UNAMIR MISCELLANEOUS 29 NOV 1994 - 23 MAY 1995

[1 CONFIDENTIAL]

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UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

TO: **Mr. A.H. Golo**
OIC/Administration

DATE: 23 May 1995
REF: OSRSG/LA/016

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

SUBJECT: **Audit Observation (H95/016)**

..... In reference to your Memo of 18 May 1995, please note the attached draft response to the Audit Observation in question.

The draft was prepared for Dr. Kabia's approval and signature on 10 April 1995. However, owing to a delay in the processing of the attachment (the SRSG's letter to the Government dated 19 April 1995), he was unable to send it prior to his departure from the Mission.

I suggest that the draft be sent to the Auditors together with the letter from the SRSG to the Government on the SOMA violations.

cc: **SRSG**

UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

DRAFT

TO: **Mr. George Pagnillo, Auditor-in-Charge**
Audit and Management Consulting Division
Office of Internal Oversight Services

DATE: 10 April 1995

FROM: **A.H. Kabia**
Executive Director

SUBJECT: **Audit Observation Number 13 - Assignment Number H95/016 Audit of UNAMIR - Need to review status of mission agreement**

1. It is correct to observe that the Government of Rwanda has not been ensuring the observance of UNAMIR's Status of Mission Agreement. However, it is not correct to imply that UNAMIR has been doing nothing about it.

2. The Memo from OIC/Administration, which you cite extensively to indicate violations of the SOMA, was in response to the SRSG's request for updated information to enable us make yet another representation to the Government on the ongoing violations. Similar information was gathered from other UN agencies for that purpose.

3. The attached letter to the Government is the culmination of that exercise. The letter also indicates previous efforts made to seek redress, and adequately answers the points raised in your memo.

cc: **SRSG**
OIC/Administration

UNITED NATIONS
ASSISTANCE MISSION TO RWANDA

UNAMIR-MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

INTER-OFFICE MEMORANDUM

DATE: 18 May 1995

TO: See list below*

FROM: Ally H. Golo, ~~Officer-in-~~Charge
Administration

SUBJECT: **Audit Observations**

Please note that no reply to the Audit Observation, already sent to you, pertaining to your area of responsibility has been received to date.

The Audit Division requires that UNAMIR forwards responses by Monday 22 May 1995 at the latest.

Your early reply would be greatly appreciated.

No.	Assignment No.	Title	Office/Section
4	H95/016	Transfer of Assets	CILM
6	H95/016	Unauthorized Rwandese officials allowed to fly on United Nations aircraft	CISS/AirOps OSRSG
8	H95/016	Cash Advance Program for Engineering Services	BMS/Finance
9	H95/016	Need to establish Local Property Survey Board (LPSB)	CISS
13	H95/016	Needs to review status of mission agreement	OSRSG
15	H95/016	Mission fails to get out of mission travel approved by Headquarters	OSRSG
16	H95/016	Recovery of costs for personal international telephone calls	COMMS

* OSRSG
A/CISS
CFO
CBMS

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

UNAMIR-MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

DATE: 19 April 1995
REF: OSRSG/LA/001/95

Your Excellency,

1. I have the honour to refer to the Agreement signed on 5 November 1993 between the United Nations and Rwanda on the Status of the United Nations Assistance Mission for Rwanda (UNAMIR), and likewise to the Convention on the Privileges and Immunities of the United Nations adopted on 13 February 1946, to which the Agreement refers and to which Rwanda is a party. It may be recalled that the Agreement of 5 November 1993 was approved by the Rwandese Patriotic Front (RPF). At ..... Annex A are photocopies of relevant letters exchanged between the UN and RPF at that time.

2. I regret to bring to your attention a pattern of violations of various provisions of the said ..... Convention and Agreement. A sample of these violations is attached at Annex B as they are too numerous to list exhaustively. The violations extend to other United Nations subsidiary organs and their personnel in Rwanda, who are entitled to similar protections under the Convention and related Agreements and, in addition, to the provision of security protection by UNAMIR as required under Security Council resolutions.

3. To the extent that the incidents of violations also impede the exercise of UNAMIR's functions in the provision of security protection to other agencies of the United Nations, the incidents also contravene relevant provisions of the Security Council resolutions requiring the cooperation of Rwanda in the implementation of the mandates of UNAMIR and other United Nations agencies, in particular, paragraph 4 of Security Council resolution 965 of 30 November 1994.

4. I would also like to draw your kind attention to the correspondence and Notes Verbale previously filed by UNAMIR with your Ministry protesting against such violations and requesting corrective action by your Government; in particular, my letter of 11 October 1994 on the forcible

Dr. Anastase Gasana
Minister of Foreign Affairs & Cooperation
Kigali

entry into UNAMIR premises by RPA personnel to arrest a local staff member of UNAMIR, and my Notes Verbale SRSG/NV/60/94 of 6 December 1994, SRSG/NV/13/95 of 2 February 1995 and SRSG/NV/19/95 of 10 February 1995. In the single instance in which we had a response from your Ministry, as contained in your letter No. 128/03.00/CAB/PROTETAT of 2 February 1995 requesting personnel of your Government **"to respect the commitments made by Rwanda to the UNAMIR Statute"**, that request was not complied with.

5. Thus, instead of a cessation of such violations, that we were entitled to expect as a result of our representations, there has been an escalation in recent months. The following is a sample of incidents constituting such violations, details of which are contained in Annex B:

5.1 Searches of UNAMIR, its personnel, and other United Nations property including vehicles, aircraft, official documents and personal belongings, in violation of sections 3 and 22 of the Convention and paragraphs 3, 4, 15 and 26 of the Agreement.

5.2 Impounding or detention of UNAMIR imports and supplies in attempts to charge customs and other duties, or for other unknown reasons, in violation of sections 3 and 7 of the Convention and paragraph 15 of the Agreement.

5.3 Movement restrictions on UNAMIR and other United Nations personnel and denial of access at RPA checkpoints, including long delays sometimes accompanied by open hostility and threats. These incidents not only violate the freedom of movement provided for under paragraph 12 of the Agreement and required by paragraph 4 of Security Council resolution 965 (1994); they also violate the obligation of the Government of Rwanda to ensure the security and safety of UNAMIR personnel, as required by paragraph 6 of the Agreement.

5.4 Ejection of UNAMIR from Government-owned or Government-controlled premises at short notice or by ultimatum, and refusal to allow access to property (village Urugwiro) under lease to UNAMIR.

5.5 Imposition of passport requirements on UNAMIR military personnel from participating States, in violation of paragraphs 33 and 34 of the Agreement which state, inter alia, that "the

Special Representative and members of UNAMIR shall be exempt from passport and visa regulations and immigration inspection and restrictions on entering into or departing from Rwanda." In the most serious and most recent case, Nigerian troops who arrived on 3 April 1995 were repatriated on 4 April 1995 at the behest of the Rwandese Ministry of Defence.

5.6 Seizure and impoundment of UNAMIR and other United Nations vehicles following traffic accidents, in violation of section 3 of the Convention and paragraph 3 of the Agreement.

5.7 Arrests, detention and harassment of local staff of UNAMIR and other United Nations agencies without ready explanation. Several representations, and many visits by United Nations officials, have previously been made to your Government on this issue.

5.8 Harassment and intimidation of Rwandese nationals who approach UNAMIR with information or for protection and of those approached by UNAMIR and other agencies for information in the implementation of their mandates.

6. Your Excellency would agree with me that these incidents constitute violations of the relevant provisions of the Convention and Agreement referred to, and undermine the effective discharge of the mandates of UNAMIR and other United Nations agencies in Rwanda.

7. May I respectfully request the Government of Rwanda to kindly take urgent steps to ensure the cessation of such violations, and the scrupulous observance, henceforth, of the international obligations of Rwanda under the Convention and Agreement cited above. May I, in this connection, draw the attention of your Government to paragraph 56 of the said Agreement, which states:

> *"56. Wherever the present Agreement refers to the privileges, immunities and rights of UNAMIR and to the facilities provided to UNAMIR, the Government shall have the*

ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights and facilities by the appropriate local Rwandese authorities".

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

Shaharyar M. Khan
Special Representative
of the Secretary-General for Rwanda

cc: **H.E. The President of Rwanda**
H.E. The Prime Minister
H.E. The Minister of Defence
USG/DPKO, New York
USG/OLA, New York

CRN111-04 111
LINAMIR ANNEX "A"
AA28.22.1

CNR 092 P3/3

UNITED NATIONS NATIONS UNIES

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

REFERENCE

Le 11 novembre 1993

Monsieur le Président,

J'ai l'honneur de me référer à la résolution 872 (1993) du 5 octobre 1993, par laquelle le Conseil de sécurité a décidé de créer sous son autorité la Mission des Nations Unies pour l'assistance au Rwanda (ci-après désignée sous le nom de "MINUAR"). Dans cette résolution, le Conseil a notamment demandé que les parties, c'est-à-dire le Gouvernement de la République rwandaise et le Front patriotique rwandais, prennent toutes les mesures voulues pour garantir la sécurité de la MINUAR et du personnel qui y participe.

Afin que la MINUAR puisse mener comme il convient les activités s'inscrivant dans le cadre du mandat qui lui a été assigné par la résolution 872 (1993), la Mission et son personnel jouiront des privilèges et immunités ainsi que des droits et facilités nécessaires, conformément au droit international et aux principes et pratiques ayant jusqu'à présent régi les opérations de maintien de la paix des Nations Unies. Les privilèges et immunités et les droits et facilités visés sont ceux que prévoit l'Accord sur le statut de la MINUAR et de son personnel. Un exemplaire de cet Accord, qui a été conclu à New York le 5 novembre 1993, vous est adressé ci-joint.

Le texte de l'Accord est porté à votre attention afin que le Front patriotique rwandais puisse pleinement coopérer à la mise en oeuvre des dispositions pertinentes qu'il contient. Je vous serais donc très obligé de bien vouloir accuser réception de cette lettre.

Veuillez agréer, Monsieur le Président, les assurances de ma très haute considération.

S. Iqbal Riza
Sous-Secrétaire Général aux
Opérations de Maintien de la Paix

Son Excellence
Le Colonel Alexis Kanyarengwe
Président du Front Patriotique Rwandais

CNR 092 P2/3

RECEIVED
OASG/DPKO
ACTION:
DEC 1993
INFO:

FRONT PATRIOTIQUE RWANDAIS
RWANDESE PATRIOTIC FRONT

Avenue de l'Observatoire, Bte 8
1180 Bruxelles, BELGIQUE
Tél. 32-2-374-6898
Fax 32-2-374-4484

Mulindi, 21 novembre 1993

Monsieur S. Iqbal Riza
Sous-Secrétaire Général aux
Opérations de Maintien de la Paix
NEW YORK 10017

Monsieur le Sous-Secrétaire Général,

Je vous remercie de votre correspondance du 11 novembre 1993 par laquelle vous nous transmettez le document de l'Accord du 5 novembre 1993 entre les Nations Unies et le Gouvernement Rwandais sur le statut de la MINUAR et de son personnel.

Nous accusons donc réception de votre lettre en promettant de coopérer pleinement à la mise en oeuvre des dispositions pertinentes de l'Accord.

Veuillez agréer, Monsieur le Sous-Secrétaire Général, l'expression de ma haute considération.

Col. Alexis KANYARENGWE
PRESIDENT DU FRONT PATRIOTIQUE RWANDAIS

Sample of incidents constituting violations of the Status of Mission Agreement (re: UNAMIR) and the Convention on the Privileges and Immunities of the United Nations

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5.1 **Searches of UNAMIR property and privileged personnel**

The most recent examples include incidents documented by UNAMIR Military Observers (MILOBs) on 2 February 1995 (Kigali airport), 2 and 16 March 1995 (Ruhengeri), 13 March 1995 (Kigali-Gisenyi road), 23 March 1995 (Gitarama-Kigali road); by UNAMIR Air Operations staff (a catalogue of incidents reported on 7 and 12 February 1995); by UNICEF (2, 4, 10, 12 and 14 March 1995); and by UNHCR (search of diplomatic bag on 1 March 1995); among many others.

5.2 **Detention of UNAMIR imports and supplies**

The incidents include the detention of 40 United Nations vehicles at Gatuna border post since 27 February 1995 in demand for the payment of customs duties; the detention of UNAMIR communications equipment at Kigali airport since 20 February 1995, and similarly of UNDP communications equipment since January 1995; the detention of other UNAMIR imports normally handled by UNAMIR's contractors (recurrent incidents); among several others. The continued detention of UNAMIR's communications equipment is also in violation of section 9 of the Convention and paragraphs 10 and 11 of the Agreement, on UNAMIR's right to install and operate communications facilities. This violation currently poses the threat of a complete breakdown of UNAMIR's communications network, with potentially serious repercussions for the security and safety of UNAMIR personnel in the field.

5.3 **Movement restrictions**

One example here was the restriction and eventual prohibition of UNAMIR's use of a barge on Lake Kivu to transport equipment and supplies to our troops in the Kibuye area, which had been arranged in view of the difficulties of land transportation by heavy trucks in that area. That restriction severely curtailed the operational flexibility and freedom of movement of UNAMIR.

More-recent documented cases of such restrictions include: restrictions at Gashora checkpoint (9 February 1995), restrictions reported by Ghanbatt (21 February 1995), MILOBs (9 and 28 February 1995, two incidents on 2 March 1995, 10, 23 and 25 March 1995), Malawi Coy (6 March 1995), AUSMED (23 March 1995), Tunbatt (2 February and 6 March 1995), Human Rights Operations (26 February 1995, 8 March 1995, 18 March 1995), the holding-up at Rusizi-2 border post of 23 trucks carrying relief supplies, with the risk of looting, reported on 4 April 1995 by UNAMIR forces providing convoy security; and restrictions on UNAMIR patrols at Ruhengeri (4 April 1995) among numerous others.

5.4 **Ejection from premises**

We note here that the Government's obligation to provide UNAMIR with premises for operational, administrative and accommodation purposes, as required under paragraph 16 of the Agreement, is not an absolute obligation. It is understandable that with the gradual return of normalcy, the Government would require UNAMIR to relinquish certain premises to permit their normal use. However, in such instances we should not be ejected forcibly (as occurred with respect to CIVPOL headquarters in September 1994) or by ultimatum (as occurred with respect to warehouse premises at Kigali airport in October 1994), or without the offer of alternative accommodation (as is the case with regard to

current demands for UNAMIR to vacate the former UNICEF premises, part of the Military Academy in Kigali, and Tunbatt base in Sector 5).

5.5 **Passport restrictions (see letter)**

5.6 **Seizure/Impoundment of UNAMIR vehicles**

There have been about 10 such seizures over the past several months; vehicles are released only after protracted negotiations with the National Gendarmerie, sometimes after the summary imposition of fines against the United Nations personnel involved. In this connection, we have always offered our cooperation in regard to joint investigations of such cases, as required under paragraph 44 of the Agreement. In addition, we have issued instructions and we take disciplinary measures against UNAMIR personnel and troops in respect of violations of local traffic regulations.

5.7 **Arrests/detention of local staff**

We do not here question legitimate law-enforcement actions by Government agents. However, these need not be accompanied by forcible entry into United Nations premises -- which violates section 3 of the Convention and paragraphs 16 and 19 of the Agreement. The manner in which the arrests are carried out is also often in violation of fundamental principles of human rights on the notification of reasons and the existence of evidence for an arrest. If the reasons for an arrest -- which are usually not revealed until after persistent enquiries subsequent to the arrest -- were to relate to the staff member's employment with the United Nations, such arrest would be in violation of Section 18 (a) of the Convention and paragraphs 28 and 46 of the Agreement.

5.8 **Harassment/intimidation of Rwandese nationals in contact with UNAMIR**

These acts of intimidation or harassment impede the effective implementation of the mandates of UNAMIR and other United Nations agencies, and are consequently in violation of paragraph 4 of Security Council resolution 965 (1994), among other resolutions. Among the numerous examples of such incidents, one of the most serious occurred on 5 February 1995, in Kigali, when Human Rights personnel investigating the attempted murder of a prominent journalist were surrounded by armed RPA soldiers, who prevented them from interviewing local residents. The acts of intimidation by the RPA troops also greatly influenced the willingness of witnesses to come forward with information.

file

AUDIT AND MANAGEMENT CONSULTING DIVISION AUDIT NOTE __ AUDIT OBSERVATION__	NO. AUD-6-2-15-1 (/94) DATE 8 APRIL 1995

To: Dr. Abdul Hamid Kabia, Executive Director
United Nations Assistance Mission for Rwanda (UNAMIR)

Through: Mr. Ally H. Golo, Officer-in-Charge, Administration
UNAMIR

From: George Pagnillo, Auditor-in-Charge
Audit and Management Consulting Division
Office of Internal Oversight Services

Subject: Audit Observation Number 13 - Assignment Number H95/016 Audit of UNAMIR - Need to review status of mission agreement

The recommendations set out in the left-hand column are submitted for your consideration. Please comment on them in the right-hand column and where appropri- specify any corrective action taken or provide a planned implementation schedule. Please reply by 11 April 1995.

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN
1. We found that the Rwandese Government was not ensuring that the status of mission agreement (SOMA) was being honoured. We believe that there is an immediate need for the Organization to ensure that the SOMA is honoured or make other arrangements for the protection of UNAMIR staff and assets. 2. On 5 November 1993 the Government of Rwanda and the United Nations entered into an agreement on the status of the UNAMIR. Under international law the agreement is binding on the current Rwandese Government, however numerous incidents have occurred which indicate the current Rwandese Government does not recognise the agreement. Furthermore, Rwandese Government officials have made known, at least at the working level, their desire for UNAMIR to cease operations. The issues and incidents discussed below have taken place which are the cause for a great deal of concern on the part of UNAMIR. They are based, in large part, upon an 1 April 1995 memorandum from the	

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

Officer-in-Charge of Administration to the SRSG which addresses the problems that the mission is experiencing with the implementation of the SOMA. We verified selected assertions of the memorandum to situation reports and by discussions with UNAMIR staff.

3. As reported in the attached Interoffice Memorandum dated 1 April 1995, the Officer-in-Charge of Administration reported to the SRSG there are numerous problems that are e: iing the SOMA. We have used this memorandum and other documentation which were selectively checked to situation reports and supported by discussions with UNAMIR staff, to portray the status of the SOMA.

4. The SOMA provides that the Government of Rwanda shall, to the extent possible, provide UNAMIR such areas for headquarters, camps, or other premises as may be necessary for operational and administrative activities of UNAMIR and for the accommodation of members of UNAMIR. Contrary to this, UNAMIR has already been required to quit the Stadium, a facility where a number of troops were quartered. UNAMIR is now being di ;cted to leave a portion of the Military Academy which will require UNAMIR to find space for 150 troops of the Indian Engineer Company. UNAMIR has attempted to re-claim a building in Gisenyi, which was part of an Economic Commission for Africa facility, but to no avail.

5. Furthermore, UNAMIR continues to experience problems with the identification of land to support installation of prefabricated structures. This is particularly true in the case of Kigali where the mission needs to build a prefabricated "village" simply to handle its own accommodation requirements.

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

6. Similarly, according to the attached memorandum, the Mission continues to have a problem with the "Urugwiro Village". This is a government-owned hotel facility for which UNAMIR signed a lease with an effective date of 1 December 1994. To this point, it is still refused access to this facility.

7. One facility, in which UNAMIR has located its finance and procurement offices, is owned by an individual who was declared persona non grata. UNAMIR has indicated that there may be a possibility to pay rentals into an escrow account, however, it is now being told to pay rent directly to the Rwanda Patriotic Army (RPA), or to leave the building. We were told that this situation has also occurred where individuals have rented accommodation and the landlord subsequently was declared persona non grata or simply disappeared followed up by a "request" from the RPA for a payment of rent.

8. Following the war, the Civilian Police headquarters moved back into a facility which had been occupied by UNAMIR prior to the war. Shortly after moving back in, the occupants were forcibly evicted and the building taken over by the RPA. All UNAMIR equipment was recovered, but only on a very confrontational basis.

9. Regarding privileges and immunities of UNAMIR the SOMA states that the Government recognizes the right of UNAMIR to import, free of duty or other restrictions, equipment, provisions, supplies and other goods which are for the exclusive and official use of UNAMIR or for resale in commissaries. Contrary to this, UNAMIR is currently experiencing problems with customs. According to the attached memorandum, the Government is insisting that all UNAMIR's contractors, whose sole purpose in Rwanda is to provide support to UNAMIR, one: register

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

within the country and two: pay duty on all the equipment they have brought in to support their work under the contract with the United Nations. UNAMIR is also having difficulty with the clearance of materiel brought in by these contractors for the support of UNAMIR. Notwithstanding documentary evidence that this materiel is for UNAMIR support, Rwandese customs officials are blocking the release of needed supplies.

10. In the area of support equipment, customs initially impounded two light administrative vehicles used by Economat, the rations contractor and indicated additional equipment (forklifts, computers) might also be impounded if duty was not paid. It is understood to be common practice with all other missions that this equipment is not taxed. It is brought in to the mission area with the clear understanding that it is for use in support of the mission and will be re-exported once the contract on the mission terminates. UNAMIR also has two containers of foodstuffs and other items imported by the catering contractor, being held even after all necessary documentation has been presented.

11. According to the attached memorandum, the problem extends to Brown and Root Service Contract, even after it has been explained that equipment used under this contract is United Nations owned. UNAMIR still has incidents where threats have been received to impound vehicles in use by Brown and Root which are in fact UNAMIR contracted or owned vehicles.

12. We were told, but have not been able to confirm, that a United Nations pouch was seized by the RPA and has not been returned. If this is true, it is a serious breach of international agreements.

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

13. Notwithstanding the SOMA which provides that UNAMIR may install necessary communications links, the mission continues to be frustrated in its attempts to complete the necessary licensing and administrative details necessary to become fully operational. Other problems, peripherally related to customs, concern a hold which has been placed on the importation of communications equipment into Rwanda. UNAMIR is continuing attempts to have this equipment released. It has also requested the necessary authorizing signatures for the operation of UNAMIR's VSAT and Intelsat communications equipment but have not yet received the documentation, despite continued approaches in this area.

14. We reviewed documentation which addressed the confiscation of communications equipment by Rwandese customs authorities at the Kigali Airport. According to the documentation the following items had been impounded:

1. 17 boxes containing VHF Communications equipment shipped from the USA.

2. 1 crate containing essential equipment for the VSAT Satellite Network shipped from UNOSOM Nairobi.

3. 1 box containing LM Ericsson PABX spare parts shipped from LN Ericsson Saudi Arabia.

4. 1 box of VSAT Satellite equipment sent by DHL to Kigali from SSE Telecommunications. The SSE Engineer has been standing by in Nairobi since 2 April 1995 awaiting the clearance of this equipment to effect essential repairs to the VSAT Satellite Terminals operating in Rwanda.

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

5. Panasonic PABXs and associated equipment. This equipment is required to commence the telephone installations at the Trafipro Complex.

15. The Officer-in-Charge of Administration stated that the non-receipt of the above equipment seriously affects essential operations of the various communications systems and UNAMIR is now in danger of being unable to repair and maintain vital communications links. The Officer-in-harge of Administration believes that if this matter is not addressed immediately, there will be a complete breakdown of the existing communications network with resultant repercussions on the safety and security of UNAMIR personnel deployed in the field.

16. Contrary to the spirit of the SOMA, UNAMIR staff have experienced a number of individual incidents of harassment, and in some areas this is continuous problem. A number of UNAMIR local staff employees, and those of other United Nations agencies and its contractors, have been arrested by the RPA. UNAMIR has had considerable difficulty ascertaining the whereabouts of these individuals and then gaining access to them to follow-up on each situation. In one instance, RPA troops entered the premises of UNAMIR headquarters and arrested a local staff member on-site. A strong protest was lodged at the time and, while there have been no more instances of arrests on United Nations premises, UNAMIR still continues to experience cases of sudden arrests.

17. A number of expatriate staff of Brown and Root have experienced threats against their lives. In one instance, a Brown and Root employee resident at a local hotel was told to either leave the country, or be killed. He left the next day. In a

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

further incident, the Brown and Root Service Contract staff member operating the fuel point was threatened when he, correctly, refused to refuel an RPA vehicle. This member also departed the next day after he received threats against his life.

18. International staff members have also experienced individual acts of both harassment and outright banditry. Early on in the mission, some staff were followed home where an attempt was made to steal the UN vehicle assigned to them. The attempt was thwarted, but not until individuals were physically assaulted. Another more recent situation, saw the house of a staff member entered by force and the entire contents stolen while a gun was held to the head of the staff member. The most disquieting aspects of both these incidents was that either all or some of the assailants were in uniform.

19. The SOMA also provides that the Special Representative and members of UNAMIR shall, whenever so required by the Special Representative, have the right to enter into, and reside in and depart from Rwanda. According to the agreement the Special Representative and members of UNAMIR shall be exempt from passport and visa regulations and immigration inspections and restrictions on entering into or departing from Rwanda. Contrary to this UNAMIR staff are routinely required to present passports and visas. On 3 April 1995 the RPA refused entry to 45 Nigerian contingents who did not have passports and visas. They were returned to Nigeria. Similar incidents happened with Austrian and Senegalese contingents.

20. Vehicles have been stolen from members of UNAMIR, in some cases from parking spots at residences and in one case, at gunpoint on the road. The victim in the latter case was a

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

21. A matter of continuing concern is that of the increasingly more hostile approach taken by the troops manning the RPA checkpoints around the country, particularly on the route from Kigali to Gisenyi. While in most cases, vehicles operated by the military and CivPol are allowed free passage, international civilians are stopped, ordered from the vehicle which is then searched. In a recent incident, the troops insisted to also search the staff members computer case and briefcase and demanded to read UN do ments. This was refused and the staff member was consequently held until UNAMIR MP assistance arrived.

22. This would appear to be an infringement on the right of freedom of movement provided under the SOFA and Article II, Section III of the Convention would appear to make it absolutely clear that this should not happen. The blanket application in this area can only be perceived as harassment. There can be no objection to stopping at a checkpoint, providing identification and having the vehicle number registered but this should not go beyond that extent.

23. At the earlier stages of the mis ion, UNAMIR rented a barge from an individual in Goma, Zaire, to resupply he troops located in Kibuye. The xisting roads to Kibuye are bad, NAMIR does not have the helicopter ssets to provide support by air and he barge was a very effective method. nitial concerns were that UNAMIR was llowing the wrong people to travel on his barge, to counter which, UNAMIR ffered to allow RPA troops to ccompany each shipment. otwithstanding this, it has been efused the right to charter this essel.

24. Part of the mandate requires that NAMIR patrol the borders, including he area of Lake Kivu, to observe and eport on traffic. UNAMIR originally

AUDIT OBSERVATIONS AND RECOMMENDATIONS	AUDITEE'S COMMENTS AND/OR CORRECTIVE ACTION TAKEN

established a helicopter in Kibuye, equipped with radar, to accomplish this. The mission has also received a small number of inflatable boats to allow surface patrolling. UNAMIR has been refused the ability to operate either the helicopter, or the boats. Similarly, the APR has also prohibited the operation of the tracked APCs provided to Tunisian and Ghanian battalions.

25. The foregoing outlines some serious problems with the application c the SOMA in Rwanda. We found little evidence that the Mission raised serious objection to the violations of the SOMA. We believe that Headquarters should be informed of the violations and either a commitment from the Rwandese Government and the RPA be obtained that the SOMA will be respected or alternative means of protecting UNAMIR life and property be investigated.

...R KIGALI BRAZAVIL 95- 3-15 ... 20520 FUN FAXPAD

Miscellaneous
COMMÇÉN.F...

UNITED NATIONS NATIONS UNIES

OUTGOING FACSIMILE

TO: Permanent Missions of all countries contributing troops to UNAMIR

FROM: Annan, Unations, New York

DATE: 14 March 1995

SUBJECT: **Visits to UNAMIR**

1. A large number of official delegations from troop contributing countries have been visiting and are likely to continue to visit UNAMIR. Proposals for such visits are required to be sent to the Department of Peace Keeping Operations (DPKO). This office then coordinates all the details with the field mission and confirms an agreeable schedule to the Permanent Missions. UNAMIR has been experiencing certain difficulties in the conduct of such visits. While guidelines for the planning of such visits have been disseminated to the Permanent Missions earlier, certain aspects need to be reaffirmed.

2. Visit Notification. Notification for official visits must be forwarded by the Permanent Missions so as to reach DPKO at least 14 days before the proposed date of the visit. In exceptional circumstances, a clear warning of 7 days may be acceptable. The notification should include the following details:

a. The composition of the delegation.
b. The purpose of the visit.
c. The exact duration of the visit. In case the visit is being combined with visits to other field missions, specific dates for each mission should be given.
d. Any special assistance required.
e. A point of contact at the station of departure of the delegation (name, telephone and fax/telex numbers). This is required for direct exchange of information between the delegation and the field mission in case of last minute developments.

3. Composition. UNAMIR normally tries to assist official delegations as regards accommodation, transport and liaison. However, in view of the severe shortage of resources, both commercial and those controlled by UNAMIR, it is imperative that the size of such delegations be restricted to three or four persons. Larger delegations may have to manage with spartan accommodation or pay for their accommodation in more expensive lodgings.

4. Purpose of the Visit. A clear statement of the purpose of the visit would be extremely useful for UNAMIR in planning the visit, thereby ensuring that visitors derive the maximum benefit.

5. Duration of the Visit. In order to ensure that the limited resources of UNAMIR are made available to all official visitors, it is desirable that the duration of the visit be restricted to three to four days and that the visit be concluded in the time frame originally planned.

6. It is hoped that the Permanent Missions will appreciate the constraints of the field mission and find these guidelines useful in the planning and smooth conduct of visits to UNAMIR. The Secretariat would be grateful to the Permanent Missions for their cooperation in ensuring that these guidelines are, as far as possible, strictly adhered to.

Regards.

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

UNAMIR-MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

18 APRIL 1995

NOTE

TO: **Mr. Sammy K. Buo**
OIC/OSRSG

In response to your note of today, please note the following:

1. We sent a fax to New York last week for an update on their preparations for the Tribunal. As you know, only the Prosecutor's Office is here in Kigali, and that is proceeding very slowly. The SRSG informed me this morning that he talked to Mr. Zacklin (New York) on the phone and got an update. OLA plans a trip to Tanzania 15-20 May on arrangements for premises.

2. The Human Rights Operations, as you know, have their own mandate. If there were more time, I could ask them for an update. Perhaps our Human Rights Liaison Officer, Ms. Rafii, has more details to update you on their operations.

3. I have no information on the **"Status of Detention Camps"**; in fact I do not know what detention camps you have in mind. If you mean the regular prisons, we all know that there is a crisis of overcrowding, inhuman conditions, and lack of personnel and machinery to process the cases and expedite trials. These are, of course, the responsibility of the Rwandese Government, primarily.

On our part, we have been urging the provision of humanitarian relief, the improvement of facilities, and the accelerated processing of cases to permit the release of those "prisoners" against whom no triable offences can be established, as well as those with only relatively minor offences.

Ike Minta
Legal Adviser

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

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MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

- NOTE -

18 April 1995

To: Mr. Ike Minta
Legal Adviser

In connection with the next meeting of the Rwanda Operational Support Group (ROSG) is scheduled to take place in Washington on 21 April, the SRSG would appreciate receiving from you by **Wednesday morning, 19 April,** at the latest, a brief update on the following items:

- Human Rights:
  - Status and needs of International Tribunal.
  - Role and support for Human Rights Monitors.
  - Status of Detention Camps.

I have asked Mr. Dao to provide you with whatever information he may have with regard to the sub-item entitled "Status of Detention Camps". The SRSG would appreciate your contributions to be brief, perhaps no more than a paragraph.

I thank you for your urgent attention to this matter.

Sammy Kum Buo
Officer-in-Charge
Office of the SRSG

UNITED NATIONS
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UNAMIR - MINUAR

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Ruse

File No 5000.9 (PLANS)

To: DISTRIBUTION LIST

From: G3 PLANS

Date: 8 APR 95

Subject: OPS SECTION BRIEFING OF ETHIOBATT

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1. Please note that an operational briefing will be conducted for the incoming CO & Bn Comd Gp ETHIOBATT Tuesday, 11 Apr 95 in the Ops briefing room in accordance with the following revised schedule:

a. 0830 - 0835 hrs, DCOS Ops;

b. 0835 - 0920 hrs, G3 Ops;

c. 0920 - 0935 hrs, G2 Info;

d. 0935 - 0950 hrs, G3 Plans; and

e. 0950 - 1010 hrs, G4

f. 1010 - 1030 hrs, Force Legal O.

2. Any questions may be directed to, Capt I. Denny, G3 Plans 4, at local 11162.

Distribution List:

ETHIOBATT
DCOS Ops
G3 Ops
G2 Info
G4 SO Log
Force Legal O 1015-21

UNITED NATIONS
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UNAMIR MINUAR

File No 5000.9 (PLANS)

To: DISTRIBUTION LIST

From: G3 PLANS

Date: 3 APR 95

Subject: OPS SECTION BRIEFING OF NIBATT

Reference: 5000.9 (PLANS) dated 1 Apr 95

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1. Please note that the operational briefing to be conducted for the incoming CO & Bn Comd Gp NIBATT Tuesday, 4 Apr 95 will now be held in accordance with the following revised schedule:

a. 0830 - 0835 hrs, DCOS Ops;

b. 0835 - 0920 hrs, G3 Ops;

c. 0920 - 0935 hrs, G2 Info;

d. 0935 - 0950 hrs, G3 Plans; and

e. 0950 - 1010 hrs, G4

f. 1010 - 1030 hrs, Force Legal O.

2. Any questions may be directed to, Capt I. Denny, G3 Plans 4, at local 11162.

Distribution List:

NIBATT
DCOS Ops
G3 Ops
G2 Info
G4 SO Log
Force Legal O

4021

UNITED NATIONS
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UNAMIR - MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

File No 5000.9 (PLANS)

To: DISTRIBUTION LIST

From: G3 PLANS

Date: 1 APR 95

Subject: OPS SECTION BRIEFING OF NIBATT

1. A operational briefing will be conducted for the incoming CO & Bn Comd Gp NIBATT Tuesday, 4 Apr 95 in the HQ UNAMIR Ops briefing room in accordance with the following schedule:

a. 0830 - 0835 hrs, DCOS Ops;

b. 0835 - 0850 hrs, G2 Info;

c. 0850 - 0935 hrs, G3 Ops;

d. 0935 - 0950 hrs, G3 Plans; and

e. 0950 - 1010 hrs, G4

f. 1010 - 1030 hrs, Force Legal O.

2. Any questions may be directed to, Capt I. Denny, G3 Plans 4, at local 11162.

Distribution List:

NIBATT
DCOS Ops
G3 Ops
G2 Info
G4
Force Legal O

31 March 1995

To : Dr. A. H. Kabia
Executive Director

From : Zena Zelleke
Political Information Officer
Sector V

Sub : **SITUATION REPORT**

Attached please find **SITUATION REPORT** covering the period 16 March to 30 March 1995.

Best regards.

FC

LA

cc : Political Adviser

SITUATION REPORT

16 March to 30 March 1995

I. GENERAL

The Prefet of Gisenyi held a mass gathering in **GISENYI**, **GICIYE** and **RAMBA** on 22, 24, and 28 March 1995 respectively. The purpose of the gathering was to assure the population and dispel rumour, presently circulating, that another spate of ethnic killings will take place on 6 April, aniversary of the massacre. Furthermore, he also spoke of peace and reconciliation and called on the population to forget the past and strive to build a united Rwanda.

The UNHCR have been requested by the Ministry of Education to evacuate the " Nursing School ", one of the reception centers for the 59/60 caseload returnees in Gisenyi, within forty-eight hours. The reason given is that the Ministry want to reopen the school. There are over 3 000 returnees lodged at the school. However, because of lack of transport and logistic support attempt is being made to delay the operation for at least a couple of days.

Food for the Hungry International (FHI) have a representative , Mr. Daniel Curran, assigned to this location. FHI programme target vulnerable foster families and provide support to prevent abandonment of orphans that those families have been fostering. As mentioned in last situation report the organisation has also agreed, in principle, to assist UNAMIR, as an implementing partner, in the rehabilitation of the civil administration for the Gisenyi prefecture.

MERLAN, a British medical NGO, has started operation in Gisenyi. Their objectives are to rehabilitate three to four health dispensaries and carry out a vaccination programme.

The bi-monthly Inter-agency meeting for the Gisenyi prefecture took place on 30 March 1995. Most UN organizations and NGOs participated in the meeting and gave an up-date of present and future activities.

II. REFUGEE MOVEMENTS

During the period covered, organized repatriation from the various camps in Goma continued at a lower pace , totalling 1 081 persons. These have been transported to their home communes, mainly in the prefectures of Kigali, Gisenyi and Ruhengeri. Returnees

through the official border crossing amounted to 3 157 persons of which 1 083 were from the 59/60 case load. An additional 2 53 came through the Cyanika border bost.

Settlement operations to government-identified land in Mutura area continues from the two reception centres in Gisenyi. A total of 1 170 were moved to Mutura and a further 194 were transported to Gashora.

About 1 000 were identified as IDPs (the first in Sector V) in Ndusu commune, sector Mataba. These are persons of Hutu origin coming from Kigali and Gitarama prefectures. It appears that these people were accused of involvement in the genocide and fled to this sector sometime in April/July 1994. A request was made by the Bourgmestre of Ndusu to evacuate the IDPs to their home commune as their presence is creating ethnic tension as well as labelling the community as harborers of criminals. Investigation is being carried out by PIO/UNHCR/HR.

III. SECURITY/RPA

The security situation both inside the country and external threat has deteriorated in recent weeks, ranging from continued cattle rustling, looting and banditrry to infiltration by Interhwame. Also of serious concern is the continued arbitrary arrest by RPA. To compound the problem further, there is a widespread rumour of a repeat of the April 6, 1994 incident of ethnic clashes. During the period covered the following incidents were reported :

- around the fringes of the volcanic forest, **BUSENGO** four persons were killed. The situation in the area is very tense and locals live in fear of infiltrators of Interhwame and spend the night in the forest. RPA and locals carry out joint patrol to combat increasing problem of this intrusion.

- five persons were killed in **KANAMA** on the night of 17/18 March, culprits were not identified but weapon used was matchets.

- on 25/24 March in **RUBAVU commune** three persons were killed and one fourteen year old injured **by a group of 15 interhwame** infiltrators (one person was identified as a former resident of the area) Motive for attack was to steal money and intimidate persons co-operating with present authorities.

- on night of 26/27 March RPA ambushed infiltrators near **KABATWA**, Mutura commune and in the ensuing exchange of fire one PRA soldier was wounded while the other side managed to escape.

- in **SHIRYA**, Giciye commune on 18 and 25 March 1995 sixteen persons were arrested on charges of participating in the genocide. All detainees were sent to Ruhengeri prison. Locals interviewed feel insecure and have resorted to vacating their house at night to

avoid arrest. Some are apparently giving bribes to RPA soldiers to prevent arrest.

- RPA carried out a cordon and search operation on 30 March 1995 in Ruhengeri town. According to reports some persons were detained for possession of weapons and firearms. MILOBs from Bangladesh had their house searched.'

The screening and search carried out at RPA check-points is getting more intense everyday. All UN civilians, other than MILOBS are subject to search of vehicle as well as personnal belongings. Furthermore, we are subjected to descend from vehicle and sign a a register that the sentry keeps at the place of his own choice. This situation has led to intimidation and harassment of UNAMIR civilian personnel in the field who have to traverse large distances in the days work and cross many check-points enroute. Since we have not received any instruction concerning this, would highly appreciate if the matter could be taken up , on your side, with the authorities.

Note pour le Dossier

Objet : Audience du Représentant Spécial du Secrétaire général avec Mme. le Ministre de la Famille et de la Condition Féminine, Mlle. Aloysie Inyumba.

Date et lieu : 20 Mars 1995, Bureau du Ministre.

Points de discussion :

- Conférence de Génève de Janvier 1995 sur le Rwanda: le Ministre a réiteré au RSG ses félicitations pour son intervention à cette occasion qui constitue un plaidoyer pour le Gouvernement et le Peuple rwandais.

- Le Ministre de la Famille expose les problèmes de son Département et sollicite des moyens pour parer au plus urgent: assistance aux vingt maternités du pays, dotation en ambulances, jerricans, fournitures de bureau, etc.

Dans ses commentaires, le RSG a exprimé son impatience envers les donateurs et même envers le système de la grande organisation mondiale qui tardent à matérialiser leurs engagements alors que le Gouvernement est confronté à de multiples et graves problèmes de fonctionnement. Il faut souvent attendre 6 à 8 mois pour voir un début de matérialisation des promesses des donateurs - c'est pour pallier cette lacune qu'il a décidé de créer un Fonds Spécial (Trust Fund) pour le Rwanda pour des actions ponctuelles.

Pour terminer, le RSG a prié le Ministre de recevoir un de ses collaborateurs à qui elle pourra indiquer les besoins urgents de son département, ce qui lui permettra d'examiner la possibilité d'assistance ponctuelle dans le cadre du Fonds Spécial.

L'Ambassadeur Khan a désigné M. Dao qui doit rencontrer Mlle. Inyumba en ses bureaux du Ministère le 21 Mars 1995 à 09:00 heures.

Il est important de souligner que le Ministre a déclaré au Représentant Spécial qu'elle a fait rapport de la situation de son département aussi bien au Président qu'au Vice-Président avant de venir à lui.

L'entretien a duré 35 minutes.

21 Mars 1995

B.P. Dessande
Conseiller Politique &
Chef du Protocole

cc : Directeur Exécutif
Tous professionnels, ORSG

UNITED NATIONS NATIONS UNIES
ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

INTEROFFICE MEMORANDUM

To: See Distribution List

From: Shaharyar M. Khan,
Special Representative of the
Secretary-General

13 January 1995

Subject: **Progress Report of the Secretary-General to the Security Council on UNAMIR**

As you are aware, the Security Council, by its resolution 965 of 30 November 1994, requested the Secretary-General to report to the Council by 9 February 1995 and 9 April 1995 on UNAMIR's discharge of its mandate, the safety of populations at risk, the humanitarian situation and progress towards the repatriation of refugees. In this connection, Headquarters has informed us that it expects our draft of the proposed report for 9 February to reach New York by 23 January, at the latest. Accordingly, you are kindly requested to submit your contributions covering your respective area(s) of responsibility to me, with a copy to the Political Adviser, Mr. Sammy Kum Buo, no later than **10 a.m. on Tuesday, 17 January**.

Your contributions should cover developments since the Secretary-General's last progress report to the Security Council on 25 November 1994 (Document S/1994/1344), and reflect progress made and/or difficulties encountered in the implementation of the mandate entrusted to UNAMIR under Security Council resolution 965. You may also wish to suggest concluding observations on the overall situation in Rwanda as it relates to your respective area(s) of responsibility and on the assistance the international community should provide to help promote peace and stability in the country. On the basis of the contributions, the Political Adviser should prepare a first draft of the report.

Your immediate attention to this matter would be greatly appreciated.

Distribution List:

Action
1. Force Commander, UNAMIR
2. Director, UNREO
3. Commissioner, CIVPOL, UNAMIR
4. Officer-in-Charge, Administration, UNAMIR
5. Radio UNAMIR
6. Legal Adviser (International Tribunal, Human Rights)
7. Political Adviser, UNAMIR

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

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UNAMIR - MINUAR

13 Jan 95

To: DCOS

Info: SRSG / FC / DFC / COS / G-2 / Spokesman / [redacted]

From: UNAMIR PAffO

Subject: OP RETOUR INFO CAMPAIGN

Ref: A. Conversation SPOKESMAN/Capt Grenier 11 jAN 95
B. Meeting at UNREO 12 Jan 95

1. Although some have expressed a desire to launch a UNAMIR info campaign in support of Op Retour, it is my understanding that many players are already engaged in such activities. I firmly believe that what could be perceived as a UNAMIR take over of the info campaign might be more damaging than beneficial at this moment. At ref B, I proposed several activities which were welcomed by the present IOC information staff. I believe that the best solution at this moment is to attempt to re-focus and influence present efforts of the humanitarian community and therefore lead the operation to success. However, this campaign is separate from the campaign currently under way to promote the UN in Rwanda and will be the subject of a future proposal.

2. For the moment I propose to keep my end of the Op Retour campaign divided in two areas.

1 - A vocal information system (short term): and

2 - A print information system (longer term).

3. The fundamental principles of such an info campaign are simplicity, flexibility and sustainment. In my opinion, those looking for the miracle solution to trigger an exodus back to Rwanda might continue to be disappointed. I am of the school of thought that this return home will take months unless NGO's seriously pull resources out of the camps. Until this occurs, information will have limited but nevertheless positive effect on the return home.

4. From a broader perspective, my end of the campaign outlined at para 2 will be complimentary to activities such as : visit back and forth to camps by gov officials and returnees to tell their stories and the use of both UN Radio and Radio Rwanda. These activities will be coordinated by UNREO personnel.

VOCAL INFORMATION SYSTEM:

5. Using resources which I have already purchased and several small items which can be purchased at limited cost, I propose to build PA systems which can be brought in camps to pass on short messages focusing on the essentials and influential messages required to convince DPs to return home.

6. These PA systems would be used by UNAMIR staff in camps. Vehicles would be used to travel throughout the camps (in coord with IOC) to ensure widest reach to displaced populations. Message will be pre-recorded on tape and would be played constantly in the camps through the use of loud hailers.

7. Messages would be developed by Force Public affairs officer in consultation with IOC and UNAMIR staff with Psy Ops experience such as G-2 pers. Messages could be translated and recorded in house by Radio UN staff.

8. If approved, I anticipate that such a campaign could be launched within the next week pending purchase of playback and recording capability.

PRINT INFORMATION SYSTEM:

9. I propose to produce generic cartoon style pamphlets with slogans and short messages showing in a simple way the current repatriation process. These pamphlets would be complimented by posters showing the same. This process is widely used in third world countries to explain election process and alleviate many fears. This process has proven effective in the past.

10. Pamphlets would be developed and produced by Force Public affairs officer in consultation with experienced UNAMIR staff with Psy Ops background.

11. This production will definitely be more costly than the vocal side of the campaign. It will also require a couple of weeks of production. These items should be distributed by ground personnel and possibly by helo (in limited quantities).

12. I anticipate that the print campaign will cost approximately $30 000.00. If approved, I will make the necessary contractual arrangements through Gen Svc.

OTHER OPTIONS

13. On the longer term, we can also look at the possibility of creating a mobile TV display which would show life in targeted communes with interviews/short documentaries. These could be transported directly in camps and shown to the DPs. I will look at this option more closely if concept is generally accepted.

CONCLUSION

14. The key to information is once more, a well planned but quick and sustained flow of information. As in all operations, I believe that we have to demonstrate continuity and

- sustainment during this campaign and not totally revamp our system at the slightest sign of defeat. It must be flexible and we must be ready and willing to modify msg and themes, but the mechanisms put in place should be constant. People will get used to them and learn to depend on them.

S. Grenier
Captain
UNAMIR PAffO
11123 or 2052(Cdn net)

REPUBLIC OF RWANDA

RWANDA GOVERNMENT IN EXILE

MEMORANDUM ON THE POLITICAL SITUATION PREVAILING IN RWANDA SUBMITTED TO HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF ZAMBIA, BY RWANDA GOVERNMENT IN EXILE.

I. SOME ASPECTS OF THE RWANDAN ISSUE.

A good understanding of the Rwandan Society on sociological, historical, political and economical aspects is indispensable, if one wants to contribute to finding an appropriate long lasting solution to Rwanda's crisis. The points which are developed below are, indeed, considered as fundamental for this better understanding.

1.1. THE INVASION OF RWANDA BY UGANDA AND THE R.P.F.

On october 1st, 1990, Rwanda was attacked by an army which was essentially composed of National resistancy Army (N.R.A.) soldiers, Uganda's regular army, along with a number of Rwandan refugees.

President Yoweri MUSEVENI declared the following to the press, on 10th october, 1990: "I doubt very much that the troops that are there (Rwanda) can defeat the rebel force. Some of them (the rebels) are our best people".

1.2. THE ROOT CAUSES OF THE CONFLICT.

The Rwandan conflict originates from a combination of factors, of which the major ones are the following:

a. Hegemonic ambitions of President Yoweri MUSEVENI of Uganda.

Without Uganda's support (rear base, material, financial, logistic, political and diplomatic assistance...), the Rwandese Patriotic Front (R.P.F.) would not have only seriously threatened peace in Rwanda, but also dared to violate the various successive ceasefire agreements.

President Yoweri MUSEVENI of Uganda have the ambition of building up an empire in our subregion. Thus, he aims at destabilizing the countries of Central and Eastern Africa and then present himself to the world as the unquestioned leader of that part of the world.

Rwanda has already been occupied by the R.P.F., Burundi is already destabilized, MUSEVENI's next target will probably be Zaïre and Kenya.

b. Unconfessed geopolitical, strategic and economic interests on the part of certain great powers.

During their agression process against Rwanda, Uganda and the R.P.F. obtained enormous support from certain powers.

In fact, there is a plan for recolonizing the African continent in general, and Central, Eastern and Austral Africa in particular. Rwanda constitutes only one of the first steps of the process. It is in this framework, after making an inquiry, that the "Executive Intelligence Review" published in its n° 33, Vol. 21 of 19th August, 1994, an article entitled "The British hand behind the horror in Rwanda". It is worthwhile quoting some extracts of this article.

Thus, it is said:" The annihilation of the country of Rwanda --the mass slaughter of hundreds of thousands of people, the dislocation of 5 million of its 7 million people in desease-ravaged refugee camps both inside and out the country--is the direct result of operations put into place by British intelligence. The key regional linchpin in the operation is Ugandan President Yoweri MUSEVENI who for his own delusionary motivations, has been recruited to carry out British geopolitical ambitions in the region. The policy is being case-officered by Lynda CHALKER, Minister of Overseas Development, formely the British Colonial office".

Later on, the same review says: "Without effective intervention to bring a halt to British geopolitical designs for the destruction of the African nation-states and depopulation of the African continent, the horrific events that have taken place in Rwanda since early April 1994, will be repeated, on a far greater scale, in country after country".

In January 1994, that is after the failure of the first attempt of the setting up of the political institutions in the framework of the implementation of the Arusha Peace Agreement, expert-strategists of the Africa Department of the British Defence Services who were based in Angola were transfered to Mulindi, R.P.F.'s headquarter situated in the North of Rwanda.

The mainly aimed at a geopolitical recomposition which was planned by certain countries in order to have full control on the sources of raw materials which are abundant in some countries of our subregion. This undertaking is being implemented without requiring the opinion of the populations of the subregion, in total violation of the O.A.U. Chart, as regards more particularly the principle of intangibility of the borders inherited from colonization.

1.3. THE ASSASSINATION OF PRESIDENTS JUVENAL HABYARIMANA OF RWANDA AND CYPRIEN NTARYAMIRA OF BURUNDI.

On 6th April 1994, their Excellencies Presidents Juvenal HABYARIMANA of Rwanda and Cyprien NTARYAMIRA of Burundi died following a rocket attack on Rwanda's presidential plane during its landing process onto the Kigali International

Airport whose security was ensured by UNAMIR (United Nations Assistance Mission to Rwanda) soldiers.

As of this date, nothing has been done regarding the launching of an enquiry aiming at identifying the author of this crime, despite the insistance of the Government of Rwanda on the part of the UN General Secretary in this respect. The Rwanda Government in Exile wishes that the above mentioned enquiry be entrusted to an impartial **ENQUIRY COMMISSION** which would be headed by the International Civil Aviation Organization (ICAO).

The assassination of the President of the Republic, on 6th April 1994, constitutes the beginning of an armed offensive by the R.P.F. on all fronts which was generalized on 7th April, 1994. **This assassination played a major role in the triggering of massacres which put Rwanda into mourning throughout the war period.**

The Interim Government which was set up on 9th April 1994, i.e. three days after the assassination of the President and the triggering of massacres, was not at all responsible for the planning and the implementation of these massacres which it has always strongly condemned.

On the contry, as soon as it was set up, the Government deployed tremendous effort to stop the carnage. However, the pressure of the war which was imposed by the R.P.F. on all fronts was so high that there were non sufficient means left to help put an end to the massacres.

1.4. R.P.F.'s "MILITARY VICTORY" AND THE EXODUS OF THE RWANDAN PEOPLE.

Since the launching of the attack by the R.P.F. on october 1st 1990, the Rwandan People chose to run away and leave to the R.P.F. the land it had conquered. The R.P.F.'s violent methods, its numerous Human Rights violations, its massacres of innocent populations, first provoked the displacement of hundreds of thousands of people inside the country.

Indeed, before 6th April 1994, Rwanda had about one million displaced people who had fled the R.P.F.'s forward movement. The "military victory" of the R.P.F. could only magnify the fleeing movement of the population whose salvation and survival could only be found through exile. The number of the Rwandan refugees, which is estimated at about 4.5 million is unique in recent history and deserves full attention on the part of the International Community.

1.5. INSECURITY OF THE RWANDAN REFUGEES IN THEIR HOST COUNTRIES.

At present, Rwanda has between 4 and 5 million refugees living mainly in Zaïre, Tanzania and Burundi. Most of these refugees are facing a situation of insecurity resulting from three main causes:

a. With the objective of forcing the Rwandan refugees to go back to Rwanda, some humanitarian assistance Organisations refuse to recognize the exact figures, as regards the number of the refugees. This, consequently, causes a drastic reduction of humanitarian aid which is allocated to them. Thus, persistent tension emerges amoung the hungry refugees.

b. R.P.F.'s elements (civilian clothed soldiers with hidden weapons) are infiltrated into the refugee camps so as to destabilize the refugees in their camps, to assassinate refugee political leaders and to do propaganda.

c. Rwandan criminals who were either in prison or outside Rwanda before 6th April 1994, also took refuge in neighbouring countries. This also contributes to creating insecurity inside the refugee camps.

II. THE NEED FOR A SWIFT AND LONG LASTING SOLUTION TO RWANDA'S TRAGEDY.

2.1. POLITICAL DIALOGUE AS AN ULTIMATE STEP FOR A LONG LASTING POLITICAL SOLUTION FOR RWANDA.

The Arusha Peace Accord was signed on 4th August 1993. The Rwanda Government in Exile believes that, despite weaknesses which are inherent to this Accord, the latter could, nevertheless, constitute a good basis for future negotiations aiming at a political solution to Rwanda's crisis.

The major cause for the difficulties that occurred when trying to implement this Accord resulted from the fact that the main historical, sociological and political realities of Rwanda were not taken into consideration during the Arusha Peace Talks.

Considering the fact that the R.P.F. continues to listen only to the neo-colonial powers which want to destabilize our subregion and to strictly follow its war logic, it seems, unfortunately, that a negotiated political solution may not be possible in a near future. Thus, it is only following pressure from all sides, i.e. from the countries of our subregion on the one hand, and from the International Community on the other, that the R.P.F. will be brought to the negotiations table.

2.2. NATIONAL RECONCILIATION AS THE ULTIMATE OBJECTIVE OF PEACE TALKS.

The political dialogue which should take place between the Rwanda Government in Exile and the R.P.F. should first lead to the **NATIONAL RECONCILIATION** between all Rwandans and to the **COMMON RECONSTRUCTION** of their country. The Rwandans should all convince themselves of the necessity for living together and reconstructing a Nation for themselves first, and then for future generations.

A true reconciliation is possible only if the following conditions are fulfilled:

a. The Rwandans should accept to sit at the same table for negotiations with the full support of the International Community;

b. The Rwandans should accept to serenely talk about problems, be they political, historical, sociological and others which are partly responsible for the current crisis;

c. President Yoweri MUSEVENI of Uganda should give up his hegemonic ambitions and refrain from destabilizing Rwanda;

d. The TRUTH about what happened in Rwanda, more particularly since 6th April 1994 should be established. Indeed, the whole people is considered as a group of devils and murderers only on ethnic ground. This people should, therefore, be rehabilitated for there to be true reconciliation;

e. The culture of ethnism should be banished from Rwanda.

2.3. THE NECESSITY FOR A SWIFT RETURN OF ALL THE REFUGEES TO THEIR COUNTRY.

The R.P.F.'s self-proclaimed Government practises a policy of two weights two measures. Indeed, this Government declares that it wants all the Rwandan refugees to go back home but, in reality, it only encourages the return of the ancient TUTSI refugees who, as soon as they arrive in Rwanda, savagely take possession of the houses and fields belonging to the new refugees.

This is, therefore, a policy of ethnic or racial discrimination, and one can wonder how people whose homes have been taken over by those in power or their relatives and friends can hope to return and recover their property in full security. It is worthwhile pointing out the fact that thousands of HUTU refugees who decided to go back to Rwanda and who dared to claim their houses were kidnapped and then assassinated by R.P.F.'s soldiers and militias with the pretext that they had been involved in the massacres of TUTSIS.

The Rwanda Government in Exile believes that there are minimum pre-conditions which are indispensable for ensuring the return of all the Rwandan refugees to their country in serenity, security and dignity, and also avoiding in the future, tragedies similar to the one that the Rwandan People is now facing. These pre-conditions regard the International Community as well as the Rwandan People.

2.3.1. ON THE PART OF THE INTERNATIONAL COMMUNITY.

Eight pre-conditions have been identified:

1. The necessity for a good understanding of the Rwandan issue. For this objective to be reached, the International Community should approach not only the R.P.F., but also and mostly the Rwanda Government in Exile.

2. The convening of an International Conference on Rwanda, as pre-condition to the voluntary return of the Rwandan refugees in their country. It is in this Conference that the parties in conflict, the representatives of the International Community, our suregion experts and others would find out a long lasting political solution and a time-table which would compulsorily be implemented with the guarantee of the International Community.
Thus, the refugees would be able to return in full tranquillity and serenity, and Rwanda would hope for the coming of an era of long lasting peace and concord.

3. The redefinition of the mandate of UNAMIR so that it can more effiently ensure protection for the civilian population and guarantee the implementation of the indispensable political solution. This should be done considering the UNAMIR's behaviour for the last few months and the weaknesses it has shown since October 1993.

4. The refusal by the International Community to consacrate an accomplished fact which characterizes the seizing of power using weapons in favour of the R.P.F. in which most Rwandans do not feel represented.

5. The setting up in Rwanda, promptly, of a Human Rights Observatory which would comprise at least 500 Observers, i.e. an average of 3 people per Commune.

6. The withdrawal from Rwanda of all foreign military forces which do not have a United Nations mandate.

7. The identification of mechanisms whereby the implementation of a long lasting political solution in Rwanda should not be conditioned by the judgement of an International Tribunal which has been set up by the United Nations because this judgement might, indeed, take too long, although the Rwandan People would not be able to wait for a long time, due to dramatic conditions they are living in inside makeshift camps.

8. The requirement to the Ugandan Government by the International Community to make restitution to Rwanda of all goods (machines, industrial material, bulldozers, vehicles of all kinds, various marchandise, etc...) which were looted by N.R.A. soldiers who were providing support to the R.P.F. and which were taken to Uganda ever since.

2.3.2. ON THE PART OF THE RWANDAN PEOPLE.

The Rwanda Government in Exile considers that all the Rwandans should believe in the necessity for living together and working together for the national reconciliation and the common reconstruction of their country.

This conviction should be clearly shown before the actual implementation of the return of the refugees to their country. The International Conference on Rwanda would constitute the best occasion of highlighting this will and this conviction, and the triggering of this national reconciliation.

The Rwanda Government in Exile presents, below, 11 pre-conditions which are indispensable within the objective of restoring peace in the hearts and minds of the Rwandans:

1. Nomination of a broad consensus President of the Republic;

2. Setting up a broad consensus Government;

3. Setting up a large union and broad consensus National Assembly (Parliament);

4. Billeting and disarming R.P.F. soldiers and militias because they are responsible for insecurity and assassinations in Rwanda;

5. Setting up a National Union Army;

6. Stopping the abusive and lying campaign which is currently developed by the R.P.F.Government;

7. Setting free, without delay and without conditions, all the people who have been arbitrarily arrested by the R.P.F. Government;

8. Withdrawal, without delay and without conditions, from all landed and not landed property belonging to refugees, as well as the fields that are now occupied by the R.P.F. and its protégés;

9. Acceptance of the resumption of the multiparty democratic process which would enable the population to choose its own leaders at all levels;

10. Stopping assassinations, all sorts of exactions, arbitrary arrests and suppression of the institutionalization of the spirit of revenge;

11. Acceptance of the principle of refusal of impunity and promotion of impartial and transparent enquiries to be done all over Rwanda (former R.P.F. zone, former demilitarized zone under UNAMIR monitoring and former Government zone).

2.4. THE ISSUE PERTAINING TO THE JUDGEMENT BY THE INTERNATIONAL TRIBUNAL OF PEOPLE WHO ARE ALLEGEDLY GUILTY FOR ASSASSINATIONS OR MASSACRES OF POPULATIONS.

The United Nations Security Council adopted a resolution whereby it decided the creation of an International Tribunal which will identify and judge the grave crimes that were committed against the Rwandan People.

The Rwanda Government in Exile believes that this Tribunal should respect the universally recognized law principles, like the following:

a. **The equality of judgement which comprise the principle of equity and obligation to judge all the criminals.**
This Tribunal should, therefore, put aside the idea that only the HUTUS might have committed crimes and that the TUTSIS were only victims. There is sufficient evidence which shows that the R.P.F. has been perpetrating actions of genocide against the HUTUS.

b. **The presomption of innocence.**
The International Tribunal should avoid to fall into the trap set up by the R.P.F. which, thanks to its propaganda through medias and to its allies'support, made up lists of people whom it considers as guilty, without showing any proof.

c. **The right to defence.**
The people who will be presumably guilty should obtain the assistance of a lawyer. They should also be provided with all the facilities that would enable them to ensure their defence.

d. **Security of the accused and the condemned people.**
The Tribunal should make sure that the security of the accused people is guaranteed and their elementary rights are respected during the judgement process. The Tribunal should, therefore, avoid abusive and unnecessary preventive detentions.

Similarly, the security of the condemned people should be guaranteed. That is the reason why the refusal of yielding to R.P.F.'s blackmailing which wanted to impose the death penalty to the Tribunal was welcomed by many people.

Indeed, the future condemnations should not hinder the forthcoming reconciliation process, but encourage it instead. The condemned people should be jailed in such a way that their security and dignity are insured. Thus, the R.P.F. prisons should be avoided in order to suppress acts of revenge.

e. **The independence of the Tribunal and the magistrates.**
This principle excludes the participation of judges from a side which is suspected for having committed massacres. Indeed, one cannot be judge and party.

The Tribunal should, therefore, not comprise Rwandan judges. Moreover, in order to guarantee its independance, the Tribunal should convene its audiences outside any influence from either party involved. That is the reason why its work activities should take place outside Rwanda.

Although the Rwandan Political Institutions in Exile and all the refugees have supported the idea of creating an International Tribunal, they are, nevertheless, opposed to the judgement of the alleged authors of massacres by the R.P.F. authorities who also perpetrated massacres.

It would only be a parody of justice, a platform for revenge, which would leave numerous crimes in impunity and condemn only the innocent ones for political and/or ethnic reasons. The arbitrary arrests and the summary executions which the R.P.F. has already perpetrated can obviously testify to this.

III. ZAMBIA'S ROLE ACCORDING TO THE WISH OF THE RWANDA GOVERNMENT IN EXILE.

The Rwanda Government in Exile would like to sincerely thank His Excellency the President of the Republic of Zambia, as well as the Government and the People of Zambia for having so generously accepted to participate at the Summit of Heads of State of the contries of our subregion on Rwanda'scrisis.

The Rwanda Government in Exile wishes that the President and the Governement of the Republic of Zambia play a major role in the search for a solution to Rwanda's crisis. Thus, it would appreciate it very much indeed, if Zambia would undertake the following actions:

3.1. Provide diplomatic and political support to the Rwanda Government in Exile by being, first of all, its interpreter on the part of other countries.

This support would be put in concrete form by supporting the proposals made by the Rwanda Government in Exile as regards the negotiated Political Solution to Rwanda's crisis (as outlined in the present Memorandum -political dialogue, national reconciliation, common reconstruction of Rwanda-).

This would also make it possible to suppress the visa embargo which has been imposed by Western countries in particular, thus enabling the Rwanda Government in Exile to explain to the International Community the situation truly prevailing in Rwanda, so as to search for an appropriate solution.

This support would also reside in the opening of a possibility for audience on the part of the U.N. Secretary General, the O.A.U. Secretary General, certain Heads of State like those of Tanzania, Zimbabwe and South Africa.

In this respect, Zambia would also be the Interpreter of the Rwanda Government in Exile, during the forthcoming Summit of the Heads of State of the countries of our subregion on Rwanda's crisis, which will be held in Naïrobi on 7th January, 1995.

3.2. To put pressure on the R.P.F., mainly in order to oblige them to negotiate with the Rwanda Government in Exile, so as to find a political solution to Rwanda's crisis.

3.3. To set up a collaboration channel between the high ranking Authorities of Zambia and the Rwanda Government in Exile, so as to enable the existence of permanent but discret and efficient communication, and a joint analysis of the problems of the subregion.

This understanding would logically lead to:

a. Bringing peace and tranquillity to Rwanda;
b. Ensuring security to all Rwandans all over and outside the country;
c. Repatriating the Rwandan refugees and reinstating them in their property;
d. Setting up in Rwanda a broad consensus Government and a National Union Army;
e. Enabling the Rwandan citizens to democratically choose their leaders;
f. Ensuring equality of rights and equality of chances for all Rwandans;
g. Ensuring national cohesion and solidarity among the Rwandans, in time and in space.

The Rwanda Government in Exile would like to take this opportunity to launch an appeal to His Excellency the President of Zambia, and to His Government so that they take initiatives aiming at furthering a long lasting political solution to Rwanda's crisis and enabling the various peoples of our subregion to live in peace and concord.

Done at NAIROBI, January 3rd, 1995.

For The Rwanda Government in Exile

John KAMBANDA.

Prime Minister
of The Rwanda Government in Exile.

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

FC
Copy passed to SRSG
9/1/95

To: FC

From: Force PM/SO2 G1 Discipline

Info: DFC, COS, CAO
DCOS Ops, DCOS Sp, G2 Mil Info, G3 Ops, CO GHANBATT

Date: 9 Jan 95

File: FPM/5

Subject: REPORT ON PROVOST MARSHAL'S VISIT TO BUSANZE CAMP TO INVESTIGATE THE MASS MURDER OF CIVILIANS ON 7 JAN 95

1. I visited Busanze Camp and the local Ghanbatt platoon on Sun 8 Jan in the company of Lt Col Austin Yella and the following members of the Rwandan Government and RPA:

Mr Seth Sendashonga, Minister for Internal Affairs
Mr Silas Mumyagishala of the Ministry of Justice
Lt Col Kareki Karenzi, RPA Intelligence Officer
Maj Philbert, 2IC RPA Alpha Mobile 2 (based in Gikongoro)

For part of the visit, we were accompanied by 2 members of the Gikongoro UN HRFOR team but they arrived after us and then had to leave early in the proceedings.

2. As a group, we heard evidence from the following:

a. Maj Philbert. Major Philbert reported that his personnel had told him that:

(1) At about 0230 hrs on Sat 7 Jan, 500 metres south of Busanze Camp, an RPA patrol heading north met a group of men who fired a burst of automatic fire at them before fleeing north towards the camp.

(2) The RPA patrol entered the camp along with another from the north and a firefight ensued after a grenade was thrown at one of the patrols; civilians were then caught in crossfire.

(3) One RPA soldier suffered a broken upper arm in the engagement, caused by a bullet.

He was not present for the questioning of other witnesses.

b. Maj Ogum, GHANBATT Coy Comd. Maj Ogum, the GHANBATT Coy Commander responsible for the area, told us how he responded to a call from the GHANBATT platoon position at Runyombi between 0220 and 0230 hrs. He told us:

(1) That, on his arrival at Runyombi (about 0330 hrs), he found a stream of IDPs, some of whom were injured, moving towards the GHANBATT camp seeking protection and help. Injuries included those caused by

gunshots and grenade fragmentation. He speculated that some wounds had been caused by machetes or other sharp implements but, given the possible effects of grenade fragments, this suggestion requires confirmation by medical expert witnesses.

(2) That, in the dark and whilst not knowing what threat remained in the camp, he had moved forces to near its edge and protected, thereby, the IDPs who had moved further north.

(3) That, at first light, his men had escorted IDPs back into the camp to collect possessions. RPA personnel were present and a Suzuki jeep registered APR012E was in the area, together with 2 x RPA soldiers with a motorcycle.

(4) He saw the bodies of:

2 x women
5 x infants (say, less than 3 years)
2 x children perhaps a little older than 3
3 x men.

[With 2 x further bodies (those of boys about 8 and 11) being recovered later in the day and a girl, who had been evacuated to Kigali dying the following night, the toll is, therefore, thought to be 15 x dead.]

(5) Empty cases collected at the scene were only of 7.62 short AK pattern and 9mm. A UN HRFOR officer has the cases and I have yet to determine the quantities.

(6) Ten people were evacuated with serious wounds; 6 to Kigali and 4 to Butare.

(7) He estimated that 1,600 IDPs were now concentrated around the UNAMIR position in Runyombi.

[Comment: the cause of the delay in the further reporting of the incident - which was first logged at HQ UNAMIR at 0900 hrs after a report from HQ MILOBS - has not been determined.]

c. Lt Commey of the GHANBATT position at Runyombi. Lt Commey recounted:

(1) That he had been woken by the sound of automatic gunfire at about 0200 hrs and that the firing of single shots had continued sporadically until about 0240 hrs - as if attackers were moving steadily through the camp (about 2 km from Runyombi) rather than as if fire was being exchanged between 2 or more parties.

(2) RPA patrols had routinely conducted foot and vehicle patrols of the area in the past.

(3) That the camp had grown in size since Op HOPE with many residents being of Burundi nationality.

(4) That he had reported previously that the bourgemestre had asked for assistance in the eviction of the IDPs before the New Year. [Comment: This was reported in the UNAMIR SITREP for 31 Dec 94.] He says that he had replied that any such action - without being able to give any detail on the method that would be adopted - would have to be ordered by his superiors in UNAMIR.

He then identified 2 x residents of Busanze IDP camp as suitable witnesses.

c. Muhakna, Ismael. Muhakna was nominated by GHANBATT officers as a camp senior following his arrival at Runyombi around 0215 hrs Sat 7 Jan and the disappearance of the former camp leader; he had lived in the centre of the IDP camp since Oct 94. Some of his evidence - especially regarding timings - lacked consistency with that of others but he does not wear a watch. He reported:

(1) That he had been woken by RPA soldiers moving through the camp and banging on the sides of huts shouting "Mutahe mujye guhinga", translated as "go back to work on your farms".

(2) That, initially, he remained in the centre of the camp, waking people and telling them to leave.

(3) That shooting had started as he reached the edge of the camp.

(4) That he saw no strangers in the camp other than uniformed members of the RPA.

Muhakna returned to the camp soon after first light and described finding bodies by the side of a latrine pit. Although he was of the opinion that the bodies had been recovered from the latrine, he had not participated or witnessed this process.

d. Nduwamimana, Nicodeme. Nduwamimana had been at Busanze since Aug 94; he was identified as a witness who had remained close to the camp during the night and being on the scene at first light. He was aware of an order on Fri 30 Dec by the RPA to leave the area but had not been afraid because their patrol activity and general behaviour had not changed and UNAMIR was close by. He described:

(1) Being in the camp about 2100 hrs on Fri 6 Jan and seeing a high level of patrol activity from the nearby RPA camp with their soldiers carrying flashlights. [Comment: although Nduwamimana was wearing an accurately-set watch when I spoke to him, some of his timings are not quite the same as those of the GHANBATT officers.]

(2) That from 2130 hrs, uniformed and armed RPA soldiers surrounded the camp and started to beat on the sides of huts around the edge of it. IDPs awoke, shouted to each other and collected into groups but did not leave because they believed that UNAMIR troops

would come to their aid.

(3) That RPA soldiers entered the camp around 0100 hrs; shooting started then and he heard a "very big gun" [comment: perhaps grenade explosions or automatic fire] from 0230 hrs. He fled to an area near some "bars" and hid in the open before returning to the camp at first light - arriving with some civilians but before any UNAMIR troops.

(4) Checking on his hut (which he found to have been looted) and seeking to care for the injured. He was told by a woman that some people had been buried alive and started to check nearby latrine pits. He found one from which he says he pulled 12 bodies but believed that there might be more that had sunk too deep to be recovered. He knew of a family of 5 children and their mother from Burundi who are missing. [Comment: The suggestion of live burials has not been authenticated. Eleven bodies were found later by the side of the latrine by UNAMIR troops.]

(5) He did not recognize any Kinyarwanda words being spoken by the attackers but heard them speaking in what he thought to be Swahili and Ugandan languages.

While these interviews were taking place, the GHANBATT OC told Lt Col Yella that, following the attack, RPA soldiers took some food items from the IDP camp to the RPA base at Masiga. Lack of time prevented us pursuing this story.

3. Subsequently, the group moved to Busanze camp - which is, by now, almost deserted - and viewed the latrine (by which we found 3 bodies covered by reed mats). Part of another child's corpse was found nearby. Although it had been said that all empty cases had been recovered, I found two from short 7.62 AK rounds during this visit - within 15 metres of the latrine. The latrine itself is a foul, deep hole in the earth about 12 feet by 5 with its liquid surface (about 30 inches below ground level) heaving with maggots; a deep search would not be possible without specialist protective clothing and breathing equipment.

ANALYSIS

4. The story given by Maj Philbert is, frankly, barely credible. Even if it is true that a group of armed men was pursued into Busanze camp, the violence used in trying to capture or kill them far exceeded that which might have been justified or proportional. There has been no proof, however, of the existence of such an enemy and, with the majority of the killed being children or female, the most generous explanation is that troops ran amok in the IDP camp. The evidence of the 2 residents appears mostly sound, however, and it seems more likely that a deliberately concerted attack on the camp took place with the intent of forcing its closure.

RPA/GOVERNMENT RESPONSE

5. Throughout the visit, Mr Sendashonga and his colleagues appeared genuinely concerned and to want to determine the truth. Although not present during the listing of the casualties and

despite his earlier optimistic explanation of the event, Maj Philbert appeared visibly disturbed on departing the IDP camp - where we had seen the remains of the 4 people, including 3 children, still lying on the surface.

6. On our return to Kigali, I raised the following points with the Minister:

a. That I did not believe the RPA explanation but that if it were true, its use of force had far exceeded that which was warranted.

b. That the Government must set controls in place to prevent a repetition.

c. That disciplinary action should be used to demonstrate the Government's resolve and to establish a deterrent for the future.

d. That if the Government wished to undertake a full investigation, forensic techniques could be used to compare the empty cases found in Busanze with the weapons held by the local RPA unit - an action that might eliminate the possibility of other weapons having been used on the site. I told him that UNAMIR might well be able to assist in arranging this examination were he to request it and that such an investigation would contribute to the future control of RPA soldiers.

Mr Sendashonga seemed receptive to these ideas and to be especially interested in pursuing the forensic suggestion. None of his colleagues disputed anything that I said and all thanked Lt Col Yella and myself for our assistance in their inquiry - as we thanked them for their cooperation.

M CUTHBERT-BROWN
Maj
Force PM/SO2 G1 Disc

UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

TO: **Mr. Ike Minta**
Legal Adviser

DATE: **18 November 1994**

FROM: **Ladan M. Rafii**
Political/Legal Officer

SUBJECT: **Library Resources Available at United Nations Compound in Gigiri, Nairobi**

As you know, I went to the main library of the United Nations Offices located in Gigiri to investigate the availability of library resources for purposes of our legal research needs. The following is a list of materials I was able to find:

- Booklets on different countries of the world. The booklets on Rwanda related to the country's population, development and environment;
- Official records of the United Nations Security Council;
- Laws of Kenya and the Kenya Gazette;
- Various United Nations reports, (eg. reports of the International Law Commission and the Commission on International Trade Law);
- United Nations Resolutions and Decisions adopted by the General Assembly;
- United Nations Documents (UNDOC): Current Indices;
- Statistics on Africa, (eg. African Statistical Yearbook, Foreign Trade Statistics for Africa, and Survey of Economic and Social Conditions in Africa);
- Resolutions and Decisions of the United Nations Economic and Social Council;

- Official documents of UNCTAD, UNIDO, GATT, UNDP (and other United Nations agencies to a lesser degree, e.g. UNICEF, WHO, ILO);
- United Nations Secretariat Reports;
- Resolutions and Decisions of the Trusteeship Council;
- Legal texts on environmental law;
- Multilateral Treaties Deposited with the Secretary-General (latest edition 31 December 1993);
- Encyclopedia of the United Nations and International Agreements (2nd edition 1990);
- United Nations Treaty Series (Recueil des Traites);

Furthermore, the following yearbooks were also located;

- Hague Yearbook on International Law;
- Yearbook of the International Law Commission;
- Yearbook of the United Nations Commission on International Trade Law;
- The British Yearbook of International Law;
- United Nations Juridical Yearbook.

Official United Nations records were available in all United Nations languages. It should be noted, though, that the library is primarily intended to serve UNEP, and therefore other books found there pertained to environmental issues only.

I hope the above information will prove to be useful.

cc: Dr. Kabia

UNITED NATIONS NATIONS UNIES
ASSISTANCE MISSION FOR RWANDA MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TO: **The Officer-in-charge**
INDBATT Guards
UNAMIR Motor Garage

DATE: 30 December 1994
Ref.: UNAMIR/SO/071

FROM: Paul Ischlika
CSO/ASC

Paul Ischlika

SUBJECT: **Authorization for parking private vehicles in UN compound**

I forward herewith a request from the Ag. CTO requesting permission for two contract workers Messrs. S. Laxman and W. Mukasa attached to the above garage to park any one of the three listed vehicles in the parking lot in front of the main garage in the interest of safety and security of their vehicles.

It is understood that only one of the three vehicles will be parked in the front parking lot at any one time.

Since the recommendation has come from the Ag. CTO who is the Head of the garage, I would also endorse his request to allow the two gentlemen to park any of their vehicles listed below.

The Ag. CTO will inform them that parking their vehicles inside the UN garage will be at their own risk, as the UN will on no account be held liable for any loss/damage to the said vehicles.

Vehicle Nos:	Type:
UPM 184	BMW
TZD 2102	Toyota Hiace
UWT 969	Land Rover

A written undertaking agreeing to the above terms should be submitted to me and copy to the CTO duly signed by the two contract workers, on the basis of which the final approval will be granted to them.

cc: CTO
Legal Adviser ✓
CCPO
Messrs. S. Laxman
W. Mukara

UNITED NATIONS NATIONS UNIES

INTEROFFICE MEMORANDUM

23 December 1994

To: Mr. Paul Ischlika
CSO/SC

From: N. Jorsling
Chief Transport Officer

Subject: **Authorization for Entry into UN Compound**

Request is being made for authorization to Mr. S. Laxman and Mr. W. Mukasa who are presently based at our UN workshop be granted entry with their vehicles in order to be parked at the Front Parking Lot on the compound instead of parking outside along the busy street.

Vehicles Nos	**Type**
UPN 184	BMW
TZD 2102	Toyota Hiace
UWT 969	Land Rover

Your usual cooperation is highly appreciated.

Thank you.

29 décembre 1994

NOTE POUR LE DOSSIER

Objet: Visite du Représentant Spécial en Tanzanie.

Madame Marie-José Uwicyeza (de la cellule standard téléphonique de l'Hôtel Amahoro, ext. 10) m'a remis au début de cet après-midi un message émanant de M. Angelo, Représentant Résident du PNUD à Dar-es-Salaam, qui se lit comme suit:

> "Le Gouvernement de Tanzanie est prêt à recevoir l'Ambassadeur Khan, le mercredi 4 janvier 1995. Il rencontrera le Ministre des Affaires Etrangères avant d'être reçu par le Président de la République".

Action: par mémorandum de ce jour j'en informe les services compétents pour toute action necéssaire à prendre pour ce déplacement.

B.P. Dessande

cc: FC, OIC-SRSG
A/OIC-Administration
Tous les professionnels

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

TO: ALL INTERNATIONAL CIVILIAN PERSONNEL

FROM: FORCE COMMANDER - (ASG)

DATE: 29 DEC 94

SUBJECT: FORCE COMMANDER (ASG) NEW YEARS` MESSAGE

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1. The end of 1994 is just upon us, and I would be remised not to take this opportunity to reflect upon the year that is coming to an end.

2. Many of you were here before the traumatic events of six of April, and you have now returned to complete and rebuild this mission. Needless to say, the focus and aim of this mission have changed drastically since the initial mandate given to UNAMIR in the summer of 1993. One thing that has not changed, it is the need for all of us, civilian and military, to work together towards a common goal, the successful completion of our mission.

3. Two aspects of the mission are prevalent to UNAMIR; the political effort, trying to reconciliate the world with Rwanda, and the military effort, trying to reconciliate Rwanda with itself. In this duality of efforts your role is primordial, and must be played in unison with the effort of both offices; despite some differences in approach, the two components have continued to show good will and cooperation throughout the year. Many of us in the military are new to the UN environment, and are used to a more pragmatic approach, not comprehending the systematic way of the UN. With this in mind, it is important that you use your best judgement in guiding us through the UN administrative system, and find innovative ways to support our mission. Our goals must be commonly oriented towards the same objectives, and this can only be accomplished with the establishment of high-level cooperation among us.

4. To that end, I will personally undertake to establish yet better relations between the military, and the civilian staff. Under the overall leadership of our SRSG I find easy to suggest that all of us should make a similar pledge. It is time to turn a page in the UNAMIR book, and use the upcoming New year to renew our commitment to each other, and to the mission.

5. I wish all of you health, success and prosperity in the year 1995 and thank you for your support during 1994. Happy New Year.

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

To: G3 Ops

From: Force Provost Marshal

Info: UNHRFOR Team Leader Butare (Ms Sofia d'Escato)
[redacted]
SO2 Legal (Maj Oswald, AUSMED)

Date: 28 Dec 94

Subject: THE DRAFTING OF THE OPERATION RETOUR SECURITY INSTRUCTION

1. I am not sure that Annex D to the Op RETOUR Security Instruction is as clear as it ought to be. Paragraph f, in particular gives me cause for concern - if not for what it actually says, then for its muddled thought. Not knowing who drafted it, it seems appropriate to route my comments through you.

2. Clearly, the paragraph is not talking about physical protection but this might not be understood by, and should be made clear to, some UNAMIR readers of the Annex. The subject of its discussion is, in fact, the confidence that can be brought to a population by the knowledge that a process of registration and monitoring is taking place; should this not be stated explicitly? A further concern is the suggestion that arrests can take place in an ORC only in the presence "in principle" of UN or ICRC personnel; surely this is not true because Rwanda is a sovereign country and arrests can take anywhere that the lawful agents of the state can operate - including ORCs. Or has an agreement been concluded with the Rwandan authorities that makes ORCs special in some way? And how can we enforce the requirement for someone to sign for arrests that they might have made? On what documentation should they sign? What is the document supposed to prove and for what are signatories signing? When this Annex is redrafted, as I think it must be, it should make clear that the arrests under discussion are by the RPA or Gendarmerie and not to be confused with those that might be made by UNAMIR and require a process of handing over to the civil authority.

3. I hope that this is helpful and stand ready to assist in any way that I can.

M CUTHBERT-BROWN
Maj
Force PM

REPUBLIC OF RWANDA
MINISTRY FOR INTERNAL AFFAIRS AND COMMUNAL DEVELOPMENT
B.P. 446 KIGALI

07 October 1994

To Whom It may Concern,

The Government of Rwanda is pleased that the United Nations intends to provide assistance to our country through the investigation and prosecution of perpetrators of grave violations of international humanitarian law, including genocide, in Rwanda and through the deployment of Human Rights Field Officers throughout the country to enhance stability and monitor on-going conditions. The Government of Rwanda intends to cooperate to the fullest extent possible with these endeavors. Persons working under the auspices of the United Nations for the mission described above and under the umbrella of the United Nations High Commissioner for Human Rights field operations in Rwanda shall be granted free and unrestricted access to all parts of Rwanda to conduct their work. All governmental and military personnel and Rwandan citizens should cooperate fully with such United Nations personnel, including making documents and other tangible evidence requested by investigators available as quickly and efficiently as possible. Investigators and field officers shall not be escorted by Rwandan officials unless an escort is requested by them. All investigative work and fact-finding shall be conducted in private to preserve the independence of United Nations personnel and the confidentiality of Rwandan citizens. Any interference, obstruction or hindrance with the work of United Nations personnel shall be reported to the Rwandan Government.

Thank you for your cooperation in this important effort.

Sincerely,

For and on behalf of the Government of Rwanda

Seth SENDASHONGA
Minister for Internal Affairs
and Communal Development

Holder : Anicet Agbessi
Title : Human Rights Officer

UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/S-3/4
30 May 1994

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Third special session
24-25 May 1994

REPORT OF THE COMMISSION ON HUMAN RIGHTS ON ITS THIRD SPECIAL SESSION

(Geneva, 24 and 25 May 1994)

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I. DRAFT DECISION RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

The situation of human rights in Rwanda

The Economic and Social Council endorses resolution S-3/1 of 25 May 1994, adopted by the Commission on Human Rights at its third special session.

II. RESOLUTION ADOPTED BY THE COMMISSION AT ITS THIRD SPECIAL SESION

S-3/1. The situation of human rights in Rwanda

The Commission on Human Rights,

Meeting in special session,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and the Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Rights of the Child, international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, the African Charter of Human and Peoples' Rights, and other relevant international human rights instruments,

Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and resolved to remain vigilant with regard to violations of human rights wherever they may occur and to prevent such violations,

Noting with deep concern that a situation of ethnic and political armed conflict, systematic slaughter and massacres continues to exist in Rwanda, resulting in grave violations and abuses of human rights, including massive loss of lives, which may exceed five hundred thousand, and destruction of property,

Recalling that the killing of members of an ethnic group, with the intention of destroying such a group in whole or in part, constitutes the crime of genocide,

Believing that genocidal acts may have occurred in Rwanda,

Expressing its grave concern at the failure to date of the Rwandan authorities to condemn the ongoing massacres in the country,

Expressing its solidarity with the families of the victims of the conflict, the people of Rwanda and neighbouring countries which are receiving refugees,

Recalling the request of the Security Council to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Commending the initiative taken by the High Commissioner for Human Rights and his timely visit to Rwanda,

Noting with appreciation the efforts of the Secretary-General of the United Nations, the Secretary-General's Special Representative on Rwanda, the United Nations High Commissioner for Refugees and the Department of Humanitarian Affairs of the Secretariat, as well as of the existing mechanisms of the Commission on Human Rights, particularly the Special Rapporteur on extrajudicial, summary or arbitrary executions, and of non-governmental organizations,

Noting also with appreciation the efforts of the Chairman and Secretary-General of the Organization of African Unity, the President of the United Republic of Tanzania, His Excellency Mr. Ali Hassan Mwinyi, in his capacity as the Facilitator of the Arusha Peace Process, and the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution,

Stressing the need for the full implementation of the Arusha Peace Agreement by all parties to the conflict,

Alarmed at the report of the High Commissioner for Human Rights (E/CN.4/S-3/3) and the information provided by the United Nations High Commissioner for Refugees and non-governmental organizations concerning the deteriorating human rights situation in Rwanda, in particular the massacre of innocent persons,

Alarmed also at the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions, concerning a deliberate policy which advocates ethnic and political intolerance, hatred and violence,

Underlining the need for the international community to move with speed to protect innocent civilians and deliver humanitarian assistance, a task which can be most effectively accomplished within the framework of the United Nations,

Conscious of the fact that the magnitude of the tragedy in Rwanda requires the kind of coordination and resources which can only be effectively sustained by the United Nations,

Convinced that the operation in Rwanda will continue to be a United Nations undertaking, and supporting the Secretary-General's encouragement to States Members of the United Nations to provide the needed troops and equipment to the United Nations Assistance Mission to Rwanda (UNAMIR),

Recalling the recent Security Council resolution (918 (1994) of 17 May 1994), in which the Council authorized the expansion of the UNAMIR force level up to five thousand five hundred troops,

Recognizing that effective action to prevent further violations of human rights must be a central and integral element of the overall United Nations response to the situation in Rwanda,

Recognizing also that a strong human rights component will be indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

1. Condemns in the strongest terms all breaches of international humanitarian law and all violations and abuses of human rights in Rwanda, and calls upon all the parties involved to cease immediately these breaches, violations and abuses and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and for humanitarian law;

2. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission to Rwanda (UNAMIR), which constitutes a blatant violation of international humanitarian law;

3. Condemns equally the killing of personnel attached to humanitarian organizations operating in the country;

4. Further condemns in the strongest terms the kidnapping and murder of the Prime Minister, Ms. Agathe Uwilingiyimana, and some of her cabinet ministers and government officials, as well as the wanton killings of innocent civilians and the destruction of property;

5. Commends the High Commissioner for Human Rights on his recent mission to Rwanda, welcomes his report on the situation of human rights in the country and endorses the conclusions and recommendations contained therein;

6. Calls upon the Government of Rwanda to condemn publicly and take measures to put an end to all violations of human rights and international humanitarian law by all persons within its jurisdiction or under its control and to ensure that the human rights of all individuals within its jurisdiction, irrespective of their ethnic origin, are fully respected;

7. Calls upon the Rwandese Patriotic Front (RPF) to prevent persons under its command from committing human rights abuses and violations of international humanitarian law;

8. Strongly urges all parties to cease immediately any incitement to violence or ethnic hatred;

9. Commends the Secretary-General of the United Nations and his Special Representative on Rwanda, the President of the United Republic of Tanzania in his capacity as the Facilitator of the Arusha Peace Process, the Chairman and the Secretary-General of the Organization of African Unity, the United Nations High Commissioner for Refugees, all countries contributing troops and other support, the Department of Humanitarian Affairs of the Secretariat and all neighbouring countries hosting refugees from Rwanda, as well as the International Committee of the Red Cross and non-governmental organizations, for their efforts in alleviating the suffering of innocent victims of this tragedy;

10. Calls for an immediate cessation of hostilities and for the parties to the Arusha Peace Agreement to cooperate fully with the Special Representative of the Secretary-General and with UNAMIR in order to create the necessary conditions conducive to the immediate resumption of the implementation of the Agreement, which constitutes the framework for peace, national reconciliation and unity in the country;

11. Welcomes the Security Council's decision to authorize expansion of the UNAMIR mandate under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To 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;

12. Calls upon the responsible authorities, groups and individuals in Rwanda to facilitate the access of humanitarian relief to all in need;

13. Expresses its alarm at all repressive policies and policies directed against members of particular ethnic groups, and also calls upon all parties concerned to ensure the protection of the rights of all persons regardless of their national or ethnic, religious or linguistic background;

14. Calls upon the parties to the conflict to ensure safe passage for those fleeing from the conflict areas including, where necessary, to asylum countries and to ensure the right to return under safe conditions;

15. Calls for the immediate and unconditional release of all persons being held illegally against their will in camps, prisons or other places and for them to be permitted to be moved to safety;

16. Demands that all parties immediately notify the appropriate humanitarian organizations of the location of all camps, prisons or other places of detention, and that the parties concerned ensure immediate and unimpeded access to such places;

17. Affirms that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice, while affirming that the primary responsibility for bringing perpetrators to justice rests with national judicial systems;

18. Requests the Chairman to appoint a special rapporteur, for an initial period of one year, to investigate at first-hand the human rights situation in Rwanda and to receive relevant, credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations, including on root causes and responsibilities for the recent atrocities, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights;

19. Requests the existing mechanisms of the Commission on Human Rights, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Representative of the Secretary-General on internally displaced persons, the

Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, as well as human rights treaty bodies, where appropriate, to give urgent attention to the situation in Rwanda and to provide, on a continuing basis, their full cooperation, assistance and findings to the Special Rapporteur and to accompany the Special Rapporteur in visiting Rwanda whenever necessary;

20. Requests the Special Rapporteur to visit Rwanda forthwith and to report on an urgent basis to the members of the Commission on Human Rights on the situation of human rights in the country, including his or her recommendations for bringing violations and abuses to an end and preventing future violations and abuses, providing a preliminary report no later than four weeks from the adoption of the present resolution, and requests the Secretary-General to make the report of the Special Rapporteur available to the Economic and Social Council, the General Assembly and the Security Council;

21. Also requests the Special Rapporteur to gather and compile systematically information on possible violations of human rights and acts which may constitute breaches of international humanitarian law and crimes against humanity, including acts of genocide, in Rwanda and to make this information available to the Secretary-General;

22. Calls upon all parties to the conflict to give their full cooperation to the Special Rapporteur, in order to ensure the fulfilment of his or her mandate;

23. Requests the High Commissioner for Human Rights to make the necessary arrangements for the Special Rapporteur to be assisted by a team of human rights field officers acting in close cooperation with UNAMIR and other United Nations agencies and programmes operating in Rwanda;

24. Also requests the High Commissioner for Human Rights to take the necessary steps to ensure that future efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and that this process is effectively supported by a comprehensive programme of human rights assistance;

25. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to fulfil his or her mandate;

26. Decides to remain seized of the issue.

4th meeting
25 May 1994
[Adopted without a vote. See chap. IV.]

ROUTING SLIP **FICHE DE TRANSMISSION**

TO: / A: Mr. Minta

FROM: / DE: Ladan

Room No. – No de bureau	Extension – Poste	Date
		23/11/94

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

Also, please note that T. sel asked for copy of draft telex on behalf of SRSG.

LMM

COM.6 (2-78)

NOTE FOR THE FILE

On 22 November 1994, the SRSG attended a meeting with the following UNHCR officials: Mr. Dennis McNamara (Director, Division of International Protection), Mr. Sanda Kimbimbi (Senior Legal Officer for Africa), Mr. W.R. Urasa (Representative for Rwanda), and Mr. W. van Hovell (Deputy Representative for Rwanda). The Force Commander and a Political/Legal Officer were also present.

The meeting commenced with a general overview of the situation of Rwandan refugees in neighbouring countries and displaced persons within Rwanda, and the threats posed to humanitarian relief operations in these camps. Mr. McNamara emphasised that the focus of the repatriation efforts should be to ensure the safety and security of the first group of repatriated refugees, as this would have a significant bearing on the remainder of the refugee population's desire for repatriation.

In response to an enquiry made by the SRSG, both Mr. McNamara and Mr. Urasa assured him that UNHCR's policy was to provide assistance to both refugees and displaced persons, regardless of the particular category to which a returnee belonged. They added that due to recent world events, UNHCR had become increasingly involved in assisting both groups of people and, in fact, views the situation of displaced persons as a "litmus test" for the entire reintegration process. In this regard, the SRSG suggested that the number of people being assisted in their return should not be underestimated (approximately 30,000 internally for the month of November).

The next issue to be addressed was the moral dilemma involved in providing humanitarian relief to criminal and armed elements within the camps, and the syphoning off of relief supplies by these individuals. Mr. McNamara assured the participants that the 1951 Convention on the Status of Refugees governing UNHCR's mandate specifically excludes criminals from receiving aid, but that the UNHCR did not have the necessary political and military means of enforcing the exclusion clauses in the refugee camps. Until such measures could be implemented effectively, they were obliged to continue feeding and protecting the entire camp populations, regardless of the ensuing consequences. The Force Commander added that there was a need to define with greater precision which individuals constitute "criminal" elements in order to distinguish between those who are deserving of protection and those who are not.

All the participants agreed that now that the international community's focus had shifted from the crisis phase to the long-term development needs of the country, the humanitarian relief agencies faced more difficulties due to the problems of donor fatigue and the misconceived perception that the country had now become properly functional.

Mr. McNamara concluded by stating that UNHCR was very supportive of the role of the International Tribunal for Rwanda, and that it intended to work closely, but discreetly, with the Tribunal and the human rights teams. He reiterated the importance of obtaining some indictments of war criminals, and stated that the Deputy Prosecutor of the Tribunal for Rwanda had yet to be nominated. The SRSG advised that it would be preferable not to have a West African francophone appointed to this position due to certain perceptions held by the current Rwandan Government.

Ladan M. Rafii
Political/Legal Officer
23 November 1994

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

22 décembre 1994

A: Voir liste de distribution

De: B.P. Dessande
OIC/~~OSRSG~~

Objet: Réunion de Professionnels Chargés de Section

Ref.: Mémorandum du 19 décembre 1994 du Directeur Exécutif

1. Je voudrais vous informer que le Représentant Spécial a décidé de tenir une réunion quotidienne à 8h30 avec tous les professionnels chargé de Section mentionnés dans le mémorandum cité plus haut y compris M. A.S. Dao.

2. Outre les membres de son Cabinet, M. Nilsvang, Chargé de l'Administration en l'absence de M. Golo, est invité à y participer.

3. Le lieu et la date de la première réunion vous seront communiqués dès que possible.

cc: SRSG
- Tous les Professionnels du Cabinet

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

UNAMIR - MINUAR

(305) 527-6691

Milos (tell SRSG)
- return as soon as he gets a flight
- next wk (ending)
- or 2 or 4 Jan 95

TO: All Civilian and Military Personnel
UNAMIR

FROM: Dr. Abdul Hamid Kabia
Executive Director
UNAMIR, Kigali

DATE: 19 December 1994

SUBJECT: Officers-in-Charge of the OSRSG

I will be away from Kigali from 20 December 1994 to 13 January 1995. During my absence, Mr. P.B. Dessande will be Officer-in-Charge of the Office of the SRSG and Mr. I. Minta the Legal Adviser will supervise the Information activities of the Office. In the absence of Mr. S.K. Buo from 21 December 1994 to 10 January 1995, Mr. L. Condeh will be Officer-in-Charge of the Political Section of the Office.

Ms. L. Raffi will assist Mr. Minta and Ms. K. Scott will assist Mr. Condeh during these periods.

I wish you all Seasons Greetings and a Happy New Year.

Note: Data effective 17 May 1994

UNAMIR

UNITED NATIONS ASSISTANCE MISSION FOR RWANDA

LOCATION: Rwanda

HEADQUARTERS: Kigali

DURATION: October 1993 to present

AUTHORIZED STRENGTH: Almost 5,400 military personnel, 50 military police and 90 civilian police personnel

FATALITIES: 11 (as of 24 May 1994)

SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL AND HEAD OF MISSION: Mr. Jacques-Roger Booh-Booh (Cameroon)[1/]

FORCE COMMANDER: Major-General Romeo A. Dallaire (Canada)

BACKGROUND[2/]

The Arusha talks on a comprehensive peace agreement between the Government of Rwanda and the Rwandese Patriotic Front (RPF) reconvened on 16 March 1993. The talks were supported by the Organization of African Unity (OAU) and facilitated by the United Republic of Tanzania. United Nations Secretary-General Boutros Boutros-Ghali was represented by Mr. Macaire Pédanou, head of the United Nations goodwill mission which visited Rwanda earlier that month.

The talks covered military issues, refugees and displaced persons, and outstanding political matters, including the amendment of the constitution, as well as the duration of the transitional period. Early in the talks, the parties also began to discuss an international neutral force to oversee the implementation of key aspects of the peace agreement and to create confidence during the transition period.

The talks in Arusha were successfully concluded on 4 August 1993 with the signing of a comprehensive Peace Agreement, which called for a democratically elected government and provided for the establishment of a broad-based transitional Government until the elections, in addition to repatriation of refugees and integration of the armed forces of the two sides. The two parties called for a neutral international force to help implement the agreement.

In a joint request to the Security Council from Arusha on 11 June, the two parties had called on the United Nations to send a reconnaissance mission to Rwanda. This mission would prepare for the quick deployment of a neutral international force as soon as the peace agreement under negotiation was signed. The request welcomed the OAU suggestion made in consultations between the United Nations and OAU that the United Nations should assume responsibility for and command of such a force. The parties asked that the force should assist in the maintenance of public security and in the delivery of humanitarian aid. It would also assist in searches for weapons caches, neutralization of armed bands, demining, disarmament of civilians and the cessation of hostilities. The parties also requested that the international force oversee the demobilization of existing armed forces and of all aspects of the formation of the new National Army and National Gendarmerie.

UNAMIR IS RECOMMENDED

A United Nations reconnaissance mission visited Rwanda from 19 to 31 August 1993. Its senior officials

also visited Dar-es-Salaam on 1 and 2 September and Addis Ababa on 3 September for consultations with the Government of Tanzania and the Secretary-General of OAU respectively.

On the basis of the mission's findings, the Secretary-General submitted to the Security Council, on 24 September, a report, in which he recommended the establishment of a United Nations Assistance Mission for Rwanda (UNAMIR), with the mandate of "contributing to the establishment and maintenance of a climate conducive to the secure installation and subsequent operation of the transitional Government".

According to the Secretary-General, the principal functions of UNAMIR would be to assist in ensuring the security of the capital city of Kigali; monitor the cease-fire agreement, including establishment of an expanded demilitarized zone (DMZ) and demobilization procedures; monitor the security situation during the final period of the transitional Government's mandate leading up to elections; and assist with mine-clearance. The Mission would also investigate alleged non-compliance with any provisions of the Peace Agreement and provide security for the repatriation of Rwandese refugees and displaced persons. In addition, it would assist in the coordination of humanitarian activities in conjunction with relief operations.

The Secretary-General proposed that the military observers of the United Nations Observer Mission Uganda-Rwanda (UNOMUR) — an operation established by Security Council in June 1993 — come under the command of the new Mission, while maintaining their separate monitoring tasks on the Uganda-Rwanda border. The Mission would also incorporate elements of the Neutral Military Observer Group II (NMOG II) which was mandated by OAU to supervise the cease-fire until 31 October 1993.[3/]

SECRETARY-GENERAL OUTLINES MANDATE

The Secretary-General recommended to conduct the operation in four phases.

The first phase would begin on the day the Security Council established UNAMIR and would end on D-Day, the day on which the transitional Government was installed. It was estimated that the transitional Government might not be installed until the end of 1993. The objective of the Mission would be to establish conditions for the secure installation of such a government. By the end of that phase, the strength of UNAMIR would total 1,428 military personnel.

During phase two, expected to last 90 days or until the process of disengagement, demobilization and integration of the Armed Forces and Gendarmerie began, the build-up of the Mission would continue to a total of 2,548 military personnel. During this phase, UNAMIR would continue to monitor the DMZ, to assist in providing security in Kigali and in the demarcation of the assembly zones, and to ensure that all preparations for disengagement, demobilization and integration were in place.

During phase three, which would last about 9 months, the Mission would establish, supervise and monitor a new DMZ. Security would also continue to be provided in Kigali. The disengagement, demobilization and integration of the Forces and Gendarmerie would be completed in this stage, and the Mission would reduce its staff to approximately 1,240 personnel.

Phase four, which would last about four months, would see a further reduction of the Mission's strength to the minimum level of approximately 930 military personnel. UNAMIR would assist in ensuring the secure atmosphere required in the final stages of the transitional period leading up to the elections.

In order to verify that law and order were maintained effectively and impartially, the Secretary-General proposed to deploy a small United Nations civilian police unit in Kigali and the nine prefecture capitals of Rwanda and in specific police installations.

UNAMIR IS ESTABLISHED

UNAMIR was established on 5 October by Security Council resolution 872 (1993) for an initial period of six months with the proviso that it would be extended beyond the initial 90 days only upon a review by the Council based on a report from the Secretary-General as to whether or not substantive progress had been

made towards the implementation of the Arusha Peace Agreement.

The Council approved the Secretary-General's proposal that the deployment and withdrawal of UNAMIR should be carried out in stages and noted that UNAMIR's mandate would terminate following national elections and the installation of a new government in Rwanda, events which were scheduled to occur by October 1995, but no later than December 1995. In that context, the Council authorized the Secretary-General to deploy a first contingent to Kigali, which, when fully in place, would permit the establishment of the transitional institutions and implementation of the other relevant provisions of the Peace Agreement.

By resolution 872 (1993), the Council also urged the parties to implement the Arusha agreement in good faith and called upon Member States, United Nations specialized agencies and non-governmental organizations to provide and intensify their economic, financial and humanitarian assistance in favour of the Rwandese population and of the democratization process in Rwanda.

The Council welcomed the intention of the Secretary-General to appoint a Special Representative who would lead UNAMIR in the field and exercise authority over all its elements.

UNAMIR DEPLOYED

The Secretary-General's Special Representative, Mr. Jacques-Roger Booh-Booh, former Minister for External Relations of Cameroon, who was appointed in accordance with Security Council resolution 872 (1993), arrived in Kigali on 23 November 1993 and established his headquarters in the Rwandese capital.

At a meeting on 10 December 1993, initiated by the Special Representative, the Government and RPF issued a joint declaration reaffirming their commitment to the provisions of the Arusha Peace Agreement. They agreed to set up a broad-based transitional Government and the Transitional National Assembly before 31 December 1993.

The UNAMIR Force Commander, Major-General Romeo A. Dallaire (Canada), arrived in Kigali on 22 October 1993, followed by an advance party of 21 military personnel on 27 October. On 1 November, as foreseen in the Secretary-General's report, NMOG II was integrated into UNAMIR. The Kigali weapons-secure area was established on 24 December. The demilitarized zone sector headquarters was established upon the arrival of the advance party and became operational on 1 November 1993 when the NMOG II elements were absorbed into UNAMIR. The deployment of a UNAMIR battalion in Kigali, composed of contingents from Belgium and Bangladesh, was completed in the first part of December 1993.

In his 30 December 1993 report to the Security Council, the Secretary-General pointed out that most of the projected tasks of phase I of the implementation plan had been accomplished. He underlined that, despite signs of mutual intransigence, the parties had continued to show good will and cooperation in their contacts with each other and with the United Nations. The cease-fire was also respected.

The Secretary-General recommended that the Security Council agree that UNAMIR should continue to implement its mandate. In this regard, he intended to proceed with the implementation plan, including the early deployment of the second battalion in the DMZ.

The Security Council, by its resolution 893 (1994) of 6 January 1994, reaffirmed the deployment of UNAMIR, including the early deployment of a second infantry battalion to the DMZ. The Council strongly urged the parties to cooperate with UNAMIR in furthering the peace process, to comply fully with the Arusha Peace Agreement and, in particular, to establish a broad-based transitional Government at the earliest opportunity.

IMPLEMENTATION PLAN DELAYED

In accordance with the Arusha Peace Agreement, which provided that the incumbent head of State would remain in office until the elections, Major-General Juvénal Habyarimana was sworn in as President of Rwanda on 5 January 1994. However, expectations that the transitional Government and the Transitional National Assembly would also be installed on that same

day could not be met because of the inability of the parties concerned to agree on several issues, including the lists of members of these bodies.

The failure to set up the transitional institutions not only delayed the completion of phase I of the implementation plan, but also contributed to a deterioration of the security situation in the country and posed a threat to the peace process. January and February 1994 saw increasingly violent demonstrations, roadblocks, assassination of political leaders and assaults on and murders of civilians.

Following an upsurge in violent incidents in late February, culminating in the assassination of two prominent political leaders and the ambush of a UNAMIR-escorted RPF convoy, the Government imposed a curfew in Kigali and in a number of other cities. Subsequently, the security situation began to stabilize, especially following the increased support provided to the National Gendarmerie by UNAMIR military and civilian police components.

In the course of January-March 1994, the Secretary-General and his Special Representative, supported by a number of the Governments, both within and outside the region, as well as the OAU Secretary-General and the observer States to the peace process, continued to promote agreement among the parties on the setting up of the transitional institutions. However, notwithstanding some progress in the negotiations, all attempts to install those institutions failed.

CEASE-FIRE HOLDS

On the positive side, despite the increased tensions and insecurity engendered by the political impasse, the cease-fire was generally holding. UNAMIR forces, whose operational capacity was enhanced with the deployment of additional personnel and equipment, continued to play a stabilizing role.

Although the persistent stalemate on the establishment of the transitional institutions delayed the start of phase II operations, UNAMIR forces earmarked for that phase were in place and ready to begin operations on short notice. In addition, preparations for phase III, which would involve the actual disengagement, demobilization and integration of the armed forces of the parties, had begun.

With the arrival of the Police Commissioner, Colonel Manfred Bliem (Austria), on 26 December 1993 and of the police units in January and February 1994, the UNAMIR civilian police contingent (CIVPOL) set up its headquarters in Kigali and reached its authorized strength of 60 civilian police monitors. In carrying out its mandate, which was to assist in maintaining public security through the monitoring and verification of the activities of the Gendarmerie and the Communal Police, CIVPOL worked closely with both bodies in Kigali.

HUMANITARIAN ASSISTANCE UP TO APRIL 1994

On 15 April 1993, the United Nations launched an inter-agency appeal for international assistance covering a period from April to December 1993 amounting to $78 million to meet the needs of over 900,000 war-displaced people, or approximately 13 per cent of the nation's population. The appeal was the result of a request by the President of Rwanda to the Secretary-General earlier in 1993 following a three-fold increase in the number of the displaced persons whose emergency needs had overwhelmed the local capacity to supply them.

Most of the displaced were living in and around 30 camps where serious malnutrition and disease were prevalent. The situation was exacerbated by Rwanda's already precarious economic condition, overpopulation and rapidly declining agricultural production.

An inter-agency mission, led by the United Nations Department of Humanitarian Affairs, had been fielded between 18 and 25 March 1993 to prepare a consolidated appeal with all concerned United Nations agencies. The appeal presented priority emergency relief projects focusing on food, nutrition, health, water and sanitation, shelter and household items and education. As of the end of November 1993, contributions in cash and in kind amounting to some $33 million had been made available to the United Nations agencies carrying out humanitarian activities in Rwanda.

With the signing of the Arusha Peace Agreement, it was estimated that some 600,000 individuals had returned home, thus easing the emergency situation that had prevailed earlier in the year; as a result, the emphasis of the humanitarian assistance efforts shifted to meeting the needs of the displaced returning home. At the same time, some 300,000 people who remained displaced continued to rely on emergency assistance in the camps.

In recommending the establishment of UNAMIR, the Secretary-General stated that humanitarian assistance to displaced persons and refugees, as well as to demobilized soldiers, would have to be coordinated with the Mission's activities. Mine-clearance had been earmarked as a priority to ease the threat to displaced persons and to humanitarian agencies seeking to deliver assistance.

EXTENSION OF UNAMIR MANDATE

The Secretary-General again reported to the Security Council on the situation in Rwanda on 30 March 1994. He stated that continued international support for UNAMIR would depend upon the full and prompt implementation of the Arusha Peace Agreement by the parties concerned and urged them to make a determined effort to reach agreement on the establishment of the broad-based transitional Government and the Transitional National Assembly.

The Secretary-General was encouraged by the fact that, in spite of increasing tensions, the parties had maintained the process of dialogue. He believed that UNAMIR should continue to support the dialogue to resolve the remaining differences in order to complete phase I of the implementation plan and to facilitate phase II operations. Therefore, the Secretary-General recommended that the Council extend the mandate of UNAMIR for a period of six months, during which time he would keep the Council informed of the pace of progress in the implementation of the Arusha Peace Agreement. However, in the event that the transitional institutions were not installed within the next two months and if sufficient progress in the implementation of the next phase of the agreement had not also been achieved, the Council should then review the situation, including the role of the United Nations.

On 5 April 1994, the Security Council, by its resolution 909 (1994), expressed its "deep concern at the delay in the establishment of the broad-based transitional Government and the Transitional National Assembly" and, stating that it was "concerned at the deterioration in security in the country, particularly in Kigali", decided to extend the mandate of UNAMIR until 29 July 1994. It noted that it would review the situation in Rwanda, including the United Nations role in that country, within six weeks, if the Secretary-General informed it that the transitional institutions had not been established and that insufficient progress had been made for the implementation of phase II of the implementation plan.

RENEWED FIGHTING IN RWANDA

On 6 April 1994, a plane carrying President Juvénal Habyarimana of Rwanda and President Cyprien Ntaryamira of Burundi crashed at Kigali airport, killing all those on board. The cause for the crash could not be determined without a full investigation, which has not taken place.

Following the deaths of the two Presidents, widespread killings with apparently both ethnic and political dimensions began in Kigali and also in other parts of the country. Within two weeks, the deaths were considered to number tens of thousands.

According to reports at the time, the killings were started by unruly members of the Presidential Guard, and then spread quickly throughout the city. RPF units subsequently became involved in the fighting. After the provisional Government disintegrated, an interim Government was proclaimed on 8 April 1994, but it left the capital on 12 April 1994, as fighting between the armed forces and RPF intensified, and established itself in Gitarama, 40 kilometres south-west of Kigali.

Victims of the violence included Prime Minister Agathe Uwilingiyimana and 10 Belgian members of UNAMIR. The Secretary-General condemned the acts of violence and attacks on the members of UNAMIR in the strongest terms.

Following the murder of the Belgian soldiers and threats to Belgian nationals, the Government of Belgium decided to withdraw its battalion from UNAMIR. UNAMIR found it impossible to carry on with its original mandate, and instead concentrated on: securing an agreement on a cease-fire to be followed by political negotiations; protecting civilians in all possible ways; negotiating a truce with the two parties to permit the evacuation of expatriates; assisting in evacuations; rescuing those trapped in the fighting; and providing humanitarian assistance to large groups of displaced persons under UNAMIR protection.

NEW MEASURES

On 14 April, the Secretary-General presented to the Security Council two broad alternatives for dealing with Rwanda, both based on the establishment of a cease-fire. The first of these was to retain UNAMIR at a reduced strength for a period of three to four weeks following the cease-fire. If the parties reached agreement on restoration of the Arusha process during this period, UNAMIR would resume its role under its mandate; otherwise, it would be withdrawn.

The second option was to withdraw the bulk of UNAMIR after a cease-fire, leaving the Special Representative and the Force Commander in Kigali to act as intermediaries for political negotiations for an indefinite period subject to review by the Security Council. About 200 to 300 United Nations military personnel would remain in Kigali. If the first of the two options failed, it would be possible to move to the second.

Despite direct contacts between the two sides under the auspices of UNAMIR on 15 April, both adopted rigid positions, undermining negotiations for a cease-fire. Violence continued in the streets, as did fighting between Rwandese Government Forces (RGF) and RPF forces, and UNAMIR headquarters was hit on 19 April, although there were no casualties.

On 20 April 1994, the Secretary-General reported to the Security Council that UNAMIR personnel "cannot be left at risk indefinitely when there is no possibility of their performing the tasks for which they were dispatched."

The military personnel in UNAMIR stood at 1,515 on that date, down from 2,165, while military observers numbered 190, down from 321.

The Secretary-General proffered three alternatives to the Security Council.

Assuming there was no realistic prospect of the two sides agreeing on an effective cease-fire in the immediate future, combat and massacres could only be averted by an immediate and massive reinforcement of UNAMIR and a change in its mandate to allow it to coerce opposing forces into a cease-fire. This would require several thousand additional troops and could require that UNAMIR be given enforcement powers under Chapter VII of the United Nations Charter.

Alternatively, a small group, headed by the Force Commander, would remain in Kigali to act as an intermediary between the two parties in an attempt to bring them to an agreement on a cease-fire. This effort could be maintained for a period of up to two weeks or longer, should the Council so prefer. The total military personnel would number about 270. But a full relief effort would be impossible without a cease-fire under this arrangement, the Secretary-General pointed out.

Finally, the Secretary-General noted that UNAMIR could be completely withdrawn, although he did not favour this alternative. The cost of withdrawal in human lives could be very severe, the Secretary-General cautioned.

In presenting the alternatives, the Secretary-General emphasized that the Government of Rwanda, or its successor, and RPF bore responsibility for seeking peace. He also expressed sympathy for bereaved Rwandan families, offered condolences to the Government of Belgium and the families of the Belgian peacekeepers who were killed, and recorded his high commendation to the personnel of UNAMIR, his Special Representative and the Force Commander for their work.

On 21 April 1994, the Security Council decided in its resolution 912 (1994) to reduce UNAMIR to the numbers recommended by the Secretary-General in his second alternative. It also adjusted the mandate of

UNAMIR so that it would act as an intermediary between the parties in an attempt to secure their agreement to a cease-fire; assist in the resumption of humanitarian relief operations to the extent feasible; and monitor developments in Rwanda, including the safety and security of civilians who sought refuge with UNAMIR. In the resolution, the Security Council also stressed that the Arusha Peace Agreement remained central to the peace process in Rwanda, strongly condemned the attacks against UNAMIR and other United Nations personnel, and demanded an immediate cessation of hostilities between the forces of the Government of Rwanda and RPF. The Secretary-General's Special Representative participated in the Arusha talks on 22-23 April where a cease-fire statement was presented. Although cease-fire negotiations could not take place, the meeting contributed to a unilateral declaration of a cease-fire by RPF.

HUMANITARIAN ACTIVITIES

Because of the deterioration in the security situation, the evacuation of humanitarian personnel was recommended on 9 April 1994, and humanitarian activities were temporarily suspended. On 23 April , however, the Under-Secretary-General for Humanitarian Affairs, Mr. Peter Hansen, led a United Nations advance humanitarian team to Kigali, including specialists in food aid, communications, logistics, health and sanitation. The team worked in cooperation with UNAMIR to provide assistance to the needy population in Rwanda.

UNAMIR was also coordinating with the International Committee of the Red Cross, which had been distributing food and relief material to displaced persons in Kigali.

The Office of the United Nations High Commissioner for Refugees (UNHCR) had made several emergency airlifts of blankets and shelter materials to Zaire and Burundi, and a UNHCR representative remained in Rwanda to assess the refugee situation first-hand. Major-General Romeo A. Dallaire, Force Commander of UNAMIR, held talks on the exchange of refugees in RPF– and RGF–controlled areas. He also facilitated progress towards a humanitarian accord between the two sides.

On 29 April, UNHCR reported that more than 250,000 Rwandese refugees had flooded into Tanzania over the previous 24 hours, in the largest and fastest exodus the Office had ever seen. UNHCR had pre-positioned food, blankets and shelter materials for about 50,000 people, but a UNHCR official said the Office's needs would be great in coming days. In addition, UNHCR had registered some 38,000 Rwandan refugees in Burundi, 5,500 in Uganda, and 3,300 in Zaire.

SECRETARY-GENERAL SEEKS FURTHER ACTION

On 29 April 1994, the Secretary-General wrote to the Security Council that the situation had further deteriorated in Kigali and other parts of Rwanda. The capital city was effectively divided into sectors controlled by RGF and RPF, the Secretary-General wrote, with frequent exchanges of artillery and mortar fire between the two sides. UNAMIR reported strong evidence of preparations for further massacres of civilians in the city, while massacres continued on a large scale in the countryside, especially in the south.

The developments raised serious questions about the viability of the revised mandate which the Security Council gave to UNAMIR on 21 April. It had become clear that UNAMIR did not have the power to take effective action to halt the continuing massacres, and would be unable to protect threatened people in Kigali if a new wave of massacres were to start. According to some estimates, as many as 200,000 people had died over the previous three weeks.

While some of the massacres had been the work of uncontrolled military personnel, most of them had been perpetrated by armed groups of civilians taking advantage of the complete breakdown of law and order in Kigali and many other parts of Rwanda, the Secretary-General continued, and they could be prevented only if law and order were restored. The Secretary-General urged the Security Council to consider again what action, including forceful action, it

could take or could authorize Member States to take, in order to end the massacres.

Although such action would require a commitment of human and material resources on a scale which Member States had so far proved reluctant to contemplate, the Secretary-General said the scale of human suffering and its implications for the stability of neighboring countries left the Security Council with no alternative but to examine this possibility.

The Secretary-General continued to provide daily briefings to the Security Council, including details on Rwanda's security situation. This had rapidly deteriorated, with large-scale massacres taking place.

On 30 April 1994, the President of the Security Council issued a statement demanding that the interim Government of Rwanda and RPF take effective measures to prevent any attacks on civilians in areas under their control. It called on the leadership of both parties to condemn publicly such attacks and to commit themselves to ensuring that persons who instigate or participate in such acts are individually responsible, noting that the killing of members of an ethnic group with the intention of destroying such a group in whole or in part constitutes a crime punishable under international law.

The Security Council also called on all States to assist UNHCR and other humanitarian and relief agencies operating in the area in meeting the urgent humanitarian needs in Rwanda and its bordering States, and asked bordering States, working with OAU, to provide appropriate protection to refugees and to facilitate transfer of goods and supplies to meet the needs of the displaced persons within Rwanda.

It appealed to all States to refrain from providing arms or any military assistance to the parties to the conflict, and stated its willingness in principle to consider promptly the application of an arms embargo to Rwanda.

Along with other requests, the Council asked the Secretary-General, in consultation with the Secretary-General of OAU, to report further on how to help restore law and order in Rwanda and provide security for displaced persons and to explore urgently ways of extending humanitarian relief assistance to refugees and displaced persons.

Among other measures in response to the Security Council's statement, the Secretary-General wrote to a number of African countries and to the Secretary-General of OAU to explore ways through which such countries could contribute troops to help resolve the tragic situation in Rwanda.

On 3 May 1994, the Secretary-General sent a letter to the President of the Security Council in which he informed him of the action he had taken with respect to communications sent to African leaders, and also mentioned that he had personally spoken with President Hosni Mubarak of Egypt, Chairman-in-Office of OAU, about the problems in Rwanda, in addition to discussing the matter with the OAU Secretary-General.

In a subsequent letter, dated 6 May 1994, the President of the Security Council asked the Secretary-General to prepare contingency plans to deliver humanitarian assistance and support of displaced persons in Rwanda, and indicated that the Council might later seek indications on logistics and financial implications of an expanded United Nations or international presence in Rwanda.

UNAMIR EXPANDED

The Secretary-General reported on 13 May 1994 to the Security Council that UNAMIR had been reduced to 444 all ranks in Rwanda, with 179 military observers at Nairobi pending repatriation or redeployment to the Mission. He also stated that the situation in Rwanda remained "highly unstable and insecure, with widespread violence." A "major humanitarian crisis" had developed, with nearly 2 million people having been displaced.

He noted that in collaboration with other United Nations organizations, the Department of Humanitarian Affairs had established the United Nations Rwanda Emergency Office (UNREO) to coordinate humanitarian relief activities. Medical and nutritional supplies from the United Nations Children's Fund had been distributed in parts of Kigali where access was possible, he noted, while the World Food Programme had been able to deliver more than 500 tons of food in the north and 840 tons of food in the south.

The United Nations humanitarian organizations, in consultation with UNAMIR and the International Committee of the Red Cross, had agreed upon a set of principles to serve as the basis for humanitarian operations in Rwanda. These included ensuring the security of relief efforts; joint identification of distribution sites by responsible authorities and United Nations humanitarian organizations; clear identification of interlocutors to represent the authorities for discussion of humanitarian operations; acceptance by authorities of the monitoring and reporting responsibilities of the United Nations organizations regarding the distribution and use of relief materials; and an understanding that aid should be provided based on need, regardless of race, ethnic group, religion or political affiliation. Both sides subsequently agreed on the principles.

The Secretary-General recommended to the Security Council that it provide a new mandate to create UNAMIR II, which would include 5,500 troops. UNAMIR II would, *inter alia*, support and provide safe conditions for displaced persons and other groups in Rwanda and help with the provision of assistance by humanitarian organizations. It would work on behalf of displaced persons in the interior of the country, as well as on the border.

Displaced persons in the interior of the country outnumbered those in border areas or in neighbouring countries by a factor of five, the Secretary-General pointed out. In addition, if humanitarian efforts were concentrated on border areas, the protected sites could act as a magnet to people in need in the interior of the country and increase the number of displaced persons.

UNAMIR II would also monitor border crossing points and the two parties' deployment. While its rules of engagement would not envisage enforcement action, it could be required to take action in self-defence against those who threatened protected sites and populations and the means of delivery and distribution of humanitarian relief.

Deployment of UNAMIR II would be conducted in three phases over a one-month period. During the first phase, which would last for one week following the adoption of the enabling resolution by the Security Council, one full-strength battalion would ensure the protection of Kigali International Airport and other sites in the city where thousands had sought refuge. In the second phase, extending for two weeks after the adoption of the resolution, two more battalions would be deployed, along with advance elements of a support battalion and all of the force headquarters and signal squadron. The rest of the support battalion and two other infantry battalions would be deployed during the third phase, to be completed one month after adoption of the enabling resolution.

On 17 May 1994, the Security Council in resolution 918 (1994) demanded that all parties to the conflict immediately cease hostilities and agree to a cease-fire. It expanded UNAMIR's mandate to enable it to contribute to the security and protection of refugees and civilians at risk, through means including the establishment and maintenance of secure humanitarian areas, and the provision of security for relief operations to the degree possible.

It authorized the expansion of UNAMIR to 5,500 troops, and requested the Secretary-General to redeploy immediately, as a first phase, the UNAMIR military observers from Nairobi to Rwanda, and to bring up to full strength the infantry battalion currently in the country. The Secretary-General was asked to report as soon as possible on the next phase of UNAMIR's deployment, including updates on cooperation of the parties, progress toward a cease-fire, availability of resources and the proposed duration of the mandate for further review.

At the same time, the Council imposed an arms embargo on the country. It also asked the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict and invited the Secretary-General and his Special Representative, in coordination with OAU and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement.[4/]

COMPOSITION OF UNAMIR

Originally, the authorized peak military strength of UNAMIR was 2,548 military personnel, including 2,217 formed troops and 331 military observers. As of 31 March 1994, UNAMIR had a strength of 2,539 military personnel from the following countries: Austria, Bangladesh, Belgium, Canada, Congo, Egypt, Fiji, Ghana, Malawi, Mali, Netherlands, Nigeria, Poland, Romania, Russian Federation, Senegal, Togo, Tunisia, Uruguay and Zimbabwe. At that time, the Mission also comprised 60 civilian police monitors from Austria, Bangladesh, Belgium, Guyana, Mali and Togo, while it was authorized to have 110 international and 61 locally recruited civilian staff.

Following the outbreak of violence in April 1994, the Security Council adjusted UNAMIR's mandate and decided to reduce the Mission to 270 military personnel. After the situation in Rwanda further deteriorated, the Council authorized an expansion of UNAMIR's mandate and authorized an increase of the UNAMIR force level up to 5,500 troops. The larger mission would include five infantry battalions numbering some 4,000 all ranks, a force support battalion of approximately 721 personnel, a military observer group of 320 officers, 219 headquarters personnel, a helicopter squadron of some 110 all ranks and 16 helicopters, 50 military police personnel and a force of 90 civilian police. As of 30 April 1994, UNAMIR included 620 military personnel and 20 civilian police officers from the following countries:

COUNTRY	POLICE	TROOPS	OBSERVERS
Austria			15
Bangladesh		4	34
Canada		6	
Congo			25
Egypt			10
Fiji			1
Ghana		324	25
Malawi			5
Mali	5		10
Nigeria			16
Poland			4
Russian Federation			15
Senegal			29
Togo	15		14
Tunisia		40	
Uruguay			23
Zimbabwe			20
TOTAL	20	374	246

Figures may vary from month to month due to rotation.

FINANCIAL ASPECTS

The rough annual cost of UNAMIR in its original deployment was estimated at $98 million (including costs related to UNOMUR effective 22 December 1993). As at 30 April 1994, total contributions outstanding to the Special Account of UNAMIR (including UNOMUR) amounted to approximately $61 million.

The Secretary-General has estimated that the cost associated with the deployment of UNAMIR II would be approximately $115 million for a six-month period. Costs are met by the assessed contributions from United Nations Member States.

NOTES

1/ Mr. Booh-Booh is to be succeeded by Mr. Shahryar M. Khan, former Permanent Secretary of the Ministry of Foreign Affairs of Pakistan, effective 1 July 1994.

2/ For more background information on the conflict in Rwanda, see page 124, United Nations Observer Mission Uganda-Rwanda.

3/ From July 1992 to July 1993, the OAU Neutral Military Observer Group (NMOG I), made up of 50 observers from OAU countries, monitored the cease-fire in Rwanda. In early August 1993, it was replaced by an expanded NMOG II force, composed of some 130 personnel.

4/ On 19 June 1994, the Secretary-General, in a letter to the President of the Security Council, reiterated the need for an urgent and coordinated response by the international community to the genocide which had engulfed Rwanda. He enumerated the offers which the United Nations had received in anticipation of the expansion of the UNAMIR mandate, as authorized by the Council in its resolution 918 (1994), and explained that the United Nations expected, in the best of circumstances, to complete the deployment of the first phase of UNAMIR in the first week of July 1994.

The Secretary-General indicated that the Security Council might wish to consider the offer of the Government of France to undertake a French-commanded multinational operation, under Chapter VII of the Charter, to assure the security and protection of displaced persons and civilians at risk in Rwanda. Such an operation would last until UNAMIR was reinforced. This would imply that the multinational force should remain deployed for a minimum period of three months. The activities of the multinational force and those of UNAMIR would be closely coordinated by the respective force commanders.

In his letter, the Secretary-General stressed that the efforts of the international community should be directed at the resumption of the Arusha peace process. In that connection, his new Special Representative for Rwanda, Mr. Shaharyar Khan, planned to take up his assignment shortly.

On 22 June 1994, the Security Council, by its resolution 929 (1994), welcomed the Secretary-General's letter and agreed that a multinational operation might be set up for humanitarian purposes until UNAMIR was brought up to the necessary strength.

The French initiative, named Opération turquoise, was launched on 23 June 1994.

UNITED NATIONS
INTEROFFICE MEMORANDUM

UNAMIR-MINUAR

NATIONS UNIES
MEMORANDUM INTERIEUR

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

DATE: 29 October 1994

FROM: **Ladan M. Rafii**
Political/Legal Officer, OSRSG

SUBJECT: **Expeditious Transmittal of Correspondence/Documentation Relating to Human Rights**

In my capacity as the Human Rights Liaison Officer in the SRSG's Office, I would appreciate it if you could ensure that any correspondence or documentation relating to human rights received by this Office is transmitted to me on an expedited basis.

Thank you for your cooperation in this regard.

cc: **Mr. Minta**

BLUEPRINT:
SOMALI RECONCILIATION STRUCTURE

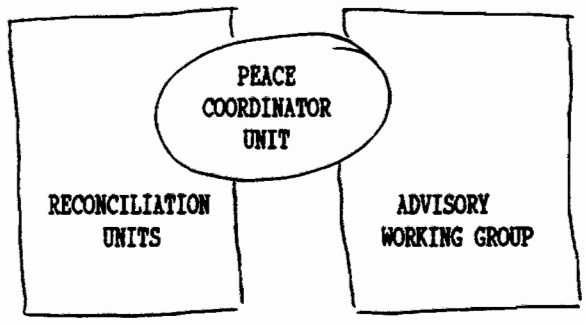
CONCEPT

1. The complexity of the current Somali situation calls for a multifaceted, comprehensive approach for sustaining a national reconciliation process.

2. Central to sustaining peace endeavors is the establishment of a coordinated reconciliation structure, here labeled as the Reconciliation Reference Board.

3. The suggested reconciliation structure of the Board is built on three major resources:

A) A Peace Coordinator Unit;
B) Regional Reconciliation Units inside the country;
C) An Advisory Working Group.



4. Central to the primary goal of sustaining a reconciliation effort of the Reference Board are a number of key objectives:

A) Provide support for coordinating functions of the peace efforts of Somalis and UNOSOM;
B) Help establish a functional infrastructure and network to support reconciliation efforts throughout the country;
C) Provide expertise/support to various facets of the overall effort;
D) Provide legitimacy and weight to reconciliation efforts, both inside and out of the country.

5. The Reference Board is conceptualized to strengthen the UN efforts not supplant them.

6. In conjunction with UNOSOM the LPI is given the task of creating this Board, a natural extension of the already existing working relationship and mandate.

UNITED NATIONS
INTEROFFICE MEMORANDUM

NATIONS UNIES
MEMORANDUM INTERIEUR

UNAMIR-MINUAR

TO: **All United Nations Agencies in Rwanda**

DATE: 29 November 1994
REF: OSRSG/LA/016

FROM: **A. Kabia**
Executive Director

SUBJECT: **Flying of Flags on Vehicles**

..... **The attached Note Verbale, which is self-explanatory, was sent to the Ministry of Rehabilitation and Social Integration in Kigali on 10 November 1994.**

Although the provisions cited therein apply specifically to UNAMIR, it was pointed out to the Government that they reflect the general practice of all UN agencies worldwide.

Please be advised accordingly.

cc: SRSG

UNITED NATIONS
ASSISTANCE MISSION FOR RWANDA

UNAMIR-MINUAR

NATIONS UNIES
MISSION POUR L'ASSISTANCE AU RWANDA

SRSG/NV/55/94

NOTE VERBALE

The United Nations Assistance Mission in Rwanda (UNAMIR) presents its compliments to the Ministry of Rehabilitation and Social Integration of the Rwandese Republic and has the honour to refer to the circular of the Ministry dated 3 November 1994 addressed to all NGOs and other International Organizations on the flying of flags on their vehicles.

UNAMIR would like to point out that the flying of flags and, equally, the display of other insignia of identification by UNAMIR is addressed by the following provisions of the Status of Mission Agreement entered into between the United Nations and the Government of Rwanda on 5 November 1993.

Article IV, para 8: "The Government recognizes the right of UNAMIR to display within Rwanda the United Nations flag on its Headquarters, camps or other premises, vehicles, vessels and otherwise as decided by the Special Representative. Other flags or pennants may be displayed only in exceptional cases. In these cases, UNAMIR shall give sympathetic consideration to observations or requests of the Government"

Para 9: "Vehicles, vessels and aircraft of UNAMIR shall carry a distinctive United Nations identification, which shall be notified to the Government".

The above provisions reflect the general practice of all United Nations Agencies in all countries. Accordingly, we would appreciate it if the Ministry could bring this to the attention of all relevant Government agencies.

We wish to take this opportunity to renew assurances of our continued cooperation.

UNITED NATIONS / NATIONS UNIES UNAMIR

Kigali, 10 November 1994

H.E. Dr. Jacques BIHOZAGARA
Minister for Rehabilitation and Social Integration
Kigali
Rwanda