

[7 CONFIDENTIAL]

UN ARCHIVES

SERIES 5-1120

BOX 12

FILE 8

ACC. 1998/0278

CNR-315 P1/5

UNITED NATIONS
CABLE OPERATIONS

1995 OCT 31 P 8:45 OUTGOING CODE CABLE

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK,
DATE: 31 October 1995
NUMBER: 3425
SUBJECT: International Commission of Inquiry

RECEIVED

01 NOV 1995
OFFICE OF THE SRSG
UNAMIR

1. Please find attached copies of two letters dated 24 October 1995 addressed respectively to the [Chargé d'Affaires of Zaire and to the Permanent Representative of Tanzania] concerning the forthcoming visit to those countries of the International Commission of Inquiry.

2. It may be helpful if you would let Mr. Gaye have a copy of the letter addressed to the Zaire Chargé d'Affaires.

Best regards

Reçu le 1 NOV. 1995

CNR-315 P2/5 3/6

UNITED NATIONS



NATIONS UNIES

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

REFERENCE:

24 octobre 1995

Monsieur le Chargé d'Affaires a.i.,

J'ai l'honneur de me référer à la résolution 1013 (1995) du 7 septembre 1995, par laquelle le Conseil de sécurité a prié le Secrétaire général d'établir d'urgence une commission internationale chargée d'enquêter sur les informations selon lesquelles des membres des anciennes forces gouvernementales rwandaises se trouvant dans des pays voisins du Rwanda recevraient un entraînement militaire ainsi que des armes.

Les préparatifs nécessaires à l'établissement de la Commission sont maintenant terminés et les membres de la Commission se rendront sous peu au Rwanda, où ils commenceront leurs travaux, puis au Zaïre peu de temps après. Ils se rendront aussi au Burundi, en République-Unie de Tanzanie, en Ouganda, ainsi qu'au Rwanda.

Comme vous le savez certainement, dans sa résolution, le Conseil de sécurité a demandé aux gouvernements des États sur le territoire desquels la Commission accomplira sa tâche de coopérer pleinement avec elle à l'exécution de son mandat. Je suis persuadé que le Gouvernement zaïrois offrira son plein appui à la Commission. Je voudrais d'ailleurs rappeler que c'est de lui que vient à l'origine l'idée d'établir cette commission d'enquête.

Comme vous en conviendrez certainement, il est indispensable que tous les gouvernements des pays des Grands Lacs prennent fermement position contre la menace croissante de déstabilisation dans la région. La Commission internationale d'enquête a précisément été établie à cette fin, notamment en permettant l'instauration de conditions propres à faciliter le retour de réfugiés rwandais dans la sécurité et la dignité.

Monsieur Lukabu Khabouji N'Zaji
Chargé d'Affaires a.i. de la
République du Zaïre auprès de
l'Organisation des Nations Unies
North Caldwell, N.J. 07006

4/6
CNR-315 P3/5

- 2 -

Veillez agréer, Monsieur le Chargé d'Affaires, les assurances de ma très haute considération.

Le Sous-Secrétaire général aux opérations de maintien de la paix


S. Iqbal Riza

CNR-315 P4/5

5/6

UNITED NATIONS



NATIONS UNIES

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

REFERENCE:

24 October 1995

Dear Mr. Ambassador,

I wish to refer to Security Council resolution 1013 of 7 September 1995 by which the Council requested me to establish, as a matter of urgency, an International Commission of Inquiry to investigate reports of military training and arms transfer to former Rwandese government forces in the Great Lakes region.

The terms of reference of the Commission are outlined in operative paragraph 1 of resolution 1013. Its membership is as follows:

Ambassador Mahmoud Kassem, Egypt (Chairman)
Inspector Jean-Michel Hanssens, Canada
Colonel Jürgen G.H. Almeling, Germany
Lt. Colonel Jan Meijvogel, Netherlands
Brigadier Mujahid Alam, Pakistan
Colonel Lamek Mutanda, Zimbabwe

The Commission is due to proceed to Rwanda on 2 November and to Zaire shortly thereafter. The Commission is also expected to visit Burundi, Uganda and Tanzania.

I should be most grateful if you could confirm that your Government is prepared to receive the Commission and lend its assistance to it.

In this connection, you will recall that in its resolution, the Security Council called upon the Governments of States in which the Commission will carry out its mandate to co-operate fully with it. I am confident, therefore, that the Government of the United Republic of Tanzania will extend its full support to the Commission.

His Excellency
Mr. Daudi Ngelautwa Mwakawago
Permanent Representative of the
United Republic of Tanzania
to the United Nations
New York

- 2 -

As I am sure you will agree, it is necessary at this time for all the Governments in the Great Lakes region to take a firm stand against the growing threat of destabilization in the area. The International Commission of Inquiry is meant to pave the way to the attainment of this goal, inter alia, by fostering conditions that will facilitate the voluntary return of Rwandese refugees in conditions of security and dignity.

Yours sincerely,



S. Iqbal Riza
Assistant Secretary-General
for Peace-keeping Operations

195-10-21 09:38 5602

UNITED NATIONS HQS NEW YORK

015 P01

CNR 304 P 1/3

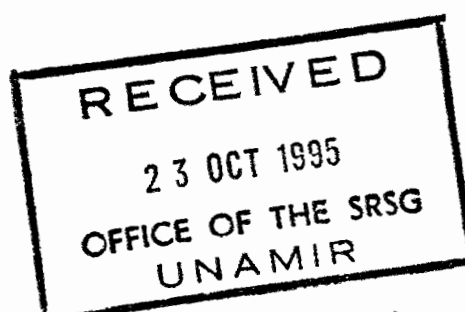
OUTGOING CODE CABLE

1995 OCT 20 P 8:02

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 20 October 1995
NUMBER: 3330

SUBJECT: Commission of Inquiry on arms deliveries

Please find attached, for your information, copy of a self-explanatory letter from the Secretary-General to the President of the Security Council on the establishment of the Commission of Inquiry on arms deliveries to the former Rwandese government forces. Regards.



Vu
23-10-95
WS

Reçu le 23 OCT. 1995



THE SECRETARY-GENERAL

CNR 304 P 2/3

16 October 1995

Dear Mr. President,

I have the honour to refer to Security Council resolution 1013 of 7 September 1995, by which the Council requested me to establish, as a matter of urgency, an International Commission of Inquiry to investigate reports of military training and arms transfers to former Rwandese government forces.

I wish to inform the Council that arrangements for the establishment of the Commission have been completed. The Commission will consist of six members, as follows:

Ambassador Mahmoud Kassem, Egypt (Chairman)
Inspector Jean-Michel Hanssens, Canada
Colonel Jürgen G.H. Almeling, Germany
Lt. Colonel Jan Meijvogel, Netherlands
Brigadier Mujahid Alam, Pakistan
Colonel Lamek Mutanda, Zimbabwe

A small support staff will accompany the Commission, including a legal expert and a security officer.

I am making tentative arrangements to have the members of the Commission assemble in New York on 25 October, subject to availability of the necessary budgetary resources. In this connection, I wish to remind the members of the Council of paragraph 8 of resolution 1013 and point out that while the budget will be submitted shortly to the competent legislative bodies, no voluntary contributions have so far been received.

His Excellency
Professor Ibrahim A. Gambari
President of the Security Council
New York

CNR 304 P 3/3

I shall keep the Council informed of the
proceedings of the Commission.

Please accept, Mr. President, the assurances of
my highest consideration.

Boutros Boutros Ghali

Boutros Boutros-Ghali

RECEIVED

17 OCT 1995

OFFICE OF THE SRSG
UNAMIR

OUTGOING CODE CABLE

CNR 294 P 1/2

TO: KHAN, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 16 October 1995
NUMBER: 3261
SUBJECT: Commission of Inquiry

UNAMIR
95 OCT 17 11 09 10
SECRET
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it/10/9

1. As discussed, arrangements for the establishment of the Commission of Inquiry, pursuant to SecCo resolution 1013 (1995), have now been completed.

2. The Commission will consist of six members as follows:

Ambassador Mahmoud Kassem, Chairman (Egypt)
Inspector Jean-Michel Hanssens, Canada
Colonel Jürgen G.H. Almeling, Germany
Lt. Colonel Jan Meijvogel, Netherlands
Brigadier Mujahid Alam, Pakistan
Colonel Lamék Mutanda, Zimbabwe

3. There will also be a support staff comprising a Political Officer who will serve as the Secretary of the Commission. In this connection, we wish to thank you for having made available the services of Ms. Rafi as the Legal Officer of the Commission. We assume that Mr. Gaye will also lend his support to the Commission in Kinshasa.

4. The members are due to assemble at United Nations Headquarters in New York on 25 October for briefings on 26 and 27. They will depart to the mission area on 28 October. Please let us know how long, in your opinion, they will need to stay in Kigali before proceeding to Kinshasa. We trust that you will set up a programme of briefings for the Commission.

Let us
work out
a programme
of briefing.
See.
FC 17-10
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Me & Koppeler
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UNITED NATIONS HQS NEW YORK

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CNR 294 P 2/2

- 2 -

5. We will let you know of their ETA in Nairobi and assume that you make the necessary arrangements for their arrival, accommodation and onward transport to Kigali.

6. We shall keep you informed of further developments on this matter.

Best regards.



RESTRICTED

DISCUSSION PAPER

**THE ESTABLISHMENT OF A COMMISSION OF INQUIRY ON ARMS
DELIVERIES TO FORMER RWANDAN GOVERNMENT FORCES**

1. DPKO in its code cable no. 2612 of 8 August requested UNAMIR to prepare an initial draft regarding the composition, terms of reference and modus operandi of the above-mentioned commission. By the same cable, DPKO indicated that a suggestion had been made for such a commission to be established for a period of up to six months and to be composed of civilian personnel, though the commission would be able to call upon experts, including those with military and police backgrounds. The suggestion had also been made that while the commission should be given a broad mandate to investigate the flow of arms across all of Rwanda's borders, it should begin with Zaire since that country has already called for such an inquiry.
2. In his progress report to the Security Council dated ___ August 1995 (S/1995/), the Secretary-General mentioned the possibility of setting up the commission and indicated his intention to provide the Council shortly with specific recommendations in that regard. Some Security Council members have already expressed support for such a commission, viewing it as an alternative to the deployment of military observers, since the idea to deploy such observers has been rejected by some of the main countries concerned.
3. If the commission is to operate as an alternative to the proposed deployment of military observers in the countries bordering Rwanda, then the objective set out in Security Council 997 should be the point of departure. Under that resolution, the Security Council:
 - "Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former régime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda",
 - Affirmed "that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda";

- Called "upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel are not transferred to Rwandan camps within their territories";
- Requested "the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult as a matter of priority, the Government of Zaire of the deployment of observers including in the airfields located in Eastern Zaire, in order to monitor the sale or supply of arms and matériel referred to above....".

4. The Prime Minister of Zaire, in a letter addressed to the Secretary-General on 23 June 1995, categorically rejected allegations that it was assisting in the training on its territory of Hutu elements opposed to the Burundian and Rwandan régimes. In order to shed light on the issue, the Prime Minister recommended the creation, under the auspices of the United Nations, of a commission of inquiry, the terms of reference of which, he stated, would be elaborated with the Secretary-General's representative.

5. Taking into account paragraphs 3 and 4 above, the elements of draft terms of reference for the commission of inquiry might include the following:

- a) to verify if the restrictions imposed by resolution 918 forbidding the sale or supply of arms and matériel to Rwanda, including to persons in the States neighbouring Rwanda, if such arms are intended for use in Rwanda;
- b) to examine the steps and measures taken by neighbouring countries to put an end to factors contributing to the destabilization of Rwanda, including measures to ensure that arms and matériel are not transferred to Rwandan camps within their territories;
- c) to investigate reports of alleged military support for Rwandan nationals in neighbouring countries, including reports that such nationals have received military training and arms for the purpose of destabilizing Rwanda.
- d) to outline possible additional measures which could be taken to ensure full compliance with the provisions of resolution 918, and to prevent any training or arming of Rwandan nationals on the territories of neighbouring countries;

6. The status of the commission needs to be clarified. Would it be a United Nations commission or an international commission under United Nations auspices? If it is a United Nations commission, will it be set up by the Secretary-General or by the Security Council? Who would appoint its members? Working on the assumption that it would be a United Nations commission established by the Secretary-General after consultation with the Security Council, the following points might be taken into account:

- a) the commission should be headed by a special envoy of the Secretary-General;
- b) the membership of the commission should be limited to five individuals, including civilian, military and police experts;
- c) the supporting secretariat of the commission should include United Nations civilian, military and security staff.

7. The commission should be based in the region, but not in Rwanda or its immediate neighbours hosting Rwandan refugees. Regarding its modus operandi, the commission should, in general:

- a) travel from its base in the region to Rwanda and each of its neighbours to perform the tasks mentioned in paragraph 5 above. Several visits may be necessary, although the commission should aim at devoting approximately two weeks per each of the following countries: Burundi, Tanzania, Uganda and Zaire. Visits to other countries in the region and elsewhere to investigate specific allegations may also be needed;
- b) at its base, members of the commission should compile, review and analyse data and other information collected from trips to the countries concerned;
- c) the commission should work in close consultation with the Special Representatives of the Secretary-General in Burundi and Rwanda.

On the basis of subparagraphs 7(a) to 7(c) above, it is envisaged that the commission could function for a period of up to three months.



Sammy Kum Buo
9 August 1995

cc: SRS
FC

ED

CNR 216 P1/4

UNAMIR

OUTGOING CODE CABLE

95 AUG 10 03 40

IMMEDIATE

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 9 AUGUST 1995
NUMBER: 2638

SUBJECT: Draft resolution

1. Re our UNAMIR-2610 and 2612 of 8 August, please find attached copy of a draft resolution which was introduced by Honduras (on behalf of the non-aligned caucus), following informal consultations of the Security Council on Croatia yesterday.

2. The representative of Honduras informed the Council that the non-aligned caucus had met to consider the request by Rwanda for a lifting of the arms embargo and had decided to support this request. We have been informed that this draft has been prepared in close consultation with the US, which will of course support its adoption by the Council. We expect that the Council will begin consideration of the draft once the Secretary-General's progress report on UNPMIR is issued.

3. As you will see, operative paragraph 7 of the draft resolution would request the Secretary-General "to establish a commission to conduct a full investigation of arms flows in the Great Lakes region of Central Africa and to report to the Security Council". We therefore look forward to your views in the possible composition, terms of reference and modus operandi of the proposed commission. We are inclined to agree with the approach taken in paragraph 7 of the draft, namely that the commission should have a fairly broad mandate. The commission would, however, begin its investigation in Zaire, since that country has repeatedly called for such an investigation under UN auspices. Regards.

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UNAMIR-9 P 4 00

UNAMIR-9 P 4 00

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SA/SRS
10/8/95

The Security Council

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994 and 997 (1995) of 9 June 1995,

Having considered the report of the Secretary-General on monitoring of the restrictions on the sale or supply of arms dated 9 July 1995 (S/1995/552),

Emphasizing that the uncontrolled circulation of arms, including to civilians and refugees, is a major cause of destabilization in the Great Lakes sub-region,

Welcoming the proposal of the Government of Zaire to establish an international commission under United Nations auspices to investigate reports of arms supplies to former Rwandan Government forces,

Recognizing that the registration and marking of weapons are of considerable assistance in monitoring and enforcing restrictions on the illicit deliveries of weapons,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and **underlining** the need for effective measures to ensure that Rwandan nationals currently in neighboring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Taking note of the letter dated 5 July 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council (S/1995/547), requesting urgent action to lift the restrictions on the sale or supply of arms and material to the Government of Rwanda to ensure the security of the Rwandese population and to re-establish its full sovereignty,

Recalling that the prohibition on the delivery of arms and material to Rwanda was originally aimed at stopping the use of such arms and equipment in the massacres of innocent civilians,

Taking note of the Council's decision in Resolution 997 (1995) of 9 June 1995 to reduce the force level of the United Nations Assistance Mission in Rwanda (UNAMIR), and reaffirming that the security of that country is the primary responsibility of the Government of Rwanda,

Deeply concerned by the situation in Rwanda's prisons and judicial system, particularly overcrowding, the lack of judges, detention of minors and elderly prisoners, and absence of speedy judicial or administrative review of charges,

Underlining the need for increased efforts by the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwanda refugees in neighboring countries,

A

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

1. Decides, with a view to prohibiting all supply of arms and related matériel to non-governmental forces to be used in Rwanda, that all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related matériel of all types, whether or not originating in their territory, to Rwanda or to persons in States neighboring Rwanda if such arms and related matériel are for use in Rwanda, other than the Government of Rwanda;
2. Requests the Government of Rwanda to supply a list of designated points of entry for the delivery of arms and related matériel to the Secretary-General who shall promptly notify the Members States of the United Nations;
3. Affirms that arms or related matériel supplied to the Government of Rwanda are to be used only for legitimate purposes in accordance with international law;

4. Decides also, that no arms and related matériel sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any state neighboring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly;

5. Decides further that all weapons transferred to the Government of Rwanda from the date of this resolution, shall be marked and registered for public record.

B

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

6. Commends the efforts of the Secretary-General and his Special Envoy in pursuing regional responses to the problem of illicit arms supplies in the region and encourages him to continue his consultations in this regard;

7. Requests the Secretary-General to establish a Commission to conduct a full investigation of arms flows in the Great Lakes region of Central Africa and to report to the Security Council;

8. Calls upon the governments of Rwanda and neighboring States to cooperate with the Commission's investigation;

9. Encourages the Secretary-General to continue his consultations with the Governments of neighboring States concerning the deployment of United Nations military observers in the airfields and other transportation points in and around borders crossing points, to cooperate with and assist these observers to ensure that arms and related matériel are not transferred to Rwandan camps within their territories;

10. Encourages also the Government of Rwanda to continue its efforts to create an atmosphere of trust and confidence for the safe return of refugees and take further steps to resolve the humanitarian problems in its prisons, and to expedite disposition of the charges against those detained;

11. Decides to remain actively seized of the matter.

GESANT S.04

1995-08-10

01:04

PAGE = 04

UNAMIR

CNR 214 P1/4

195 AUG -91 05:38 OUTGOING CODE CABLE

IMMEDIATE

TO: KHAN/TOUSIGNANT, UNAMIR, KIGALI
FROM: ANNAN, UNATIONS, NEW YORK
DATE: 8 AUGUST 1995
NUMBER: 2612

195 AUG -8 P 8:30
UNITED NATIONS
CABLE OPERATIONS

see note attached

9/8/95

SUBJECT: Commission of Enquiry on arms deliveries

1. As you are aware, the upcoming progress report of the Secretary-General on UNAMIR (copy of which has been sent to you under separate cover) will mention the possibility of establishing, under UN auspices, an International Commission of Enquiry to investigate allegations of arms deliveries to members of the former Rwandese Government Forces (RGF). The report will also indicate that the Secretary-General intends to submit shortly to the Security Council recommendations in this regard.

2. Some members of the Security Council, especially the United States, have expressed support for the establishment of such a commission, as an alternative to the deployment of military observers which, as you know, has been rejected by the main countries concerned. Indeed, it is felt that, since Zaire has itself proposed the establishment of a Commission of Enquiry, the idea should be actively pursued and some Council members are likely to request the Secretary-General to submit specific recommendations when they take up his progress report on UNAMIR next week. You will recall that the Prime Minister of Zaire reiterated the proposal for a Commission of Enquiry in a letter addressed to the Secretary-General on 23 June. A copy of that letter is attached for your ease of reference.

République du Zaïre

3/4

4/3

*Le Premier Ministre*

Kinshasa, le 23 JUIN 1995

N° PM/Q1/MNT/ 0603 /95.

Monsieur le Secrétaire Général,

Le 9 juin dernier, le Conseil de sécurité des Nations Unies a adopté la résolution 997 (1995). Cette résolution appelle des commentaires de la part de mon gouvernement.

Le gouvernement de mon pays se conforte en effet de plus en plus dans l'idée que la communauté internationale penche à rechercher sur le territoire zaïrois et non à partir du Rwanda les solutions à la question des réfugiés rwandais.

Si l'on considère que le déploiement du contingent zaïrois de surveillance des camps de réfugiés a contribué à atténuer fortement les tensions et l'insécurité qui régnaient autour de ces camps, il n'en demeure pas moins que la confiscation par le gouvernement rwandais en février et mars derniers des convois alimentaires destinés aux camps de réfugiés situés au Zaïre, les massacres de KIBEHO et le surpeuplement des prisons rwandaises ont gravement ravivé les tensions et l'insécurité au Rwanda.

C'est pourquoi mon gouvernement est d'avis que la mission de la MINUAR devrait être prolongée afin de permettre que soient créées en territoire rwandais les conditions propices au retour volontaire des réfugiés. De cette manière, tout risque de reprise du climat d'insécurité consécutif à la présence massive de ces réfugiés au Zaïre pourrait être progressivement écarté et un arrêt mis à la dévastation écologique, sociale, sanitaire et économique occasionnée par cette présence.

Sur ce dernier aspect, le Zaïre estime que la communauté internationale devrait se préoccuper plus activement du sort des populations zaïroises concernées par la présence persistante de réfugiés sur son sol. Elle devrait aider ces populations à reconstituer leur environnement et leur venir en aide en application de la résolution 49/24 du 2 décembre 1994 qui traite de l'assistance spéciale aux pays d'accueil des réfugiés.

Considérant en outre que les conventions internationales sur les réfugiés doivent être respectées par tous ceux qui y ont adhéré, le gouvernement prie instamment la communauté internationale et spécialement l'Organisation des Nations Unies d'inciter le gouvernement rwandais à faciliter la réconciliation nationale dans le cadre des accords d'Arusha et à réunir les garanties de sécurité nécessaires au retour immédiat et volontaire des réfugiés avant que les conditions sociales des populations locales ne deviennent plus précaires que celles des réfugiés eux-mêmes.

D'un autre côté, le Zaïre affirme qu'il ne peut et n'entend se substituer d'aucune manière au tribunal international institué à l'effet de rechercher et de poursuivre les auteurs de génocide au Rwanda. Afin de couper court aux attentes exprimées par le gouvernement rwandais dans ce sens, l'Organisation des Nations Unies devrait expliciter au gouvernement rwandais que ce mandat est de la seule prérogative du tribunal mis en place par la communauté internationale, étant entendu qu'à l'instar de tous les pays d'accueil des réfugiés rwandais, le Zaïre apportera son concours à ce tribunal dans la mesure de ses moyens.

Enfin, le gouvernement du Zaïre tient à vous informer qu'il rejette catégoriquement toutes les accusations d'encouragement d'entraînement militaire sur son territoire d'opposants hutu aux régimes politiques burundais et rwandais, portées à son endroit.

Pour établir la vérité à ce sujet, mon gouvernement recommande qu'il soit créé sous les auspices des Nations Unies une commission d'enquête dont les termes de référence seraient convenus avec le représentant dont vous m'annoncez la désignation au Zaïre par votre lettre du 8 mai 1995, et à qui vous avez confié la charge de maintenir le contact entre la MINUAR et mon gouvernement. Cette formule est à préférer à celle recommandée par la résolution du Conseil de sécurité qui préconise le déploiement d'observateurs militaires dans le Nord et le Sud Kivu. Un tel déploiement pourrait en effet laisser supposer que le Zaïre aurait effectivement violé les conventions internationales sur les réfugiés, et que la communauté internationale serait, de ce fait, fondée à prévenir de nouvelles violations.

Veuillez agréer, Monsieur le Secrétaire Général, l'expression de ma parfaite considération.

KENGO wa DONBO.

A Son Excellence Monsieur
BOUTROS BOUTROS GHALI,
Secrétaire Général des Nations
Unies
NEW-YORK.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA



NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA
UNAMIR - MINUAR

RESTRICTED

DISCUSSION PAPER

②
Mr. Guo
In my opinion
This meets the requirement
11. 2. 95



**THE ESTABLISHMENT OF A COMMISSION OF INQUIRY ON ARMS
DELIVERIES TO FORMER RWANDAN GOVERNMENT FORCES**

1. DPKO in its code cable no. 2612 of 8 August requested UNAMIR to prepare an initial draft regarding the composition, terms of reference and modus operandi of the above-mentioned commission. By the same cable, DPKO indicated that a suggestion had been made for such a commission to be established for a period of up to six months and to be composed of civilian personnel, though the commission would be able to call upon experts, including those with military and police backgrounds. The suggestion had also been made that while the commission should be given a broad mandate to investigate the flow of arms across all of Rwanda's borders, it should begin with Zaire since that country has already called for such an inquiry.
2. In his progress report to the Security Council dated ___ August 1995 (S/1995/), the Secretary-General mentioned the possibility of setting up the commission and indicated his intention to provide the Council shortly with specific recommendations in that regard. Some Security Council members have already expressed support for such a commission, viewing it as an alternative to the deployment of military observers, since the idea to deploy such observers has been rejected by some of the main countries concerned.
3. If the commission is to operate as an alternative to the proposed deployment of military observers in the countries bordering Rwanda, then the objective set out in Security Council 997 should be the point of departure. Under that resolution, the Security Council:
 - "Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former régime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda",
 - Affirmed "that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and matériel specified therein to persons in the States neighbouring Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda";

- Called "upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel are not transferred to Rwandan camps within their territories";
- Requested "the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult as a matter of priority, the Government of Zaire of the deployment of observers including in the airfields located in Eastern Zaire, in order to monitor the sale or supply of arms and matériel referred to above....".

4. The Prime Minister of Zaire, in a letter addressed to the Secretary-General on 23 June 1995, categorically rejected allegations that it was assisting in the training on its territory of Hutu elements opposed to the Burundian and Rwandan régimes. In order to shed light on the issue, the Prime Minister recommended the creation, under the auspices of the United Nations, of a commission of inquiry, the terms of reference of which, he stated, would be elaborated with the Secretary-General's representative.

5. Taking into account paragraphs 3 and 4 above, the elements of draft terms of reference for the commission of inquiry might include the following:

- a) to verify if the restrictions imposed by resolution 918 forbidding the sale or supply of arms and matériel to Rwanda, including to persons in the States neighbouring Rwanda, if such arms are intended for use in Rwanda;
- b) to examine the steps and measures taken by neighbouring countries to put an end to factors contributing to the destabilization of Rwanda, including measures to ensure that arms and matériel are not transferred to Rwandan camps within their territories;
- c) to investigate reports of alleged military support for Rwandan nationals in neighbouring countries, including reports that such nationals have received military training and arms for the purpose of destabilizing Rwanda.
- d) to outline possible additional measures which could be taken to ensure full compliance with the provisions of resolution 918, and to prevent any training or arming of Rwandan nationals on the territories of neighbouring countries;

6. The status of the commission needs to be clarified. Would it be a United Nations commission or an international commission under United Nations auspices? If it is a United Nations commission, will it be set up by the Secretary-General or by the Security Council? Who would appoint its members? Working on the assumption that it would be a United Nations commission established by the Secretary-General after consultation with the Security Council, the following points might be taken into account:

- a) the commission should be headed by a special envoy of the Secretary-General;
- b) the membership of the commission should be limited to five individuals, including civilian, military and police experts;
- c) the supporting secretariat of the commission should include United Nations civilian, military and security staff.

7. The commission should be based in the region, but not in Rwanda or its immediate neighbours hosting Rwandan refugees. Regarding its modus operandi, the commission should, in general:

- a) travel from its base in the region to Rwanda and each of its neighbours to perform the tasks mentioned in paragraph 5 above. Several visits may be necessary, although the commission should aim at devoting approximately two weeks per each of the following countries: Burundi, Tanzania, Uganda and Zaire. Visits to other countries in the region and elsewhere to investigate specific allegations may also be needed;
- b) at its base, members of the commission should compile, review and analyse data and other information collected from trips to the countries concerned;
- c) the commission should work in close consultation with the Special Representatives of the Secretary-General in Burundi and Rwanda.

On the basis of subparagraphs 7(a) to 7(c) above, it is envisaged that the commission could function for a period of up to three months.


Sammy Kum Buo
9 August 1995

cc: SRSG
ED