorities are requested to contact the Force Provost Marshall's office, Room 1050, Kigali, Rwanda, telephone: 001-250-84265, extension: 11108, or, the UN Senior Administrative Officer, Q Building, Room Q238, Gigiri, Nairobi, Kenya, telephone: 623140, with notification of the arrest of the UNAMIR military member, name and nationality of the member, location of the arrested person and a brief description of the reason for the arrest.

6. This Standard Operating Procedure will be reviewed from time to time and amended as necessary.

Dated this 22nd day of November, 1994.

Colonel DCOS Ops UNAMIR

REPRESENTATIVE OF THE FORCE COMMANDER OF UNAMIR

Received the document from Major Oswald 7 (UNAMIR) based in Rwanda. The document does not supercede our own Police Regulation

Jackson - S/ACP

KENYAN POLICE COMMISSIONER (J. K. Arap Koskei)

153b

UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

TO: **MGEN Guy Tousignant**
Force Commander

DATE: 24 November 1994
REF: OSRSG/LA/011

THROUGH: **Dr. A. Kabia**
Executive Director

FROM: **I. Minta**
Legal Adviser/OSRSG

SUBJECT: **UNAMIR Guidelines on Refugees, Displaced Persons, and Civilian Hand Overs**

I would like a meeting with LA & Maj Oswald pl

ED
LA

LA
Please arrange the meeting requested by the SRSG.
26/11

Ref: **Attached Letter from Human Rights Operations**

1. The guidelines referred to - originally discussed with me in draft form by Maj. Oswald, although I have not seen the final version - were based on UNAMIR's **mandate** and its **Status of Mission Agreement** with the Government of Rwanda.

2. The guidelines could thus go only as far as those sources of UNAMIR's legal authority would allow. Indeed, in some respects - such as with regard to UNAMIR's protection of non-UNAMIR personnel, except in the context of the delivery of humanitarian assistance or of self-defence - the point could be made that the guidelines exceed UNAMIR's legal authority. However, Maj. Oswald and myself agreed that any such over-reaching on our part was justifiable on broad humanitarian grounds.

3. The sources of the Human Rights Operations' (HRO) legal authority in Rwanda are not the same as those of UNAMIR. The two should therefore not be confused or inter-mingled with each other, especially at the operational level - despite the fact that they both emanate from the overall authority of the United Nations and despite the need to streamline the operations of the various UN agencies in Rwanda.

They is correct but are we to act separately. If so we should conflict with each other!

4. This is because the actions of UNAMIR personnel, or of HRO or any other UN personnel in Rwanda, can only be justified legally with reference to their respective legal mandates laid down by the legislative bodies of the UN.

5. Consequently, the additions to the UNAMIR guidelines proposed by HRO should be treated separately, as they are presumably derived from different legal sources than those governing UNAMIR's operations. Perhaps it would be best to put those requirements in an Addendum, with an explanatory note indicating the legal sources and the fact that those govern HRO operations.

cc: SRSG

UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
FIELD OPERATION IN RWANDA

NATIONS UNIES
HAUT COMMISSAIRE AUX DROITS DE L'HOMME
OPERATION SUR LE TERRAIN AU RWANDA

22 November 1994

Dear General,

UNAMIR Guidelines on Refugee, Displaced Person, and Civilian Hand Overs

I refer to the guidelines on the above subject contained in your Force Commander's directive.

As you know, these guidelines were drafted in August 1994 before the Human Rights Field Operation in Rwanda had deployed a field presence with HRFOs outposted at various locations throughout the country. At that time, it was evidently decided that it was unnecessary to make reference to the protective mandate of the High Commissioner for Human Rights. However, now that the HRFOs are outposted on the ground in some strength, they have an essential role to play in the type of situation which the directive describes.

I should therefore like to suggest some appropriate amendments, which make due reference to the duties and role of HRFOs in these circumstances.

Enclosed please find a draft for your consideration, with the amendments indicated in bold type.

Yours sincerely,

William Clarance
Chief, Human Right
Field Operation in Rwanda

Major-General Guy Tousignant
Force Commander
UNAMIR

cc: Ambassador S. Khan
Special Representative
of the Secretary General

(2)
Legal Office
Request that you review the attached document and provide guidance.
23/11 MB

. Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR

a. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative, **the Chief of UNHRFOR or his representative**, and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons and/or civilians in sites or amongst populations under the protection of UNAMIR unless the FC, **after consultation with the Chief of UNHRFOR**, has given permission for this to occur. UNAMIR troops are to allow MP, CIVPOL, or **UNHRFOR** to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) use force to attempt to take custody of refugees, displaced persons and/or civilians in sites and or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

d. **If the Rwandan authority(s) requests to take custody of a refugee, displaced person and/or civilian in sites or amongst populations under the protection of UNAMIR is based on a claim of that person's criminal conduct, the Rwandan authority(s) must present a written warrant or request signed** by the appropriate Prosecutor (details of the Prosecutor's office are at Annex E) **which specifically names the person, the crime being charged, and the date of the offense.** The **UNHRFOR and the** ICRC [is] **are** to be notified as far as possible in advance of any plan to hand over such a person, **and the UNHRFOR shall be given the opportunity to interview the person before and, along with** the ICRC if possible, be present during the hand over. The person must then be taken to the appropriate Prosecutor's Office. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. **If the Rwandan authority(s) requests to take custody of a refugee, displaced person and/or civilian in sites or amongst populations under the protection of UNAMIR is based on a claim other than the person committed a**

crime, the Rwandan authority(s) must present written justification for seeking such custody signed by the appropriate government official, specifically naming the person, and stating the legal basis for the custody. The UNHRFOR shall be given the opportunity to interview the person and make additional inquiries within one week from the date special protection was sought to determine whether proper justification for the hand over exists and whether the person has justifiable reasons for seeking special protection. Should proper justification not exist or should the person's reasons to seek special protection are justified, the person should not be released to the Rwandan authority(s) and the UNHRFOR will make arrangements for the transfer of the person to another agency or organization as soon as possible. If the hand over is authorized by the UNHRFOR, the person must then be taken to the appropriate government office. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the government office to whom the hand over is made.

f. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over

(2) location where the Rwandan Government sought jurisdiction

(3) crime person accused of or other legal basis for claim of custody

(4) name of the UNAMIR and UNHRFOR person(s) who was present when the Rwandan Government sought jurisdiction

(5) date and time the person was handed to the Prosecutor's or other government official's office, and

(6) whether an ICRC representatives was present during the hand over and if not, why not.

UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

TO: **MGEN Guy Tousignant**
Force Commander

DATE: 24 November 1994
REF: OSRSG/LA/011

THROUGH: **Dr. A. Kabia**
Executive Director

FROM: **I. Minta**
Legal Adviser/OSRSG

SUBJECT: **UNAMIR Guidelines on Refugees, Displaced Persons, and Civilian Hand Overs**

Ref: Attached Letter from Human Rights Operations

1. The guidelines referred to - originally discussed with me in draft form by Maj. Oswald, although I have not seen the final version - were based on UNAMIR's **mandate** and its **Status of Mission Agreement** with the Government of Rwanda.

2. The guidelines could thus go only as far as those sources of UNAMIR's legal authority would allow. Indeed, in some respects - such as with regard to UNAMIR's protection of non-UNAMIR personnel, except in the context of the delivery of humanitarian assistance or of self-defence - the point could be made that the guidelines exceed UNAMIR's legal authority. However, Maj. Oswald and myself agreed that any such over-reaching on our part was justifiable on broad humanitarian grounds.

3. The sources of the Human Rights Operations' (HRO) legal authority in Rwanda are not the same as those of UNAMIR. The two should therefore not be confused or inter-mingled with each other, especially at the operational level - despite the fact that they both emanate from the overall authority of the United Nations and despite the need to streamline the operations of the various UN agencies in Rwanda.

4. This is because the actions of UNAMIR personnel, or of HRO or any other UN personnel in Rwanda, can only be justified legally with reference to their respective legal mandates laid down by the legislative bodies of the UN.

5. Consequently, the additions to the UNAMIR guidelines proposed by HRO should be treated separately, as they are presumably derived from different legal sources than those governing UNAMIR's operations. Perhaps it would be best to put those requirements in an Addendum, with an explanatory note indicating the legal sources and the fact that those govern HRO operations.

cc: SRSG

UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
FIELD OPERATION IN RWANDA

NATIONS UNIES
HAUT COMMISSAIRE AUX DROITS DE L'HOMME
OPERATION SUR LE TERRAIN AU RWANDA

22 November 1994

Dear General,

UNAMIR Guidelines on Refugee, Displaced Person, and Civilian Hand Overs

I refer to the guidelines on the above subject contained in your Force Commander's directive.

As you know, these guidelines were drafted in August 1994 before the Human Rights Field Operation in Rwanda had deployed a field presence with HRFOs outposted at various locations throughout the country. At that time, it was evidently decided that it was unnecessary to make reference to the protective mandate of the High Commissioner for Human Rights. However, now that the HRFOs are outposted on the ground in some strength, they have an essential role to play in the type of situation which the directive describes.

I should therefore like to suggest some appropriate amendments, which make due reference to the duties and role of HRFOs in these circumstances.

Enclosed please find a draft for your consideration, with the amendments indicated in bold type.

Yours sincerely,

William Clarance
Chief, Human Right
Field Operation in Rwanda

Major-General Guy Tousignant
Force Commander
UNAMIR

cc: Ambassador S. Khan
Special Representative
of the Secretary General

(2)
Legal Office
Request that you review the attached document and provide guidance.
23/11 MA

. Refugees, Displaced Persons and Civilians in sites or among populations under the protection of UNAMIR

a. As soon as a Rwandan authority seeks legal jurisdiction over refugees, displaced persons, and/or civilians in sites or among populations under the protection of UNAMIR, the FC or his representative, **the Chief of UNHRFOR or his representative**, and the ICRC must be notified. HQ UNAMIR is to dispatch MP or CIVPOL to the site.

b. UNAMIR soldiers are not to allow any Rwandan authority(s) to take custody of refugees, displaced persons and/or civilians in sites or amongst populations under the protection of UNAMIR unless the FC, **after consultation with the Chief of UNHRFOR**, has given permission for this to occur. UNAMIR troops are to allow MP, CIVPOL, or **UNHRFOR** to liaise with the Rwandan authority(s).

c. If the Rwandan authority(s) use force to attempt to take custody of refugees, displaced persons and/or civilians in sites and or among populations under the protection of UNAMIR, UNAMIR troops are authorised to use force in accordance with Reference A.

d. **If the Rwandan authority(s) requests to take custody of a refugee, displaced person and/or civilian in sites or amongst populations under the protection of UNAMIR is based on a claim of that person's criminal conduct, the Rwandan authority(s) must present a written warrant or request signed** by the appropriate Prosecutor (details of the Prosecutor's office are at Annex E) **which specifically names the person, the crime being charged, and the date of the offense.** The **UNHRFOR and the** ICRC [is] **are** to be notified as far as possible in advance of any plan to hand over such a person, **and the UNHRFOR shall be given the opportunity to interview the person before and, along with** the ICRC if possible, be present during the hand over. The person must then be taken to the appropriate Prosecutor's Office. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the Prosecutor's Office to whom the hand over is made.

e. **If the Rwandan authority(s) requests to take custody of a refugee, displaced person and/or civilian in sites or amongst populations under the protection of UNAMIR is based on a claim other than the person committed a**

crime, the Rwandan authority(s) must present written justification for seeking such custody signed by the appropriate government official, specifically naming the person, and stating the legal basis for the custody. The UNHRFOR shall be given the opportunity to interview the person and make additional inquiries within one week from the date special protection was sought to determine whether proper justification for the hand over exists and whether the person has justifiable reasons for seeking special protection. Should proper justification not exist or should the person's reasons to seek special protection are justified, the person should not be released to the Rwandan authority(s) and the UNHRFOR will make arrangements for the transfer of the person to another agency or organization as soon as possible. If the hand over is authorized by the UNHRFOR, the person must then be taken to the appropriate government office. The proforma at Annex G is to be completed and signed by the UNAMIR person conducting the hand over and the person in the government office to whom the hand over is made.

f. A report detailing the following is to be submitted to UNAMIR HQ, attention G1 Pers, G2, G3 Ops and the Force Provost Marshall:

(1) name of person handed over

(2) location where the Rwandan Government sought jurisdiction

(3) crime person accused of or other legal basis for claim of custody

(4) name of the UNAMIR and UNHRFOR person(s) who was present when the Rwandan Government sought jurisdiction

(5) date and time the person was handed to the Prosecutor's or other government official's office, and

(6) whether an ICRC representatives was present during the hand over and if not, why not.

Memorandum

MOD Form 4A
(Revised 4/89)

To :	From :
Mr Minta 4013 Legal Office, Room 11070	MA to FC
Date 27 Oct 94	☎ Number
Your Reference	Our Reference

Subject : LAISSEZ PASSEZ DOCUMENT FOR UNAMIR TROOPS

1. The attached documents are intended to be carried by all UNAMIR troops to facilitate movement through RPA checkpoints etc.

2. I would be most grateful if you would scrutinise them for legal content and return them amended if necessary. (Maj Oswald has been consulted in their drafting)

(*) Maj. Oswald has discussed these and the draft FC Directive on jurisdiction with me. I've given him my comments.

Legal Adviser
OSRSG
Lt Colonel

Name (in Block Letters Please) : HADDOW

Signature :

Rank :

F.C. / Directives

Major B.M. Oswald
Legal Officer
AS MED SPT Force
RWANDA

24 Oct 94.

Dear Ike,

As promised a copy of the draft on Jurisdiction. I would be very grateful for any comments from you.

Thanks

Osbie

⊛ Comments given / discussed 27 Oct 94.

Ike

MEMORANDUM OF UNDERSTANDING BETWEEN THE MINISTRY OF JUSTICE OF RWANDA AND THE UNITED NATIONS ASSISTANCE MISSION IN RWANDA CONCERNING JURISDICTION OF RWANDAN AUTHORITIES OVER FOREIGN AND RWANDAN NATIONALS

The Broad Based Government of National Unity (BBGNU) and the United Nations Assistance Mission in Rwanda (UNAMIR) agree to and accept the following:

(1) Any Rwandan authority seeking legal jurisdiction over a person in the care and custody of UNAMIR must do so through the Offices of the Special Representative of the Secretary General and/or the Force Commander of UNAMIR.

(2) No Rwandan authority will use force to take custody or detain a UNAMIR soldier or a person in the care of a UNAMIR soldier

(3) UNAMIR troops will only release a person into the custody of a Rwandan authority at a Prosecutor's Office.

Dated this day of 1994.

MINISTER FOR JUSTICE

FORCE COMMANDER

AUTHORITY FOR TRAVEL AND MOVEMENT IN RWANDA

IF THE BEARER OF THIS DOCUMENT HAS A UNAMIR/MINUAR IDENTIFICATION CARD HE/SHE IS AUTHORISED TO TRAVEL AND MOVE THROUGHOUT RWANDA.

THIS PERSON IS ALSO ENTITLED TO CARRY HIS/HER PERSONAL WEAPON FOR THE PURPOSES OF SELF DEFENCE WHILE TRAVELLING AND MOVING IN RWANDA.

DATED THIS DAY 1994

MINISTER FOR DEFENCE
FOR RWANDA

FORCE COMMANDER
UNAMIR/MINUAR