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MEMORANDUM

TO: FHQ/DFC/COS/DCMO/DCOS OPS/HAC

SUBJECT: RECONCILIATION/OP RETOUR

DATE: 9 MAR 95

1. Aim. The aim of this paper is to review the logic of Op Retour and to discuss some of the factors affecting the possibility of reconciliation. It is hoped that this will be viewed as a fresh line of thinking that may have some use in the development of future UN policy and plans.

2. Background. Prior to the outbreak of the war of Apr 94, the struggle between Hutu and Tutsi seemed to be going largely in the favour of the Hutu. They used their majority status to seize and maintain political power, effectively squeezing out the Tutsi minority. If one begins with the Tutsi success in the previous war and understands that this success both forced the majority to acknowledge the power of the minority and gave impetus to the growing fear of Tutsi domination, one can begin to understand the main elements of the problem now facing the present government. On the one hand, moderate elements believed that compromise was both necessary and possible. On the other hand, hardliner Hutus felt that compromise would lead to loss of power and a return to domination by the Tutsi minority. Hardline demagogues were able to play on the fears of the largely illiterate Hutu peasants to create a level of paranoia that spilled over into hysteria under the impetus of the dramatic death of the president, in Apr 94. The trouble was, the militias, who carried out the majority of the genocidal acts so far recorded, were armed and organized while the Tutsi minority within the country had no weapons and had put their faith in compromise, the UN and the RPF. Ultimately, the RPF provided the only meaningful defence; and only after a terrible price in blood.

3. Current Situation. Having lost nearly one million lives, there are very few Tutsi families in Rwanda who were not personally affected by the massacres. Over and over again one hears harrowing tales of narrow escape and eye witness accounts of horrible atrocities. Underlying every story is the fear that it might all happen again. Given the depth of fear and the emotional state of the survivors of what must, in all frankness, be termed a genocide, it would be expecting a degree of forgiveness more reasonably attributable to angels than humans. Moreover, the fear that the Hutus will one day finish what they started is a powerful motivating force among the survivors. The most pressing concern of the government then is to deal with this fear. Given the stark realities the Tutsis face: the fact that they are a minority, the

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fact that they have little financial help, that a large Hutu population within their borders and have an intact army under the same leadership that perpetrated genocide sitting just outside their borders, it is not that the present government sees democratic compromise in light. They were betrayed once by their belief in the Aru compromise. They are unlikely to trust their fate to a similar compromise in the near future. We should not underestimate the importance of the survival imperative to a people who believe that they prevented complete annihilation only through force of arms.

4. Recent Events. The large number of arrests and the emerging pattern of intimidation and terror in many communes may indicate an effort to consolidate power by eliminating opposition. The death of the Prefet of Butare can also be seen as a step in the process of establishing control. For that matter, the arrest and continued detention of the Sous-Prefet of Gitarama on apparently groundless charges also fit into the same pattern. It would appear that either the government is committed to a course of repressive measures or that they exercise little control over some elements who are determined to take a hard line. In either case, the prisons are overflowing, communal detention centres are full and Hutus are very nervous in most communes in this Sector. Meanwhile, the main focus of UNAMIR over the past few months has been to bring as many people back to their homes as possible.

Operation Retour

5. The operation to try peacefully to empty IDP camps as a precursor to enticing refugees home from neighbouring countries was launched with the conviction that there was no alternative. It was feared that the only way to avert forced closing of the camps and bloodshed was to take the initiative to encourage people to go home of their own volition. While it is understood that life in the camps is not exactly idyllic and that the presence of camps within the country's borders poses a security threat to the present government, one cannot reasonably expect to overcome the deep fears and hatred that exist on both sides by merely solving a few logistic problems. The single biggest problem to be dealt is the psychological effect of genocide. Bringing victims and perpetrators of this genocide back together while the memories of its horror are still so fresh is bound to cause problems. Given the scope of the trauma that has to be worked through, bringing the two sides face to face this soon after the event, while bodies are still being exhumed from mass graves for reburial, is hardly conducive to reconciliation.

6. Alongside the passion for vengeance that almost certainly exists among the survivors, more reasonable people will be concerned to make sure that they protect themselves from the possibility of a repetition. Given their numeric minority status

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and their recent history, the responsible members of the government would be irrational if they did not seek to establish some sort of minority control. At the moment, with the memories so strong and with options so limited, it would be understandable for the government to be inclined to take a fairly hard line and to use its most reliable element to maintain control - the RPA. If the government's aim is to establish control through repression and force of arms then bringing people home in easily manageable numbers, as we are currently doing with Op Retour, delivers them to repression. Op Retour, in so far as it brings victims and perpetrators together, would seem to invite the kind of reaction that has been noticed in Musambira, Mugina and Kigoma, of which we have been reporting regularly. These communes appear to have become a hotbed of repression over the past few weeks.

7. Bringing people back together without dealing with the fear that drove them apart is similar to an attempt to move a battered woman back into the same home as her abusive husband. They are unlikely to kiss and make up as long as one fears further abuse and the other fears retaliation. While both are safe while apart, neither is safe if forced to live under the same roof without having worked through their problems and having come to terms with them. Seen in this light, any attempt at precipitous reconciliation is unwise; and possibly dangerous. Op Retour seems to overlook an essential element of reconciliation - that it is unlikely to come about if either or both sides have reason to fear the other. If Op Retour is completely successful, it will recreate many of the conditions that led to one of the most horrible massacres in recent history. If partially successful, it is liable to expose many innocent families to repression for the foreseeable future. The operation may also discredit the agencies that participated in it.

8. Perhaps where Op Retour went wrong was in its failure to address the security problems likely to be faced by the returnees and the possibility of repression. Yet, given the dangers faced by the current government and the constraints they work under, repression would seem the most likely way of meeting their survival imperatives; at least in the short term. From a cynical point of view, it is just possible that the government expressed its willingness to go along with Op Retour because it perceived that it was the best way to get the people and the suspects home to be arrested without losing the support of the international community. It may also be possible that the threats against the camps were a deliberate ploy to get our cooperation in a well conceived cover plan. We thus need to analyse whether Op Retour was a result of our inability to correctly perceive the real intentions of the present government.

9. The situation at the moment is far from clear.

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What does seem obvious however is that there are good reasons for the present government to use its military power to maintain itself. To allow democracy in the traditional sense of the word is to run the risk of losing power to a majority guilty of a genocide and to run the risk of the genocide starting again. It also seems evident that there are deep sentiments of fear and vengeance at work behind the scenes and that until these sentiments are resolved, there can be no reconciliation. Finally, it also seems that reconciliation in advance of the resolution of the issues that led to the war will fill whatever new prison space is created and lead to more repression and intimidation as the government tries to restrain its people, prevent chaos and retain power. For these reasons, it seems unwise to press on with reconciliation attempts that are not aligned with efforts to resolve the underlying issues that exist. The fear and the hatred must be dealt with if there is to be lasting peace. These issues will require both intelligent structural adjustments and time.

RECOMMENDATIONS.

10. It is believed that there are few easy choices open to UNAMIR at the present time. If we push on with repatriation, we run the risk of being accused of assisting the present government to establish a repressive regime. If we try to slow down the present initiative to close the IDP camps in Rwanda, we run the risk of having the RPA do it by force. But, if the logic in this paper is accepted, that is a step we ought to take. The present government has an interest in keeping international support and funding flowing in and may be reluctant to show their hand too plainly out of fear of alienating countries on whose help they presently rely. It may therefore be possible to prevail upon them to accept a longer period of IDP return by pointing out to them that unilateral military action in this case may have financial consequences that outweigh the security concerns caused by the presence of these camps. In the meantime, it is recommended that more time be devoted to resolving the issues that block reconciliation and that more aggressive action at the political level may be required.

11. The fear and the hatred that lie close to the surface on both sides of the political dynamic must be assuaged to some degree by the establishment of a justice system that is perceived by both sides to be fair. At the moment, such a system does not exist and the present practice of placing persons suspected of genocidal acts in "preventative detention" without trial, and without hope of trial in the near future, is widely perceived as repressive and arbitrary. Perhaps it would be worth exploring the possibility of making the establishment of at least a rudimentary judicial system a precondition for further repatriation. It has been learned that such a system, with international judicial talent, is already in

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cards. The question is whether the government will seriously work towards the implementation of a system which will prevent arbitrary arrests and preventative detention. It is for the international community to, once again, ensure its implementation with a carrot and stick policy.

An easy alternative to Op Retour is not easy to conceive of at this time. With all its failings, Op Retour is still a workable plan provided that it is stretched out over a longer period so as to allow the establishment of a judicial system and to permit tensions to subside a little. In the prevailing circumstances, time, by itself, be a great healer and perhaps would also give us breathing space which could be used to put greater diplomatic pressure on the government to find a better way to face its survival imperatives.

S.A. Hasnain
Col
Sect Cdr

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UNITED NATIONS

ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES

MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TO: MAJ KIRAN THACKER
SOO OPS
MILOB GP HQ
KIGALI

FROM: LT COL E. MAHACHI
SEC COMDR SEC 6

KIGALI, 13 MAR 95

SUBJECT: BRIEFING FOR SRSG MEETING 11 MAR 95

a. RETURNERS

RETURNERS ARE IN NORMAL SHAPE. MANY OF THEM ARE WORKING IN SUBSTANTIAL FARMING. NO NEW SETTLEMENTS HAVE BEEN FOUND. RETURNERS MOVE INTO VACANT PREMISES AND TAKE OVER LAND FROM THOSE WHO LEFT DURING THE WAR. IT SEEMS THAT ONLY MINOR FRICTIONS OCCUR BETWEEN THE IN PLACE PEOPLE AND THE RETURNERS. THERE IS A CONTINUES BUT DECREASING FLOW OF RETURNERS. THROUGH OUT FEBRUARY ABOUT 9492 PEOPLE ARRIVED IN THE WAY STATION IN NDERA AND ABOUT 9800 DEPARTED FROM THERE.

b. RECONCILIATION

THERE ARE NO GOVERNMENT PROGRAMMES GOING ON SEC 6 AOR. LOCAL AUTHORITIES DO NOT SHOW ANY HOSTILE ATTITUDE TOWARDS RETURNERS WHILE PTL ARE THERE. ONLY A VERY FEW TIMES THE PTL WAS INFORMED BY LOCALS THAT THERE WAS HARASSMENT.

c. INFRASTRUCTURE

TRADE AND AGRICULTURE IS SLOWLY DEVELOPING AND PEOPLE DO NOT STARVE IN THIS SEC. STILL THERE IS THE URGENT NEED TO SUPPLY BASIC THINGS LIKE TOOLS AND SEEDS FOR THE FARMERS. ONLY A FEW COMPANIES HAVE PARTLY STARTED THEIR ENTERPRISES AGAIN. (SUGAR FACTORY IN KABUYE) THE CHOICE OF GOODS ON THE MARKETS IS LITTLE AND PRICES ARE HIGH. THE MARKETS ARE WELL VISITED ESPECIALLY IN THE RURAL AREAS. PUBLIC TRANSPORT IS VERY RARE AND HINDERS THE DEVELOPMENT. ACCORDING TO OFFICIALS THE CROP IS NORMAL. NEVER THE LESS THIS SEC IS NEGLECTED BY NGO HELP.

MOST OF THE SCHOOLS HAVE REOPENED. EDUCATIONAL MATERIAL

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IS VERY RARE AND SCHOOL FACILITIES ARE VERY POOR. UP TO 70 PUPILS ARE THOUGHT BY ONE TEACHER. UNCEF ASSISTS BUT DOESN'T PROVIDE ENOUGH AID.

d. JUDICIARY SYSTEM

NOT MUCH IS KNOWN ABOUT THE JURIDICAL SYSTEM AS LOCAL AUTHORITIES DO NOT LIKE TO TALK ABOUT IT. EFFORTS HAVE BEEN MADE TO FIND PRISONS IN THE DIFFERENT COMMUNES. IN GIKOMERO COMMUNE 6 PRISON WERE FOUND WITH A TOTAL OF 207 MALE PRISONERS AND 8 FEMALE PRISONERS. THIS FIGURES ARE INCREASING DAY BY DAY. ALL OF THEM ARE ACCUSED OF MURDER DURING THE WAR OR STEALING LIVESTOCK. THE PRISONS ARE MOSTLY PART OF THE PUBLIC OFFICE HOUSES OR CLOSE TO THEM.

HYGIENE IS VERY BAD BUT PRISONERS SEEM TO BE IN GOOD CONDITION. SOME OF THEM ARE NOT PERMANENTLY GUARDED AND PRISONERS HAVE BEEN FOUND OUTSIDE THEIR JAILS WITHOUT GUARDS. SOMETIMES PTL GAINED ACCESS VERY EASILY OR WERE STRICTLY REJECTED.

e. UNAMIR

MILOBS WOULD APPRECIATE A CLOSER CONTACT WITH NGOs TO SHOW THEM NEW AREAS FOR NECESSARY ACTION. IN FUTURE THIS SEC WILL HAVE A HUMANITARIAN TEAM WHICH WILL ACHIEVE THIS TASK.

MILOBS COULD BE MORE OFTEN ON PTL IF THEY WERE GIVEN MORE VEHICLES.

LOGISTIC SUPPLIES ARE VERY BAD. BASIC STATIONARY IS MISSING AS WELL AS OFFICE FURNITURE.

COMMUNICATIONS IS OK ALTHOUGH THE NET IS OVERLOADED AT TIMES.

THE RELATIONS WITH LOCAL AUTHORITIES ARE NORMALLY GOOD. THERE IS A TENDENCY TO ASK FOR LETTERS OF ASSISTANCE BY THE LOCAL AUTHORITIES WHICH IS DIFFICULT TO GET FROM THE PREFECTURE. THE ASSISTANCE OF LIAISON OFFICE HQ WOULD BE HIGHLY APPRECIATED. THERE IS NO GENERAL NEGATIVE ATTITUDE FROM THE OFFICIALS OR FROM THE LOCALS TOWARDS PTLs.

VaR

MAJ V RATH
OPS O
FOR SEC COMDR

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